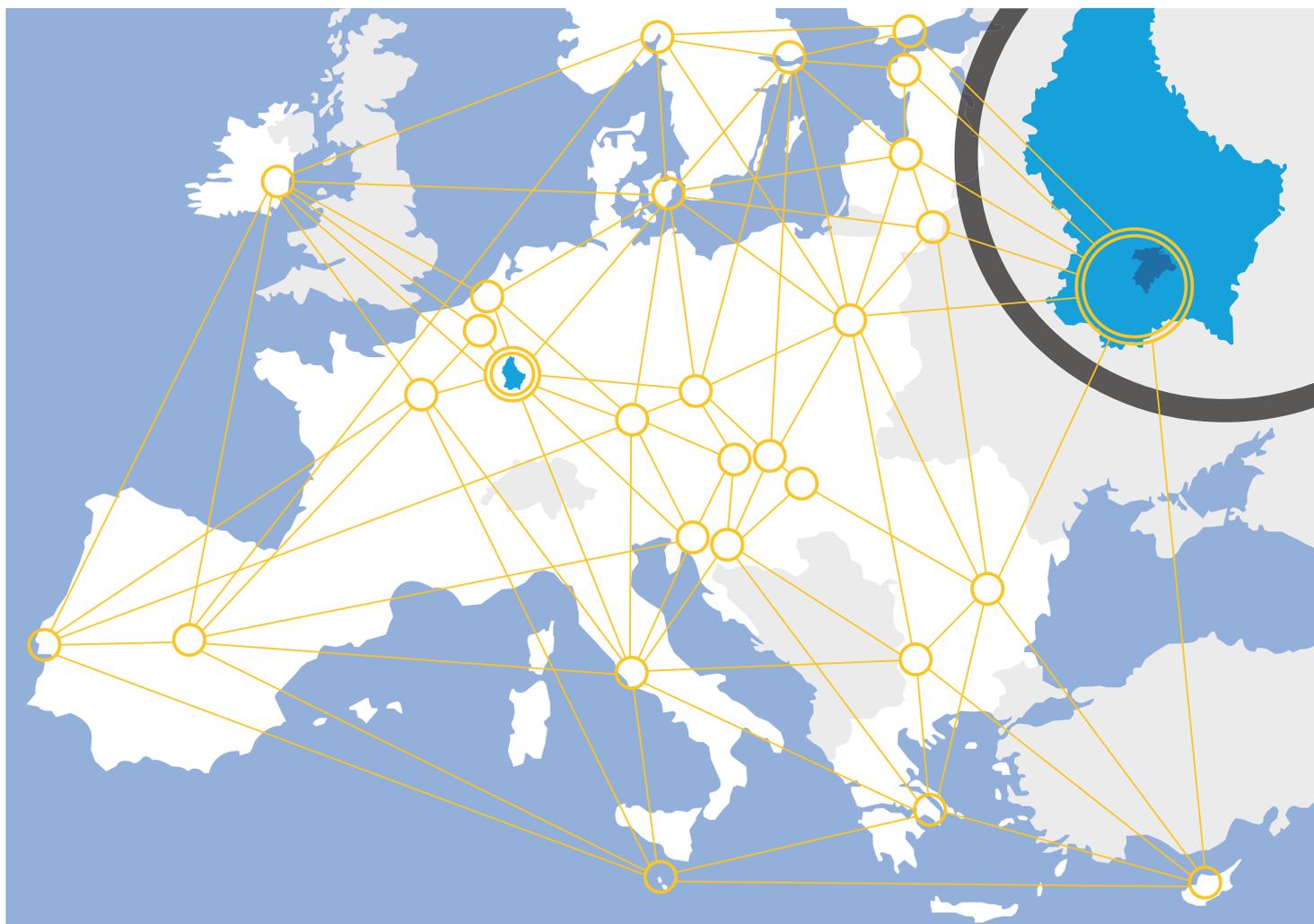


EMN

European Migration Network



LËTZEBUERG



2020 ANNUAL REPORT ON MIGRATION AND ASYLUM

SUMMARY

This report looks at the statistical trends in migration, asylum and integration, changes in legislation or policies and traces important national debates in Luxembourg during the year 2020.

Although Luxembourg remains an important country of immigration as evidenced by the figures in the context of this report, the Covid-19 pandemic strongly impacted migratory movements, which has resulted in a downtrend of the country's population growth. As a result, there was a significant decrease in the number of residence permits, applications for temporary authorisation of stay and visas (short stay visas and D-visas) processed during 2020 in the field of legal migration, a reduction of around 50% on the number of applications for international protection and a decline in Dublin transfers and returns. This last phenomenon was because the external borders of the Schengen Area were closed, the temporary reintroduction of border controls at the internal borders and a significant disruption of air traffic.

To deal with the Coronavirus pandemic, public health measures were put in place which impacted all aspects of migration policies: immigration, asylum, integration and return.

In terms of immigration, several major developments should be noted. With the declaration of the state of crisis on 18 March 2020, and with the intention of limiting the movement of people to prevent the spread of the virus, Luxembourg automatically regularized the stay of third-country nationals whose permits, residence cards or visas expired or whose short-stay situation not subject to the visa requirement ended during the state of crisis. These measures were extended at the end of the state of crisis and prevented that these individuals fall into a situation of irregular stay.

The Government also decided that third-country nationals would no longer be able to enter the territory. Nonetheless, exceptions to different categories of third-country nationals were made. With the end of the state of crisis, the Law of 20

June 2020 introduced temporary measures related to the application of the Immigration Law. In addition, subsequent Grand Ducal Regulations extended the duration of the prohibition and amended the exceptions provided for by the Law.

The operation of the Foreigners Department of the Directorate of Immigration was adapted to the sanitary requirements imposed by the Ministry of Health. Hence, in-person contact with staff was reduced during the state of crisis, by implementing an online appointment system. However, case processing and decision-making continued uninterrupted.

Outside of the Covid-19 context, the following developments can be highlighted. The establishment of the National Reception Office (ONA) replacing the Luxembourg Office for Reception and Integration (OLAI) regarding the reception of applicants for international protection. This amendment came into effect on 1 January 2020. All matters concerning integration were transferred to the Department of Integration of the Ministry of Family Affairs, Integration and of the Greater Region. This change impacted the areas of international protection and integration.

The Law of 8 April 2019 amending the Immigration Law concerning the Brexit agreement entered into force on 1 February 2020.

The introduction of Bill n°7682: The main objective of the Bill is to adapt the national legislation to the requirements set-out in the Regulation (EU) 2019/1157 to strengthen the security of identity cards issued to citizens of the European Union (EU) and their family members exercising their right of free movement.

The Bill also foresees other measures established by the Government's Coalition Agreement: The extension of the time limit from three to six months available to beneficiaries of international protection (BIPs) to apply for family reunification after the granting of their status to be able to benefit from more advantageous conditions. The

proposed amendment was subject to public debates.

A simplification of administrative procedures, concerning the elimination of the requirement to provide integral copies of travel documents for family members of the third-country national applying for family reunification.

Concerning international protection the following developments happened during 2020. In the context of the Covid crisis, the government extended the expiring certificates issued to applicants for international protection for the duration of the state of crisis. After the state of crisis ended, the procedure for extending these certificates was adapted following the health measures implemented by the Luxembourgish Government.

During the state of crisis, personal interviews with applicants, and Dublin transfers were suspended. However, the decision-making process continued for the applications where a personal interview had already been conducted. In order for interviews to resume again, the facilities had to be adapted to comply with the health regulations. Notifications concerning international protection decisions (especially positive ones), were suspended but resumed again in May 2020.

Outside of the context of Covid-19, the following points were important. At the procedural level, Bill n°7681 aims to amend the appeal procedure against a Dublin transfer decision to increase their effectiveness while guaranteeing maximum legal security for the applicant for international protection. It proposes to amend the Asylum Law by introducing "extraordinary" remedies against a final decision to close proceedings and against a decision to withdraw international protection.

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.

Concerning the reception of applicants of international protection (AIPs) several

developments happened during 2020. In view of the high occupancy rate in the ONA's accommodation structures, efforts to promote the construction of new accommodation structures continued in 2020. A new emergency reception facility ("first-reception facility") was set-up for newcomers.

Regarding return, the Grand Ducal Regulation of 4 November 2020 entered into force, establishing the Commission on the evaluation of the best interest of unaccompanied minors in return decisions. However, this commission continues to generate debates and criticism especially from fundamental rights organisations such as the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (CCDH) and the Defender of the Rights of children (OkaJu, previously known as ORK) regarding its composition.

In terms of integration, several major developments should be noted. One of the priorities of the Integration Department in 2020 was to give greater visibility to integration measures. A communication service was established to this effect.

The first interministerial committee on integration open to civil society took place on 16 December 2020. The aim is to broaden the group and explore synergies between the different actors working on integration.

In view of the reform of the Law of 16 December 2008 on the integration of foreigners, the Minister of Family Affairs, Integration and the Greater Region launched a large consultation including all key actors on the future of integration policies (associations, municipalities, social partners and cross-border organizations).

The Ministry continued the implementation of the Multi-Annual Integration Plan (Integration NAP), notably through its calls for projects 2020 and 2021. The fight against discrimination was a main priority in these calls.

Following an analysis of the Communal Plan on Integration (PCI), a new approach to the PCI was

discussed by the Integration Department and its partners. In accordance with this approach several municipalities were selected for a pilot phase which will start in 2021.

The issue of racism and discrimination was widely debated during the year 2020 and was the subject of a discussion in Parliament which resulted in the adoption of two motions and a resolution. One of the motions provided for a study on racism and ethno-racial discrimination and the resolution aims to strengthen the resources of the Centre for Equal Treatment (CET).

In terms of education, the authorities continued to diversify the school offer to anticipate the needs of a growing and more international and diversified student population. Furthermore, the Minister of Education, Children and Youth planned to set up a service specifically responsible for the integration and reception of children of foreign origin and to review the procedures for taking care of newly arrived pupils (*élèves primo-arrivants*).

Strengthening the fight against trafficking in human beings was another priority of the Luxembourgish

government. As a result, the composition of the Monitoring Committee on the Fight Against the Trafficking in Human Beings was implemented by Grand Ducal Regulation.

Other strategic developments were implemented such as the elaboration of a second National Action Plan on Human Trafficking and an enhanced collaboration at the Benelux and EU level.

The strengthening of Support and Assistance Services continued with the establishment of new common space called "INFOTRAITE" aimed at assisting victims of human trafficking (VHTs).

Lastly, the Covid-19 health crisis highlighted the precarious living situation of irregular migrants in Luxembourg and was brought to light by civil society. In recognition of this, irregular migrants were granted access to healthcare, free of charge, regardless of their social security coverage without being issued a return order or being placed in detention during the pandemic. They were also granted access to social grocery shops and emergency shelters.

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PREFACE

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

The present report was drawn up by Florence Hallack-Wolff, Ralph Petry, Zane Rozenberga and Adolfo Sommaribas members of the National Contact Point of 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; Pietro Lombardini, National Reception Office; Christiane Martin, Directorate of Immigration, Ministry of Foreign and European Affairs; Pascale Milim, Ministry of Justice; Jacques Brosius, Department of Integration, Ministry of Family Affairs, Integration and the Greater Region 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 were 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 (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 7.0 of the European Migration Network.¹

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”.²

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 social group, 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.”³

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.”⁴

1. DEMOGRAPHIC DEVELOPMENTS

On 1 January 2021, Luxembourg had a population of 634 730 inhabitants. This signifies that since 1 January 2020, Luxembourg has grown by 8 622 people which represents an increase of 1,4%. Since the use of the National Registry of Natural Persons (RNPP) in the production of population figures, a statistical adjustment is made to the migratory surplus and natural increase of the population which takes into account write-offs, that aren't reflected in births, deaths and migration. When this is taken into account, the population grew by 9 470 people.⁵ The relative growth of third-country nationals was 13,7% while it was of 1,7% for Luxembourgish nationals, and – 1,5% for foreign citizens of the European Union (EU). The population growth is mainly due to net immigration, which was slowed down by the Covid-19 health crisis.⁶

At the moment, the national population is composed of 335 304 Luxembourgish nationals (52,8%) and 299 426 foreign nationals (47,2%). The proportion of foreigners in the country on 1 January 2021 remained relatively stable when compared to

2020 (-0,2%). This increase can be attributed to the migratory surplus (difference between arrivals and departures +7 620 individuals) and to the natural increase of the population (difference between births and deaths, +1 850 individuals).

In 2020, from the 22 490 arrivals from abroad (26 688 in 2019), 63,4% can be attributed to foreign EU citizens, 29,8% to third-country nationals and 6,8% to Luxembourgish nationals. The departures from Luxembourg involved 63.8% foreign EU citizens, 17.2% third-country nationals and 19% Luxembourgish nationals.⁷ The migratory balance is largely positive for third-country nationals (+4 132) and foreign EU citizens (+4 790) and for Luxembourgish nationals (- 1 302). On 1 January 2021, the foreign population was composed of 244 165 EU citizens (81,5%) and 55 261 third-country nationals (18,5%). Third-country nationals represent 8,7% of the total population.⁸ Moreover, the top five foreign nationalities residing in Luxembourg are EU citizens (Portugal, France, Italy, Belgium and Germany).

Table 1: Top twenty nationalities residing in Luxembourg as of 1 January 2021.

Nationality	Number as of 1 st January 2021	% of the total population
Portugal	94 335	14,9
France	48 502	7,6
Italy	23 532	3,7
Belgium	19 613	3,1
Germany	12 785	2,0
Spain	7 651	1,2
Romania	6 096	1,0
Poland	4 941	0,8
United Kingdom	4 561	0,7
Netherlands	4 127	0,6
China	3 999	0,6
Greece	3 811	0,6
India	3 125	0,5
Montenegro	2 944	0,5
Brazil	2 604	0,4
Cape Verde	2 557	0,4
Syria	2 535	0,4
Ireland	2 176	0,3
United States of America	2 176	0,3
Bulgaria	1 924	0,3

Source: Statec, 2021. © EMN Luxembourg 2021

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 largest population with 3 999 people), followed by India (13th, 3 125 people), Montenegro (14th), Brazil (15th) and Cape Verde (16th). In 2020 India was the 14th largest population followed by Cape Verde (15th) and Brazil (16th). Another slight difference

was that the Montenegrins were the 13th largest population of Luxembourg.

It is interesting to note that between the 2020 and 2021, the Chinese population increased by 1,9%, the Indians by 11,4% and the Brazilians by 6,3%. However, the Montenegrin population decreased by 6,9% and the Cap Verdeans by 0,6%.

Table 2: Top five third-country nationalities in Luxembourg (2021).

Nationality	Number as of 1 st January 2019	Number as of 1 st January 2020	Number as of 1 st January 2021	% of the total population as of 1 st January 2021
China	3 714	3 925	3 999	0,6
India	2 331	2 804	3 125	0,5
Montenegro	3 589	3 163	2 944	0,5
Brazil	2 205	2 449	2 604	0,4
Cape Verde	2 621	2 572	2 557	0,4

Source: Statec, 2021 © EMN Luxembourg 2021

2. THE CLOSING OF EU BORDERS TO FIGHT AGAINST THE COVID-19 PANDEMIC

The year 2020 was marked by the Covid-19 pandemic. To fight against the spread of the virus whilst ensuring the continuation of services in Luxembourg, a series of legal and organisational measures were implemented and prolonged throughout the course of the year. The most prominent developments were the closing of EU borders, which in turn affected migration flows to and from Luxembourg.

2.1. Legislative Developments

2.1.1. Exceptions by category of third-country nationals to the entry ban onto the territory

Based on the European Commission's recommendation to introduce a temporary restriction of non-essential travel from third countries into the EU,⁹ the external borders of Schengen closed on 17 March 2020 for a period of 30 days.¹⁰ At the same time and due to the increasing number of Covid-19 infections, Luxembourg declared a state of crisis on 18 March 2020.¹¹ In accordance with Article 32(4) of the Constitution, the declaration was originally envisaged for 10 days. It was then extended by the Law of 24 March 2020 for three months.¹²

Therefore, starting from 18 March 2020 at 18:00 for a period of one month – renewable, the Government of Luxembourg decided that third-country nationals would no longer be able to enter the territory.¹³ Nonetheless, exceptions to the following categories of third-country nationals were made:

- Residents in possession of a "long-term" residence permit or who had a valid residence permit;
- Health professionals, researchers in the field of health and care professionals for the elderly;
- Cross-border workers;
- Persons employed in the goods and transport sector¹⁴ and in the goods and persons transport sector, including staff working for air companies;
- Members of the diplomatic services, the personnel of international organizations, the military, staff working in the field of cooperation in humanitarian development and assistance, within the framework of their functions;
- Passengers in transit;
- Passengers travelling for urgent and duly justified family reasons;
- People wishing to apply for international protection or for other humanitarian reasons.¹⁵

The above-mentioned list has been amended over time.¹⁶ Moreover, with the end of the state of crisis, the Law of 20 June 2020 entered into force introducing temporary measures related to the application of the Immigration Law.¹⁷ The Grand Ducal Regulation¹⁸ of 20 June 2020 on the duration of the prohibition and the scope of the exceptions provided for by the Law, aimed to maintain the ban for third-country nationals to enter Luxembourg until 1 July 2020. This measure was based on recommendations provided by the European Commission.¹⁹

Then the Grand Ducal Regulation of 1 July 2020 entered into force.²⁰ It maintained the ban for third-country nationals to enter Luxembourg until 15 September 2020 (inclusive).²¹

On 11 September 2020 a Grand Ducal Regulation extended the temporary restriction on the entry of third-country nationals into the territory of the Grand Duchy until 31 December 2020 (inclusive).²²

On 21 December 2020, the Law of 19 December 2020 amending the Law of 20 June 2020 introducing temporary measures relating to the application of the Immigration Law entered into force.²³ It maintains the effects of Article 2 of the Law of 20 June 2020, initially scheduled until 31 December 2020, until 31 December 2021 (inclusive). The provisions of Article 2 in question will cease to have effect no later than 31 December 2021, however, it is possible to set an earlier date by a Grand Ducal Regulation if needed.

Thereby, the Grand Ducal Regulation of 19 December 2020 amending the amended Grand Ducal Regulation of 20 June 2020 entered into force on 21 December 2020. It extended the temporary restriction on the entry of third-country nationals into the territory of the Grand Duchy until 31 March 2021 (inclusive).²⁴

2.1.2. Exceptions to the entry ban onto the territory for third-country nationals of certain countries of origin

The Grand Ducal Regulation of 1 July 2020 mentioned above also established a list of third-countries whose nationals do not fall under the entry ban.²⁵ These were initially the following

countries: Algeria, Australia, Canada, China (subject to reciprocity at EU level), Georgia, Japan, Montenegro, Morocco, New Zealand, Rwanda, Serbia, South Korea, Thailand, Tunisia and Uruguay. The list was also updated four times by Grand Ducal Regulation.²⁶ At the end of 2020, the following third countries and special administrative regions appeared on the list: Australia, China (subject to confirmation of reciprocity at the EU level), South Korea, Japan, New Zealand, Rwanda, Singapore, Thailand and Uruguay.²⁷

The criteria for determining the list of third countries relates to the epidemiological situation and the containment measures in these countries, including physical distancing, as well as, economic and social considerations.²⁸ Residents of these countries had to be in possession of official documents proving their residence in one of these countries (residence permit, residence certificate, work permit, etc.). These documents had to be accompanied by a French, German or English translation.

The Ministry of Foreign and European Affairs informed the public that the Grand Duchy of Luxembourg acted on the Council recommendation amending Council recommendation (EU) 2020/912 concerning the temporary restriction of non-essential travel to the EU and the possible lifting of this restriction of 22 October 2020.²⁹

2.1.3. Lifting of travel restrictions on third-country nationals in a long-term relationship with an EU citizen and family members on short-stay visits

On 30 June 2020, the Council of the European Union recommended Member States to lift the travel restrictions on third-country nationals in a long-term relationship with an EU citizen.³⁰

On 14 September 2020,³¹ the Ministry of Foreign and European Affairs communicated to the public that short-stay visits by family members (who are third-country nationals) of EU citizens and third-country nationals (residents of Luxembourg) were exempt from travel restrictions to the Grand Duchy of Luxembourg. This measure applied to:

- Spouses or registered partners.
- The direct descendant of an EU citizen/third-country national or their spouse / registered partner, and if the child was under the age of 21 for family members of EU citizens and 18 for family members of third-country nationals.

Likewise, short-stay visits by people whose life partner resided in Luxembourg were exempt from travel restrictions aimed at third-country nationals. Those concerned had to officially commit to assuming financial responsibility with the Passport, Visa and Legalisation Office (BPVL) and provide proof of the existence of a long-term relationship and regular contact.

The required evidence needed was:

- entry / exit stamps affixed to the passport;
- plane tickets / boarding passes;
- proof of joint residence abroad.

The authorization to enter Luxembourg was subject to the usual conditions applicable in the context of short-stay visits. For the categories of persons concerned, an express request had to be sent by email to the BPVL, to be issued a specific certificate. The travel restrictions on third-country nationals in a long-term relationship with an EU citizen received attention in the media and Parliament.³²

2.1.4. Conditions of entry into the territory of third-country nationals not appearing on the list of countries exempt from the entry ban.

Since 12 August 2020, any person travelling by air to Luxembourg, aged 11 or over, originating from a third country that was not on the list of third countries whose nationals did not fall under the entry ban,³³ had to present a negative SARS-CoV-2 test, carried out less than 48 hours before boarding their flight.³⁴ Nevertheless, on 21 August 2020, the Ministry of Foreign and European Affairs informed the public that the time limit for third-country nationals to present a negative SARS-CoV-2 test result increased from 48 to 72 hours before boarding a flight to Luxembourg.³⁵

2.2. Debate

2.2.1. “Love is not Tourism”

A debate that took place in relation to the introduced travel restrictions, not only in Luxembourg, but also in other countries concerned the ‘Love is not tourism’ movement (also known by the hashtags #loveisnottourism, #loveisessential), which was dedicated to reuniting binational couples and families who had been forcibly separated due to travel bans and border closures during the COVID-19 pandemic.³⁶

This campaign was also supported by the EU Commissioner for Home Affairs, Ylva Johansson. On 2 July 2020 on her official Twitter account, it was stated “the partner or ‘sweetheart’ with whom the Union citizen or legal resident has a durable relationship which is duly attested should be exempted from EU travel restrictions on non-essential travel. #loveisessential indeed!”

In Luxembourg, two Parliamentary Questions were launched inquiring about the position of Luxembourg and if any steps were planned to support unmarried couples of different nationalities. Both questions were answered by the Minister of Foreign and European Affairs, after 14 September 2020, when Luxembourg had already introduced travel exemptions for these couples. Therefore, both answers indicated that short-stay visits of third-country nationals who have a lasting relationship with a resident of Luxembourg was authorized, under certain conditions.³⁷ The campaign was also reflected in the media, focusing on similar aspects as addressed by the Parliamentary Questions.³⁸

In this context, a dedicated petition to the European Parliament to allow third-country residents enter Luxembourg to unite as an unmarried couple was launched.³⁹ By the time Luxembourg had introduced the travel exemptions to support the unmarried couples of different nationalities, the petition had not gathered the required number of signatures.⁴⁰

2.2.2. Schengen governance

The Covid-19 pandemic greatly impacted the governance of the Schengen Acquis in the EU (see

Annex 1: Border Closures in 2020). All through the crisis, Luxembourg kept its borders open, however, it was impacted by the decisions of neighbouring countries to close their internal borders. On 25 March 2020, the Minister of Foreign and European Affairs issued a statement on the occasion of the 25th anniversary of the entry into application of the Schengen agreements, where it was reiterated that the freedom of movement that is ensured by a fully functioning Schengen Area is not only a symbol of the EU but also one of the conditions for solidarity and prosperity.⁴¹

Germany was the first neighbouring country to close its land borders on 16 March 2020. Followed by Belgium on 20 March 2020,⁴² and later France.⁴³ Luxembourg's cross border workers from Belgium, France and Germany, which in 2020 represented 43,2 %⁴⁴ of the labour force in 2020. Due to a large number of German cross-border workers from the healthcare sector and the geographical location of Luxembourg (enclaved between three neighbouring countries), the closure of borders could have had a serious impact on the ability of Luxembourg to manage the health crisis. Therefore, legal and diplomatic measures had to be taken, which affected the general population, including third-country nationals.

On 19 March 2020, German authorities provided a list of border crossing points that would be open for cross border commuters.⁴⁵ These developments were addressed by several Parliamentary Questions as well as repeatedly raised by Luxembourg's Minister of Foreign and European Affairs at the Foreign Affairs Council of the European Union, where on 23 March 2020 the Minister indicated that "any measure introduced at the internal borders of the EU must allow unhindered transit of cross border workers, repatriated citizens, essential medical supplies and basic necessities".⁴⁶

One of the main aspects that was discussed in the context of border closures with Germany was the legality of collection, storage and use of personal data from people checked during cross-border travel. In the answer to the Parliamentary question n°2074 on 26 May 2020 the Minister of Finance

indicated that 50 customs officers were deployed by Luxembourg to the German border to help the authorities in completing border controls.

The aim of these controls was to identify persons who did not meet the requirements of German authorities to cross the border between the two countries. Border controls between Germany and Luxembourg ended on 15 May 2020. The statements withholding personal data (name, surname of the driver and passengers; date of birth; plate number; reason for travelling) were erased as of 20 May 2020, however, the statistics were kept.⁴⁷ In the answer to the Parliamentary Question n°2298 of 28 May 2020 the Minister of Finance indicated that the statistics collected were in accordance with the following definition: "a set of numerical data concerning a phenomenon which has and does not draw certain conclusions" of personal data, in the sense that they are purely numerical, and do not include any personal elements that would allow the identification of individuals.⁴⁸

3. LEGAL MIGRATION AND MOBILITY

3.1. Admission policies for specific categories of third-country nationals

During 2020, there were no significant overarching changes in relation to legal migration, as the Luxembourgish authorities spent most of 2020 dealing with the Covid-19 pandemic. In the context of the fight against the spread of Covid-19, there were a number of developments.

Third-country nationals that resided in Luxembourg during the state of crisis and holding any of the below mentioned documents that were due to expire on 1 March 2020 and after, were valid during the entirety of the state of crisis:

- short term and long-term visas;
- temporary residence permits;
- residence cards;
- residence permits.⁴⁹

Similar measures were put in place for beneficiaries of international protection (BIPs) and applicants of international protection (AIPs).

At the end of the state of crisis, the following temporary measures were adopted:

- The time limit within which a third-country national must request the issuance of a residence document increased from three to six months if they made their declaration of arrival between 1 January and 31 July 2020.
- The validity period for residence documents, which expired after 1 March 2020 was extended to 31 August 2020.⁵⁰
- Third-country nationals holding a short-stay visa and those that are exempted from the visa requirement whose stay exceeded 90 days after 1 March 2020, were regularised until 31 July 2020. To facilitate their exit from the Schengen Area, those concerned were requested to make an appointment with the BPVL for the issuance of a "return visa".⁵¹

3.2. Business Continuity Plan

Since 16 March 2020, the Directorate of Immigration operated on the basis of a business continuity plan which provided for the maintenance of essential functions with a reduced workforce on site. Immigration management counters were open by appointment for duly justified emergencies.

In the context of the de-confinement, the counters in charge of issuing residence permits resumed their usual opening hours on 13 May 2020. Nevertheless, they operated exclusively by appointment to ensure an adequate management of the flow of people.⁵²

Likewise, the processing of residence permit requests resumed and the physical presence of agents within the departments responsible for processing these requests increased - within the limits of the health regulations.⁵³

Moreover, as of 31 December 2020, the "Information" desk of the Foreigners Department that handles requests concerning the free movement of persons (EU citizens and their family members) and third-country nationals' entry and

residence were still closed but remained accessible by phone and mail.⁵⁴

It is important to note that during the initial phase of the lockdown, no decisions were taken in the framework of legal migration, except in the case of a duly justified emergency.⁵⁵

While the closure to third-country nationals of the EU's external borders was extended several times, with the last extension until 31 March 2021 - except for certain groups of third-country national residents - there was no further issuance of authorisations to stay unless of a duly justified emergency. Similarly, the enrollment and issuance of new residence permits was also limited to emergencies.⁵⁶

3.3. Statistical Trends in Legal Migration⁵⁷

The effects of the global health crisis on the immigration of third-country nationals were evident. During 2020, the Directorate of Immigration of the Ministry of Foreign and European Affairs issued a total of 11 094 residence permits, including 4 790 residence permits issued for the first time, 441 residence permits for long-term residents and 6 673 renewed residence permits.⁵⁸ This is a decrease of 16,2% compared to 2019 with the granting of 13 242 residence permits.⁵⁹ This difference can particularly be explained by the decrease in number of residence permits issued for the first time due to the limitations on international mobility to restrict the spread of Covid-19.⁶⁰

Nonetheless, the most frequently issued residence permits in 2020 remained the same as the previous years. The category 'family member' permit represented 31,0% (1 486) of the total number of residence permits issued for the first time in 2020. This permit is followed by the 'salaried worker' representing 25,2% of residence permits (1 205) and the 'international protection (status or subsidiary protection)', representing 16,2% of residence permits (775). Together these three groups represent more than two thirds (72,4%) of the total of residence permits issued for the first time in 2020.

The principal three nationalities for the family member residence permit were Indian (224), Chinese (103) and American (95).⁶¹ These three nationalities amount to 28,4% of all the first issuances of “family member” residence permits in 2020. In regard to the first issuance of salaried worker residence permits, the main three nationalities were Indian (148), Chinese (100) and Montenegrin (56) amounting to 25,2% of the total residence permits issued in this category.⁶²

Finally, with regard to the international protection residence permits the first three nationalities were: Eritrean (395), Syrian (187) and Afghan (36).

In addition to the residence permits issued in the categories listed above, the Directorate of Immigration attributed the ‘long-term resident’ permit (first issue) to 441 individuals in 2020,⁶³ marking a sharp decrease (19,2%) when compared to the 546 permits issued during 2019.⁶⁴ These permits were mainly issued to third-country nationals from China (136), Montenegro (46) and India (38),⁶⁵ which amount to almost half (49,9%) of the total number of long-term residence permits

issued during 2020. Further, the number of work permits issued to third-country nationals residing in another EU Member State (first issue) increased from 158 in 2018 to 180 in 2019, and 165 in 2020⁶⁶ representing a decrease of 8.3% compared to 2019.

2 823 first time residence cards were issued to third-country national, family members of EU and European Economic Area (EEA) citizens from which 1 302 were permanent residence cards for individuals who had acquired permanent residence status.⁶⁷ Of the remaining 1 521 residence cards, the main nationalities to receive the documents were Brazilian nationals (199), followed by Cape Verdeans (140) and Moroccans (75).⁶⁸ These are the same main nationalities as in 2019.

The number of residence cards issued for family members of a citizen of the EU decreased by 17,3% in comparison to 2019, from 1 839 cards issued in 2019 to 1 521 cards issued in 2020. The number of permanent residence cards issued for family members of a citizen of the EU increased by 8% between 2019 and 2020, from 1 206 cards issued in 2019 to 1 302 cards issued in 2020.

Table 3: First residence permits issued in 2018, 2019 and 2020 broken down by category of residence permit.

Category	2018	2019	2020	Variation 2019-2020 (%)
European Blue Card	511	662	448	-32,3
Researcher	63	79	73	-7,6
Pupil	184	163	2	-98,8
Student	348	419	224	-46,5
Au pair	111	152	146	-3,9
Family member	1 848	2 094	1 486	-29,0
Sportsperson or trainer	46	45	37	-17,8
Trainee	33	48	29	-39,6
Posted worker	36	14	8	-
Intra-corporate transfer - expert/executive	235	206	73	-64,6
Intra-corporate transfer - employee-trainee	13	15	12	-
Self-employed	39	49	24	-51,0
Salaried worker	1 219	1 546	1 205	-22,1
Private reasons – 67 (4) (job search or business creation)	1	26	36	+38,5
Private reasons – 78 (1) a (sufficient resources)	88	100	61	-39,0
Private reasons – 78 (1) c (family or personal relationships)	146	185	101	-45,4
Private reasons – 78 (3) humanitarian reasons	21	28	24	-14,3
Private reasons – other	21	8	9	-
International protection – refugee status	1 083	727	742	+2,1
International protection – subsidiary protection	103	38	33	-13,2
Other ⁶⁹	25	18	17	-
Total	6 174	6 622	4 790	-27,7

For reasons of statistical relevance, only the growth rates based on a starting number of at least 20 people are shown. Source: Directorate of Immigration 2018, 2019, 2020. © EMN Luxembourg 2021

Table 4: Documents treated / issued to family members of citizens of the EU or assimilated countries (2019-2020) (first issue).

Residence cards	2019	2020	Variation (%) 2019/2020
Residence card for family member of an EU citizen	1 839	1 521	-17,3
Permanent residence card for family member of an EU citizen	1 206	1 302	+8,0
Total	3 045	2 823	-7,3

Source: Directorate of Immigration 2020. © EMN Luxembourg 2021

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 2020, the Directorate of Immigration processed a total of 14 396 registration certificates (without renewals) compared to 17 543 in 2019. This

represents a sharp decrease of 17,9% in registration certificates when compared to 2019. 4 100 permanent registration certificates were issued in comparison to 5 769 the previous year.⁷⁰ From 2019 to 2020, the issuance of permanent registration certificates decreased by 28,9%.⁷¹

Table 5: Documents treated/issued in relation to free movement of persons, broken down by type of document (2019 - 2020).

Certificates	2019	2020	Variation % 2019/2020
Registration certificates	17 543	14 396	-17,9
Permanent residence certificates	5 769	4 100	-28,9

Source: Directorate of Immigration 2021. © EMN Luxembourg 2021

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, holders of valid residence permits on 1 January 2021.⁷²

Table 6 underlines the importance of migration for family purposes as the principal reason to migrate to Luxembourg (54,3%),⁷³ followed by economic purposes (19,5%).

Table 6: Total number of third-country nationals holding a valid residence permit divided by category.⁷⁴

Migration for family purposes	Category	Total
	Residence Card for a family member of an EU citizen	8 342
	Permanent Residence Card for a family member of an EU citizen	9 285
		17 627
	Family Member	9 011
	Private reasons - 78 (1) c (family or personal relationships)	502
Grand Total		27 140
Migration for economic purposes		Total
	European Blue Card	2 533
	Researcher	201
	Intercorporate transferees (ICT) – employee/trainee	5
	ICT - specialist/manager	338
	Sportsperson or Trainer	51
	Posted Worker	25
	Self-employed	136
	Salaried Worker	6 461
	Mobile ICT - specialist/manager	1
	Community Service Provider or Worker for a Community Service Provider	5
Grand Total		9 756
Migration for educational purposes		Total
	Pupil ⁷⁵	0
	Student	765
	Trainee	11
	Volunteer	6
Grand Total		782

International protection		Total
	International Protection - Subsidiary Protection	326
	International Protection – Refugee status	5 351
Grand Total		5 677
	Private reasons – 131 (medical reasons)	2
	Private reasons – 78 (3) (humanitarian reasons)	104
	Private reasons – 95 (victims of human trafficking)	4
Grand Total		110
Long-Term Residents		5 658
Other		
	Au pair	147
	Private reasons – 78 (1) a (sufficient resources)	166
	Private reasons – 78 (1) b (autonomous)	45
	Private reasons - other	440
	Private reasons - 67 (4) (job search or business creation)	22
	Investor	7
Grand Total		827
Total		49 950

Source: Directorate of Immigration 2020. © EMN Luxembourg 2021

3.4. Migration for economic purposes

In 2020, the number of first residence permits issued for economic reasons decreased overall by 27,9% when compared to the previous year. There

was a decrease in nearly all categories of permits for economic motives. The decrease was sharp also for the main categorie: ‘Salaried worker’ (-22%).

Table 7: Residence permits issued for economic motives in 2018, 2019 and 2020 (first deliveries).

Category	2018	2019	2020	Variation % 2019/2020
European Blue Card	511	662	448	-32,3
Researcher	63	79	73	-7,6
ICT - employee/trainee	13	15	12	-
ICT - specialist/manager	235	206	73	-64,6
Mobile ICT - specialist/manager	-	2	1	-
Sportsperson or trainer	46	45	37	-17,7
Posted Worker	36	14	8	-
Self-employed	39	49	24	-51,0
Salaried Worker	1 219	1 546	1 205	-22,0
Community Service Provider	-	2	8	-
Worker for a Community Service Provider	3	1	-	-
Total	2 165	2 621	1 889	-27,9

For reasons of statistical relevance, only the growth rates based on a starting number of at least 20 people are shown. Source: Directorate of Immigration 2021. © EMN Luxembourg 2021

3.4.1. Skilled workers

Subject to filling all the conditions established by the Immigration Law,⁷⁶ certain categories of skilled third-country nationals were exempt from the entry ban into Luxembourg. These were health

professionals, researchers in the field of health and care professionals for the elderly; persons employed in the goods and transport sector and in the goods and persons transport sector, including the staff of airline companies and; highly qualified

third-country national workers if their employment was necessary from an economic point of view and their work could not be postponed or carried out during the year.⁷⁷

In 2020, the Directorate of Immigration granted 448 (first issuance) European Blue Cards. This represents a decrease of 32,3% in comparison with 2019, whilst between 2018 and 2019, there was a large increase of 29,5%. The main countries of origin for those issued with Blue Cards in 2020 were India (131), the United States (59) and Russia (31)⁷⁸ which together almost represent half (49,3%) of the total residence permits in this category.⁷⁹

At the European level, discussions in view of revising the Directive on the “European Blue Card” continued during 2020 with the aim of making this scheme more attractive for highly qualified workers from third countries. On the national level and with the same aim of promoting legal migration, the Directorate of Immigration participated in the working group on “talent attraction”, chaired by the Ministry of Economy.⁸⁰

3.4.2. Intra-corporate transferee (ICT)

Similarly to 2019, intra-corporate transferees are the third largest group of permit holders after salaried workers and Blue Card holders. 86 first time permits were issued in the context of the ‘intra-corporate transferee (ICT)’ permit in 2020, which represents a decrease of 61,4% in comparison with 2019.

In 2020, 73 permits were issued for the category ‘ICT - specialist/manager’ compared to 206 in 2019 and 235 in 2018. This represents a decrease of - 64,6% compared to 2019. The three main nationalities to be granted this type of permit remained the same as in 2018 and 2019: Indian (27), Chinese (16) and American (16), which represent 80,8% of the totality of residence permits issued under this category.⁸¹ 12 permits were issued for the category ‘ICT – employee/trainee’ and one under ‘Mobile ICT - specialist/manager’ in 2020. Respectively in 2019, 15 were issued for ‘ICT – employee/trainee’ and two for the last category.

3.4.2.1. Legislative developments

[Bill n°7682](#)

On 16 October 2020, Bill n°7682 was introduced to the Parliament. With regards to ICTs, this Bill proposes to amend the Immigration Law⁸² to comply with the Directive 2014/66/EU⁸³ by providing that the host entity provides proof that the third-country national to be transferred as an intra-group specialist / manager or employee / trainee has held a job in the same company or the same group of companies for an uninterrupted period of at least three months. This Bill also introduces amendments regarding trainees, family reunification and short-term visits of third-country nationals.

3.4.3. Posted Workers

The number of third-country national posted workers remained at a very low level. Since 2018, there has been a decline in the number of posted worker residence permits issued, passing from 36 in 2018 to 14 in 2019 to 8 in 2020, which represents a decrease of 77,8% since 2018 (see Table 7).

3.4.3.1. Legislative developments

[Law of 15 December 2020⁸⁴](#)

The Law of 15 December 2020 introduced certain amendments regarding posted workers.⁸⁵

The purpose and driver of change of this Law was to transpose Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services into national law. Consequently, it aimed to amend the provisions of the Labour Code in relation to postings.⁸⁶

The Law is not specifically aimed at third-country nationals but at all posted workers within the framework of the provision of services between companies of EU Member States.

Directive (EU) 2018/957 combats more effectively against abuses towards posted workers. These abuses consist in social dumping practices and unfair competition - practices that hamper the market and penalize companies that respect the rules in particular those of a social nature.⁸⁷

The Law therefore introduced the following provisions:

- Accommodation provided by employers to employees away from their usual place of work must meet the accommodation conditions of the salaried worker concerned.
- The reimbursement of travel, housing and food costs should be limited to the costs accumulated by the posted worker when travelling to or from their usual place of work or from the Grand Duchy of Luxembourg when requested by their employer to do so.
- The remuneration must correspond to the rates of minimum wage, as well as all the constituent elements of the wage made compulsory by legislative, regulatory or administrative provisions, or by those resulting from collective or oral social inter-professional agreements declared of general obligation. The remuneration must also be adapted automatically to the cost of living.
- The possibility for the authorities of the sending country of posted workers to seek information relevant to them from the authorities or bodies declared competent in Luxembourg, as well as, any other authority or any other body, if necessary.
- Postings from a temporary work company or from a company which, as part of a temporary labour loan, makes an employee available for another company to use - all of which are established outside of Luxembourg but for which the paid activity takes place in Luxembourg must respect the provisions for posted workers.
- Improved access to information by posted workers by setting-up a national website where information relating to them is diffused. If the information is not correctly uploaded or updated onto the website, this will be taken into consideration if an administrative fine is issued.⁸⁸

The provisions set-out in the preceding Directive on posted workers will continue to

apply to persons in the international road transport sector until a new Directive, specifically aimed at that sector is published.

In order to increase the protection of long-term posted workers, the Law provides further conditions for employers (who made the posting) if the posting is for a period longer than 12 months. If the employer fails to send a notification to the Inspectorate of Labour and Mines (ITM) on the extension of the period of 12 months to 18 months (before the expiration of 12 months), the posted worker will benefit from all the rules in force relating to working in the Grand Duchy of Luxembourg.

Excluding, however, the rules relating to the procedures, formalities and conditions governing the conclusion and termination of the employment contract, including non-competition clauses, as well as, those of supplementary pension schemes.⁸⁹

3.4.4. Seasonal workers⁹⁰

On 15 April 2020, the Minister of Agriculture, Viticulture and Rural Development stated, in the context of Covid-19, that Luxembourg did not plan to attract seasonal workers from abroad, as there was no great need to.⁹¹ The Minister also pledged to keep the borders with neighbouring countries open so that cross-border workers from essential sectors could reach their workplace. Seasonal workers were one of the categories of third-country nationals for which border closures did not apply in the context of Covid-19. However, while the Grand Ducal regulation of 20 June 2020 mentioned seasonal workers as a whole, the Grand Ducal Regulation of 1 July 2020 restricted this category to seasonal workers in the agricultural field.⁹²

3.4.5. Researchers⁹³

As previously mentioned, Luxembourg's borders were closed for third-country nationals until 31 March 2021.⁹⁴ Certain types of researchers were among the categories of third-country nationals exempt from the entry ban. These categories were defined differently over time.⁹⁵ At the end of 2020, researchers in the field of health were exempt.

The pandemic did not impact the number of residence permits issued to researchers. 73 permits were issued to the category ‘researcher’ in 2020, which is similar to 2019 with 79 permits issued under this category. The three main countries of origin for these permits also remained the same as in 2019: India (13), China (11) and Iran (6).⁹⁶

3.4.6. Satisfying Labour Market Needs

3.4.6.1. Employment Market Test

To hamper some of the negative effects of the pandemic on the labour market, the employment market test procedure for recruiting a third-country national was lengthened during the state of crisis:

The time limit for the National Employment Agency (ADEM) to examine whether the declared job offer could be filled by a registered job seeker was

extended, from three to six weeks. If, within six weeks of a job being declared, ADEM could not offer the employer a candidate who meets the required profile for the declared position, the employer could request a certificate certifying the right to recruit the person of their choice for that position. This measure was only in place during the state of crisis.⁹⁷

3.4.6.2. New online platform

An online platform (www.jobswitch.lu) was developed⁹⁸ to help employers find lacking labour force during the health crisis. It was launched on 24 March 2020 and stopped operating on 30 April 2020. During this time, 1 460 applications were registered on the platform and 537 matchings produced.⁹⁹ This measure wasn’t specific to third-country nationals but it also applied to them.¹⁰⁰

3.5. Migration for educational purposes

Table 8: Residence permits issued for educational motives in 2018, 2019 and 2020 (first deliveries).

Category	2018	2019	2020	Variation % 2019/2020
Pupil	184	163	2	-98,7
Student	348	419	224	-46,5
Trainee	33	48	29	-39,6
Volunteer	2	2	2	-
Total	567	632	257	-59,3

For reasons of statistical relevance, only the growth rates based on a starting number of at least 20 people are shown. Source: Directorate of Immigration 2021. © EMN Luxembourg 2021

In 2020, the number of first residence permits issued for educational reasons decreased by 59,3% when compared to the previous year. The main reason of this decrease is due to the Covid-19 pandemic. The most affected category was the pupils that suffered a decrease of 98,7%.

3.5.1. Trainees

In 2020, there was a 39,6% decrease in the number of first instance permits granted for the category ‘trainee’. Between, 2018 (33) and 2019 (48), the number issued for educational motives for the first time increased by 45,4% (See Table 8).

3.5.1.1. Legislative developments

Regarding trainees, Bill n°7682 proposes to amend the Immigration Law to comply with the Directive 2016/801/EU.¹⁰¹

Another proposition is to introduce an option for the Minister of Immigration and Asylum to request a commitment to take over the part of a host entity for an intern, in order to be able to dispense the “bona fide” reception entities of this commitment to take responsibility.¹⁰² Consequently, this would lighten the administrative load.

3.5.2. Students and Pupils

As mentioned under Chapter 2, Luxembourg’s borders were closed for third-country nationals until 31 March 2021.¹⁰³ Third-country nationals traveling for their studies were explicitly mentioned among the categories exempted from the entry ban on the territory since the Grand Ducal Regulation of 1 July 2020 entered into force.¹⁰⁴ This allowed third-country national students to enter the territory before the start of the 2020/2021 winter semester.¹⁰⁵

In 2020, 224 first permits were issued for students, which represents a decrease of 46,5% compared to 2019. Between, 2018 (348) and 2019 (419), however, there was an increase of 20,4%. The three main nationalities to be granted the permits in 2020 are Chinese (31), Iranian (23) and Indian (17).¹⁰⁶

The number of permits issued to the category 'pupil' declined by 98,7%, from 163 permits in 2019 to 2 in 2020.

3.5.2.1. Covid-19 measures

Regulations of the University of Luxembourg

Not only were third-country nationals traveling for their studies exempt from the entry ban into Luxembourg, the Government also approved the Study Regulations of the University of Luxembourg which included an annex on dealing with the COVID-19 pandemic.

The annex introduced several measures to prevent students of the University of Luxembourg (bachelor and master programmes) from being penalized in the course of their studies from the effects of the Covid-19 crisis. In this way, it adapted the application of certain norms of the Study Regulations. The 2019/20 summer semester was subject to a partial suspension of retroactive studies,¹⁰⁷ which was also pronounced in the winter semester 2020/21. These regulations applied to all

students of the University of Luxembourg, including third-country nationals.¹⁰⁸

3.5.2.2. Incentive mechanisms for retaining students.¹⁰⁹

In 2020, 36 residence permits for 'Private reasons - 67 (4) (job search or business creation)' were issued. This represents an increase of 38,5 % compared to 2019.¹¹⁰

3.6. Migration for family purposes

As mentioned under Chapter 2, certain categories of third-country nationals were authorized to enter the territory subject to filling all the conditions established by the Immigration Law. These categories changed overtime.¹¹¹ In relation to family reunification the following category was on the list of third-country nationals exempt from the entry ban since the beginning: passengers travelling for urgent and duly justified family reasons.¹¹²

Only persons in possession of a letter authorizing family reunification or a residence card as a member of the family of an EU citizen¹¹³ were considered as a family member of an EU citizen or of third-country national. Hence, third-country nationals travelling for family reunification reasons were exempt from the entry ban. This measure was still in place on 31 December 2020 and was extended until 31 March 2021.¹¹⁴

Table 9: Residence permits/cards issued for family motives in 2018, 2019 and 2020 (first deliveries).

Category	2018	2019	2020	Variation % 2019/2020
Residence Card for a family member of an EU citizen	1 586	1 839	1 521	-17,3
Permanent Residence Card for a family member of an EU citizen	1 287	1 206	1 302	+8,0
Family Member of a third-country national	1 848	2 094	1 486	-29,0
Private reasons - 78 (1) c (family or personal relationships)	146	185	101	-45,4
Total	4 867	5 324	4 410	-17,2

Source : Directorate of Immigration 2021. © EMN Luxembourg 2021

The total number of residence permits issued for the first time for family motives in 2020 decreased by 17,2% when compared to 2019. However, between 2018 and 2019, there was an increase of 9,4%. The 2 823 residence cards which were delivered in 2020 to third-country national family members of citizens of the EU and assimilated

countries account for 64% of all first residence permits issued for family motives.

In the context of family reunification between third-country nationals, 1 587 residence permits were issued in 2020. Out of these, 1 486 were in the 'family member' category, while 101 were in the category 'private life – 78 (1) c (family or private

links)'. Overall, this represents a decrease of 30,4% when compared to 2019.

In the context of family reunification between third-country nationals, the number of temporary authorisations to stay issued in 2020 exceeds the number of first residence permits issued: 1 779 against 1 486 (family member). 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 authorisations of stay delivered for purposes of family reunification according to the category of residence permit of the sponsor (2017 – 2020).

Category of residence permit of sponsor	2017		2018		2019		2020	
	Total	%	Total	%	Total	%	Total	%
International protection	174	10,9	423	20,8	462	20,2	348	19,6
Remunerated activities	1 225	76,9	1 404	69,3	1 553	67,8	1 239	69,6
Other	195	12,2	200	9,9	274	12,0	192	10,8
Total	1 594	100,0	2 027	100,0	2 289	100,0	1 779	100,0

Source: Directorate of Immigration 2021. © EMN Luxembourg 2021

69,6% of the family members had a sponsor with a resident permit from a remunerated activity during 2020. BIPs represented 19,6% of the sponsors for family reunification. There was, however, a sharp decrease in the total of family reunification of 22,3% in 2020 in comparison with 2019 (-24,7% concerned BIPs and -20,2% in relation to remunerated activities).¹¹⁵

3.6.1.1. Legislative changes

On 25 March 2020, the Minister of Immigration and Asylum announced that the Government was planning several changes to the Immigration Law, in particular to Article 69, paragraph 3 concerning the family reunification of BIPs.¹¹⁶

In this context, Article 9 of the Bill n°7682 seeks to extend the time limit (from three to six months) available to BIPs to apply for family reunification after the granting of their status in order to be able to benefit from more advantageous conditions. According to the Bill, if the application for family reunification is introduced at the latest six months after the granting of international protection the following conditions withheld in Article 69 (1) of the Immigration Law do not need to be fulfilled:

- proof of the sponsor's sufficient resources to be able to cover their own needs, as well as, the needs of their family members

without having recourse to the social assistance system;

- proof of appropriate accommodation on the territory of Luxembourg for themselves and their family members;
- proof of health insurance for the sponsor and family members.¹¹⁷

The extension of the deadline will help BIPs to gather the required documents for the family reunification application procedure within the given deadlines.¹¹⁸ The proposed amendment is in line with the provisions set-out in the Government's Coalition Agreement¹¹⁹ to extend the time frame from three to six months¹²⁰ and public debates (for more information please refer to section 3.6.1.2).

Article 10 of the Bill n°7682 also proposes to amend Article 73 of the Immigration Law. With a view to simplify administrative procedures, the requirement for family members of the third-country national applying for family reunification to provide certified copies of travel documents will be removed. Only integral copies of travel documents will be required.¹²¹ This development is in line with the Government's Coalition Agreement.

Security features of the residence permit

The main objective of the Bill n°7682 is to adapt the national legislation to the requirements set-out in the Regulation (EU) 2019/1157 to strengthen the security of identity cards issued to EU citizens and their family members exercising their right of free movement.¹²² The format of the cards was previously determined by the Member States.

This Regulation designates the appropriate titles for residence permits delivered to third-country nationals who are family members of an EU citizen. It should therefore be clarified that the modalities of residence permits will be determined by Grand Ducal Regulation, which in turn reference Regulation (EU) 2019/1157.¹²³

3.6.1.2. Debate

Family reunification is a right of BIPs which aims to bring together the nuclear family, namely parents and direct descendants.¹²⁴

In 2020, the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Commission consultative des Droits de l'Homme*, CCDH) examined the legal and practical obstacles that BIPs face in Luxembourg when applying for family reunification and provided recommendations.¹²⁵

Among others, one of these observations and recommendations were that BIPs in Luxembourg encounter considerable difficulties in submitting their requests for family reunification within the three-month period as defined by Article 69 (3) of the Immigration Law.¹²⁶ Therefore, the Government should remove the three-month period for a BIP to submit a request after receiving their international protection status and to adopt a more flexible approach allowing for the submission of a partial request, within the three-month period, which could be completed subsequently.¹²⁷

In its press release made for the World Refugee Day, the Luxembourg Refugee Council (*Lëtzebuurger Flüchtlingsrot*, LFR) recalled that the right to live in a family is a fundamental right and explained that one of the proposals contained in the Government's Coalition Agreement was to

increase the timeframe from three to six months. The LFR asked that this deadline be effectively reviewed and increased to six months with the idea to allow a person having been granted international protection to submit an application for family reunification without having to submit proof of housing and resources equivalent to the minimum social wage.¹²⁸ The LFR also launched a petition to implement the Government's commitment to extend from three to six months (minimum) the time delay for BIPs to apply for family reunification after the granting of their status, in order to be able to benefit from more advantageous conditions.¹²⁹

Moreover, on 4 March 2020, the Luxembourgish Integration and Social Cohesion Centre (*Lëtzebuurger Integratiouns- a Sozialkohäsiounscenter* – LSKO) organized an information and best practices exchange day between professionals working in the area of family reunification.¹³⁰ During this exchange, some recommendations, also voiced by the CCDH were reiterated, such as:

- Reducing delays and long waiting periods by reinforcing the resources available to the administrative and police services concerned.
- The extension of the three-month period to six months under Article 69 (3).
- Revising the definition of dependence.
- Providing reimbursable financial assistance to sponsors during the application.
- Lastly, the importance of respecting the principle of family unity and the best interests of the child in any decision concerning an unaccompanied minor.¹³¹

Further observations and recommendations were made on the day, which allowed for the identification of points to improve on and potential solutions to facilitate the family reunification process for BIPs.¹³²

On 18 May 2020, the Parliamentary Committee on Foreign and European Affairs, Cooperation, Immigration and Asylum discussed the Ombudsman report of 2018 in which the three-months were highlighted in the same way as the

CCDH, the LFR and on the LISKO exchange day. The Commission stated that the three-month period is sufficient to introduce at least a beginning of proof but noted that a draft bill to extend this period to six months was underway.¹³³

3.7. Other categories

3.7.1. Au-Pairs

The number of permits delivered to the category 'au-pair' decreased between 2019 and 2020 passing from 152 in 2019 to 146 in 2020 representing a decrease of 3,9% (see Table 3). In contrast, the number of permits issued between 2018 and 2019 represented an increase of 36,9%. The three main countries of origin for receiving these permits did not change when compared to the last year: the Philippines (47) remained the biggest group followed by Brazil (16) and lastly Cameroon (14).¹³⁴

3.7.2. Investors¹³⁵

Four first time permits were granted in 2018, two in 2019 and one in 2020.¹³⁶ Part of the reason for these low numbers is the authorities' commitment to properly investigate authorisations to stay for third-country national investors¹³⁷ and their

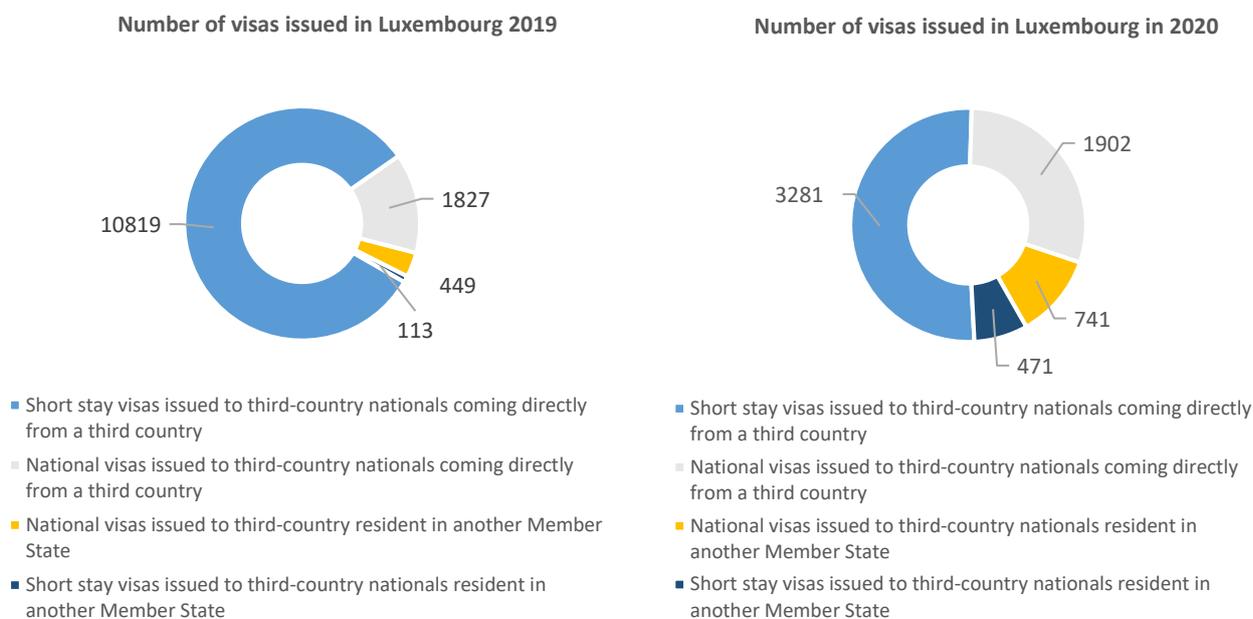
investment projects, before granting a third-country national investor an authorisation to stay.¹³⁸ This is done in the context of Luxembourg's fight against money laundering and the financing of terrorism.

3.8. Information on routes to and conditions of legal migration

3.8.1. Visa Policy

In 2020, a total of 6 395 visas were issued by the authorities, 3 752 (58,7 %) were short stay Schengen visas (C- stay of up to 90 days) and 2 643 (41,3 %) were national visas (D). 3 281 (87,4 %) short stay Schengen Visas were issued to third-country nationals coming directly from a third country, and 471 (12,6%) to third-country national residents in another Member State. 1 902 (72,0%) of National Visas (D) were issued to third-country nationals coming directly from a third country, and 741 (28,0 %) to third-country nationals residing in another Member State. In 2019, a total of 13 208 visas were issued: 82,8% were short stay visas and 17,2 % were national D visas. In comparison to 2019, there was a sharp decrease of 51,6% in the total number of visas, however, the total number of national visas (D) issued increased by 16,1%.

Figure 1: Number of visas issued in Luxembourg 2019 and 2020.



Source EMN Luxembourg 2019, 2020. © EMN Luxembourg 2021

3.8.1.1. Legislative developments

[EU Regulation 2019/1155](#)

The Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) entered into force on 2 February 2020. The new rules simplify the visa application formalities for travelers who wish to go to the EU, thus facilitating tourism, trade and business, while providing for an increase of resources intended to face the risks of irregular migration and threats to internal security.¹³⁹

The main changes are:

- 1) Visa fees increased. If minors under six years of age still benefit from a fee waiver, all other third-country nationals will see an increase in their fees, which will go from € 60 to € 80 euros and from € 35 to € 40 euros. Moreover, the implementation of a mechanism for evaluating these costs is foreseen every three years.
- 2) The deadline for submitting an application before the planned date of travel is extended. While before 2 February 2020, a visa application could only be submitted 3 months before the planned date of travel, the deadline is now 6 months. On the other hand, the minimum deposit period is two weeks.
- 3) Travelers who frequently cross the Schengen borders are now able to benefit from a multiple entry visa with a validity period ranging between one to five years. The conditions for obtaining this visa are as follows:
 - a. making regular trips to the Schengen Area;
 - b. having a positive track record for complying with visa rules;
 - c. having a good economic situation in one's country of origin; and
 - d. having the intention of leave the Schengen Area.

- 4) Countries of the Schengen Area now have the obligation to outsource visa applications if they do not have a representation in a third country, either by subcontracting the applications to another member country of the Schengen Area or by subcontracting to a visa processing centre. The purpose of this new obligation is to prevent a third-country national from having to travel to another country to apply for a visa.
- 5) Establishment of a pressure mechanism on third countries in order to combat irregular immigration. Third countries cooperating in the readmission of its illegally staying nationals to the Schengen Area will benefit from shorter visa processing times, lower fees and longer visas. On the other hand, this mechanism will penalize third countries that do not cooperate. These will face longer visa processing times and higher visa fees.¹⁴⁰

These changes will have a direct impact on visa applicants for Luxembourg.

[The 'prise en charge' clause with regard to short term visits](#)

So as to avoid any uncertainty, the Bill n°7682 proposes to amend Article 4 of the Immigration Law by specifying in the text that the sponsor, of Luxembourgish citizenship, must reside in the Grand Duchy of Luxembourg. At the same time, it brings clarifications to the notion of "fixed duration" of this "prise en charge" that cannot exceed 90 days in the case of a stay of up to 90 days, and one year in the case of a stay of more than three months.¹⁴¹

Furthermore, the Bill proposes to add the terms "without recourse to the social assistance system" to clarify the fact that a person who is themselves dependent on social assistance provided by the State in terms of resources, cannot take responsibility of another person, as that would mean that the State is de-facto financially responsible for that person. Hence, paragraph (1) of the same Article indicates that the sponsor is jointly and severally liable with regard to the State and the reimbursement of fees for a period of two years

from the moment the foreigner enters the Schengen Area.¹⁴²

3.8.1.2. Covid-19 Measures

Visas and Residence Permits to Chinese Nationals

During the Covid-19 outbreak in China so as to not compromise the public health of Luxembourg, the issuance of visas and residence permits were analysed on a case-by-case basis for Chinese nationals. On 31 January 2020, the Ministry of Foreign and European Affairs issued a travel warning to any resident of Luxembourg (nationals and foreigners) travelling to China.¹⁴³

The regularisation of third-country nationals whose short or long-term visas expired during the Covid-19 crisis

During the state of crisis third-country nationals residing in Luxembourg and in possession of a short or long-term visa or whose 90 days of visa exempted stay expired during the state of crisis were regularized.¹⁴⁴

The suspension of issuing visas, passports and travel documents and reduced operations.

On 19 March 2020, the BPVL suspended (with immediate effect) the issuance of visas, passports and travel documents, with the exception of urgent requests which had to be subject to the prior approval of the BPVL. Further, the Ministry of Foreign and European Affairs informed the public on the same date that during the state of crisis, municipalities would not accept passport applications.¹⁴⁵

These measures were implemented for a period of 30 days with the possibility of extension. On 15 May 2020, the BPVL informed the public that it will continue to operate on a reduced service as of 18 May 2020. On 30 June 2020, the BPVL reverted back to normal opening times.¹⁴⁶

3.9. Brexit

3.9.1. Measures taken in the context of Brexit

There were no additional measures taken than the ones that were described in the EMN Luxembourg's Annual Report on Migration and Asylum 2019.¹⁴⁷ However, in order to clarify certain procedural provisions of the Law of 8 April 2019, which came

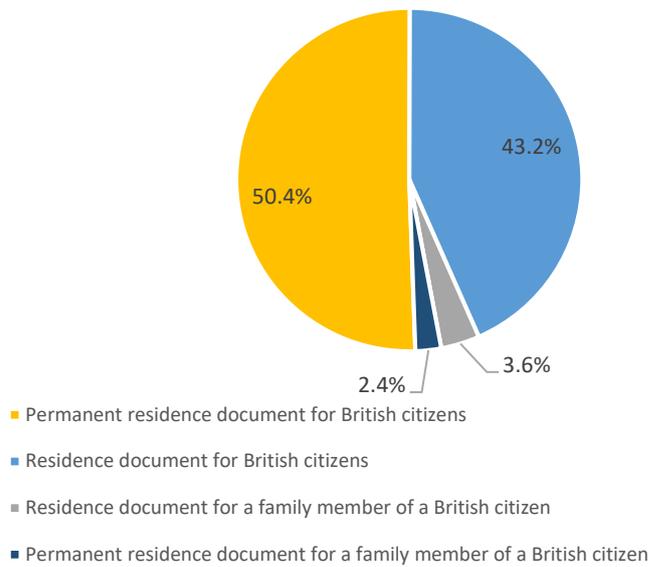
into force on 1 February 2020,¹⁴⁸ a draft Grand Ducal Regulation entered into force on 23 July 2020. This project aimed in particular to specify the procedures for requesting the residence document which must be available to British nationals, and their family members - beneficiaries of the Withdrawal Agreement. Residence documents must be issued to beneficiaries of the Withdrawal Agreement and have to be biometric in accordance with the amended Council Regulation (EC) 1030/2002 of 13 June 2002 establishing a uniform model of residence permit for third-country nationals.¹⁴⁹

3.9.2. Residence documents issued in the context of Brexit

During the transition period, British Citizens were required to apply for a residence permit foreseen by the Immigration Law under simplified conditions. The persons concerned were invited to send an application for the issuance of a residence document starting from 1 July 2020. The obligation to apply started from 1 January 2021 and all applications have to be sent before 30 June 2021.¹⁵⁰

Between 1 July and 31 December 2020, 2 015 residence documents were issued to beneficiaries under the Withdrawal Agreement. Of these, 1 891 were issued to British citizens and 124 to third-country national family members of a British citizen.¹⁵¹ To put these numbers into perspective, as of 1 January 2020, the total number of British citizens living in Luxembourg amounted to 5 300.¹⁵²

Figure 2: Share of documents issued in the context of Brexit - breakdown by document type 2020.



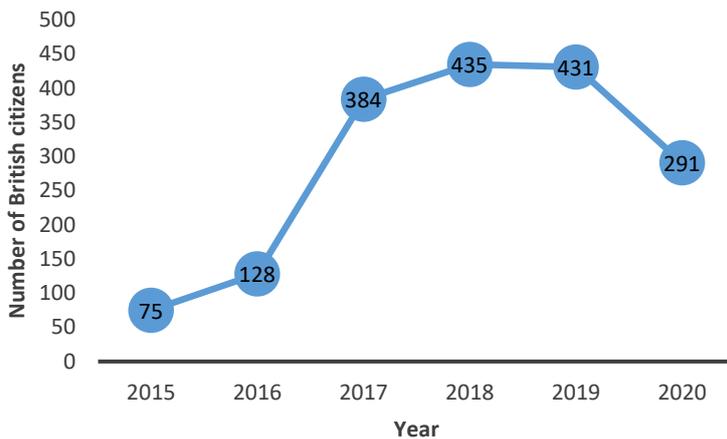
Source: Directorate of Immigration 2021. © EMN Luxembourg 2021

3.9.3. Naturalisations

The juridical insecurity surrounding the rights of British citizens led to a peak in naturalisations since 2016. However, in 2020, the number of British citizens who became Luxembourgish citizens

declined, with 291 acquisitions compared to 431 in 2019.¹⁵³

Figure 3: Number of British citizens that acquired Luxembourg nationality procedurally (2015 – 2020).



Source: Ministry of Justice, 2021. © EMN Luxembourg

Similarly, to the previous years, almost half (145) of the naturalisations of British citizens during 2020 were based on the option that allows acquisition after 20 years of residence in Luxembourg. This takes place under the condition that the person participated in a 24-hour introductory course to the

Luxembourgish language, however, they are not required to pass the Luxembourgish language exam.

3.10. Other significant developments in legal migration

3.10.1. Simplifying the administrative burden of third-country nationals

Article 5 of the Bill n° 7682 seeks to simplify the administrative burden of third-country nationals applying for a residence permit, by eliminating the requirement to present a copy of the authorisation of stay.¹⁵⁴

3.10.2. Security features of the residence permit

The main objective of the Bill n°7682 is to adapt the national legislation to the requirements set-out in the Regulation (EU) 2019/1157. The Regulation 2019/1157 provides that "residence cards" and "permanent residence cards" shall have the same uniform format as residence permits issued to third-country nationals not covered by the Directive 2004/38/EC. This means they are issued as cards with biometric data.¹⁵⁵

The format of residence cards issued to third-country nationals that are family members of EU citizens will thereon after change. Currently, these cards are printed on secured paper. The Regulation foresees that these cards are issued as a card with an electronic chip containing biometric data.¹⁵⁶

3.10.3. Online questionnaire

The Ministry of Foreign and European Affairs and the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region (hereinafter Integration Department), launched an online questionnaire targetting associations and organizations working in the field of asylum, migration and integration, to identify the challenges, needs and priorities in Luxembourg. The questionnaire was open between 15 August and 15 September 2020.

The Ministries hoped to formulate recommendations and specific action proposals for the next national programming of the Asylum, Migration and Integration Fund (AMIF) for 2021-2027.¹⁵⁷ This is a practice that will help

develop policies in the future and develop ideas for projects.

4. INTERNATIONAL PROTECTION

4.1. Statistical Trends in International Protection

As mentioned under Chapter 2, the external borders of Schengen were closed on 17 March 2020 for a period of 30 days.¹⁵⁸ People wishing to apply for international protection or for other humanitarian reasons were exempt from the entry ban.¹⁵⁹

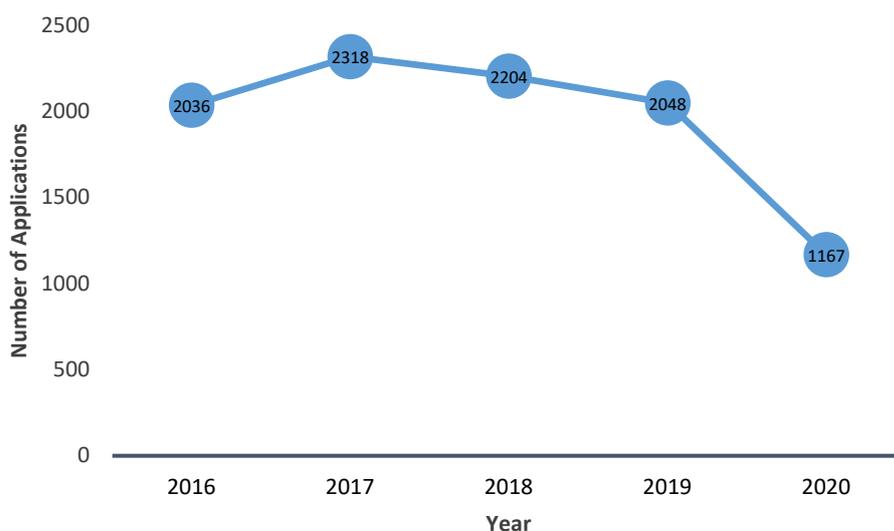
4.1.1. Applications for international protection

During 2020, the number of applications for international protection submitted to the Directorate of Immigration amounted to 1 167 registered applications. This number shows a significant decrease of 43,0% since 2019 (2 048).¹⁶⁰ Requests plunged significantly during the state of crisis and third-country nationals were prohibited to enter the territory from 18 March 2020. However, during the first lockdown - the state of crisis was lifted on 23 June 2020 - 77 requests for international protection were registered.¹⁶¹

The health crisis did not have any repercussions on the possibility of applying for international protection in the Grand Duchy of Luxembourg.¹⁶² The access to reception facilities and the Luxembourg health system remained guaranteed.¹⁶³

Nevertheless, during April and May 2020, there was a reduction of the applications made as the borders with Luxembourg were closed by Belgium, France and Germany.¹⁶⁴ Moreover, no application for international protection was registered between 29 June 2020 and 9 July 2020 due to technical problems linked to the "Eurodac" system. This resulted in people having to come back to open their request. During this interval, those concerned were housed and supervised by the National Reception Office (ONA).¹⁶⁵

Figure 4: Number of applications (2016-2020).



Source: Directorate of Immigration, 2021. © EMN Luxembourg

The First-time Reception Service (*cellule primo-accueil*) of the Directorate of Immigration, in charge of receiving applications, was open throughout the whole period of the state of crisis.¹⁶⁶ Like previous years, there is a noticeable difference between the number of people who presented themselves to the first-time reception of the National Reception Office (ONA) and the number of those who actually submitted an application for international protection to the Directorate of Immigration.

As of 30 June 2020, 788 people presented themselves at the First-time Reception of the ONA, 443 lodged an application for international protection at the Directorate of Immigration.¹⁶⁷ In the context of the Covid crisis, the Government extended all the expiring certificates for filing an application for international protection ('pink document'), for the duration of the state of crisis.¹⁶⁸

Throughout the state of crisis, the Government consistently informed the public on any changes through press releases on their official website (government.lu).¹⁶⁹ On 24 June 2020, the Ministry of Foreign and European Affairs informed the public that regarding applications for international protection, a new certificate (pink document) concerning the registration of an application for international protection was sent to all applicants

who arrived before 16 March 2020, except in specific cases. All applicants who arrived after 16 March 2020 were invited for an appointment at the Directorate of Immigration to request, in person, the extension of their certificate.¹⁷⁰ This development was needed to minimize in person contacts and to protect both the applicants, as well as, the agents of the Directorate of Immigration during the pandemic.¹⁷¹

The largest number of applicants were Syrians (306) amounting to 26,2% of the total number of applications. In comparison to the previous years, applicants from Eritrea were the largest group. In 2020, the Eritreans followed the Syrians (188 [16,1%]). This nationality is followed by Afghans (95 [8,2%]) and Iraqis (53 [4,5%]).¹⁷² In 2020, none of the West Balkan countries appeared in the top ten countries of origin of AIPs (unlike in previous years). Venezuela still figured among one of the main countries of origin with 44 applications (3,8% of the total number of applications, see Table 11).

Table 11: Top 10 countries of nationality applying for international protection 2020.

Country of Nationality	Number of applications 2020	Percentage (%) out of total number of applications in 2020
Syria	306	26,2
Eritrea	188	16,1
Afghanistan	95	8,2
Iraq	53	4,5
Iran	53	4,5
Venezuela	44	3,8
Turkey	41	3,5
Algeria	39	3,4
Tunisia	29	2,5
Morocco	27	2,3
Other	292	25,0
Total	1 167	100,0

Source: Directorate of Immigration, 2021. © EMN Luxembourg

4.1.2. Decisions in international protection applications

During the state of crisis, personal interviews with applicants, and Dublin transfers were suspended. However, the decision-making process continued in the best possible way for the files in which a personal interview had already been conducted.¹⁷³ In order for interviews to resume again, the facilities had to be adapted to comply with the health regulations (e.g. social distancing, ventilation of the rooms, the use of Plexiglas etc.).¹⁷⁴

Notifications, in particular on positive decisions of international protection, were also suspended but resumed again in May 2020.¹⁷⁵ Administrative deadlines were not suspended, which obliged the competent services to apply the necessary due diligence to prevent individuals from being disadvantaged following the sanitary crisis.¹⁷⁶ In 2020, the Directorate of Immigration took 1 516 decisions on international protection.¹⁷⁷ This represents a decrease of 29,7% in comparison to 2019 (2 158).

In comparison to 2019:

- The granting of international protection strongly increased from 32,3% to 50,6%.
- Refusals of international protection increased from 18,4% to 23,7%.

- The implicit withdrawal of applications strongly decreased from 14,3% to 6,3%.
- The percentage of ineligible applications decreased, from 5,7% to 4,7%. The main reasons for ineligibility were the existence of a first country of asylum or a safe third country for the applicant.¹⁷⁸

In 2020, 767 people obtained international protection in Luxembourg (refugee status or subsidiary protection). The recognition rate of international protection is at 64%, compared to 57,1% in 2019. 736 people were granted the status of refugee compared to 656 in 2019 (increase of 12,2%). In parallel, 31 people received the status of subsidiary protection in comparison to 40 people in 2019 (-22,5%).¹⁷⁹

During 2020, 419 Eritreans were granted refugee status (56,9% of the total number of refugee statuses, in comparison to 27,9% in 2019), followed by Syrian nationals (179 [24,3%] in comparison to 41% in 2019). Together these two countries represent 81,2% of the total number of refugee statuses granted. They are followed by Afghans (39 [5,3%]), Sudanese (20 [2,7%]), Turcs (19 [2,6%]) and Iranians (16 [2,2%]).¹⁸⁰ The number of subsidiary protection statuses granted to Venezuelan nationals (12) represented 38,7% of the total number of status granted under this category in 2020.¹⁸¹

359 refusals were issued, of which 306 (85,2%) were taken under the normal procedure and 53 (14,8%) in the context of an accelerated procedure. The proportion of refusals under the normal procedure increased by 47,8% with respect to 2019, whereas, the proportion under an accelerated procedure fell by 72,1%. This can partly be explained by the decrease in applications for international protection made by nationals from the West Balkan States and Georgia.¹⁸² In 2019, the number of decisions taken during an ultra-accelerated procedure among decisions in an accelerated procedure was 47,4% (90 out of a total of 190 decisions). In 2020, this decreased to 28,3%.¹⁸³

4.2. Institutional Changes

The National Reception Office

The provisions for the National Reception Office (ONA) entered into force on 1 January 2020.¹⁸⁴ The ONA replaced the Luxembourg Office for Reception and Integration (OLAI) regarding the reception of AIPs. ONA is an administration under the supervision of the Ministry of Foreign and European Affairs. With regards to all matters concerning integration, the competence was transferred to the Ministry of Family Affairs, Integration and the Greater Region under the Integration Department. For more information, please refer to the EMN Luxembourg's Annual Report of 2019.¹⁸⁵

4.3. Procedure for international protection

4.3.1. Legislative developments Bill n°7681

4.3.1.1. Changes to the appeal procedures

On 16 October 2020, the Bill n°7681 was introduced into the Parliament to amend the Law of 18 December 2015 on international protection and temporary protection (hereinafter Asylum Law).¹⁸⁶ The Bill aims to amend the appeal procedure against a transfer decision under framework of Dublin III in order to increase their effectiveness while guaranteeing maximum legal security for the applicant for international protection (for more information, see section 4.3.2.2).

It intends to introduce into the Asylum Law, "extraordinary" remedies against a final decision to close proceedings on an application for international protection and against a decision to withdraw international protection (for more information, see section 4.3.3.1).

4.3.1.2. Changes in identification and fingerprinting

The Bill n° 7681, also proposes to broaden the scope of authorized police officers to carry out measures and verifications (such as taking fingerprints) required in the context of submitting an application for international protection.¹⁸⁷ Article 6, of the amended Asylum Law is to be amended in order to duly authorise any police officer to take fingerprints and photographs of the applicant for international protection.¹⁸⁸

In the context of applying for international protection, the member of the Grand Ducal Police concerned will be able to undertake any verification necessary to establish the identity and the travel itinerary of the AIP.¹⁸⁹ Previously, only the Judicial Police Service was able to carry-out these verifications.¹⁹⁰ The intended impact of this change is to ensure that the legal regulation responds to the reality on the ground and to be consistent with the Article 100 (3) of the Immigration Law.

4.3.2. Dublin III procedure

4.3.2.1. Statistical Trends

In the context of the application of the Dublin III regulation, 420 requests to take responsibility of AIPs and irregular migrants residing in Luxembourg were sent to other Member States in 2020. Luxembourg received 373 requests from other EU Member States.¹⁹¹ There was a reduction in decisions of incompetence in 2020 with 219 decisions compared to 625 in 2019 representing a decrease of 65,0%.¹⁹² 113 people were transferred to other countries under the Dublin system, compared to 330 people in 2019, a decrease of 65,8%. 80 people were transferred to Luxembourg from other Member States compared to 90 in 2019. Out of these 80 people, 43 were transferred from Greece – namely for family reasons.¹⁹³

The significant decrease in decisions of incompetence and transfers is linked to the decrease in AIPs due to the Covid-19 pandemic which resulted in the temporary suspension of transfers between Member States. Thus, no transfer to or from Luxembourg took place from 13 March 2020 to 15 July 2020.¹⁹⁴

4.3.2.2. Legislative Developments

According to Bill n°7681, the deadline for the First instance Administrative Court to decide on the appeal against the transfer decision under the framework of Dublin III will be reduced from two months to one month.¹⁹⁵

This remedy will also have a suspensive effect, so that the transfer decision will not be executed until a final verdict is pronounced.¹⁹⁶ This amendment will be reflected in Article 36, paragraph 1 of the amended Asylum Law.¹⁹⁷

The driver of change is based on measures decided in the Government's Coalition Agreement 2018-2023 to adapt the remedy of a transfer decision to the requirements of Article 13 of the European Convention on Human Rights by providing for a remedy in reformation instead of a remedy for annulment.

4.3.2.3. Debate

For the World Refugee Day, LFR launched a petition¹⁹⁸ asking the Government to cancel Dublin transfer decisions for all people who arrived before 15 June 2020. In a press release, they further explained that due to the health crisis, transfers were impossible to implement, stating that EU solidarity calls for more patience when taking a decision to transfer a person to another State due to the pandemic.¹⁹⁹

Dubliners are people in need of international protection, suspending transfers can lead to greater insecurity as it delays the international protection procedure. According to the LFR, it is not justified to delay a transfer for an uncertain amount of time. In this context, they advocated

that the Government declare itself competent in analysing and assigning a residence to Dubliners.²⁰⁰

Moreover, the LFR reiterated their view that AIPs, subject to a transfer, should be housed in more appropriate accommodation to that of the semi-open facility (SHUK). During the health crisis, many people housed at the SHUK were affected by Covid-19. In particular, the LFR asked the Health Inspection Department for clarifications on the gathering of several confined sick people in the tents of the SHUK, where breathing is, by definition, more difficult. The LFR will continue to demand more suitable housing for all AIPs beyond the health crisis.²⁰¹

The Liaison and Action Committee for Foreigners (CLAE), a Luxembourgish NGO, also asked that the application of the Dublin Regulation be suspended as long as the pandemic is ongoing and that living conditions in accommodation structures for AIPs preserve their physical and mental health.²⁰²

4.3.3. Appealing against a final decision to close proceedings on an application for international protection and the withdrawal of international protection

4.3.3.1. Legislative Developments

The Bill n°7681 proposes to amend Article 35 (1) of the Asylum Law, paragraph 1 by providing for the possibility to lodge an appeal against a final decision to close proceedings on an application for international protection.

A decision to close proceedings becomes final after a delay of nine months on a second decision to close proceedings. This happens after a first unsuccessful appeal procedure. In accordance with Article 23 (3) of the Asylum Law, an appeal lodged after a final decision to close proceedings is currently considered as a new request for international protection.

The Asylum Law in its current version does not foresee a specific remedy against decisions taken to withdraw the status of international protection.²⁰³ The Bill introduces an express remedy for this situation to allow an individual to file an appeal

against a final decision to withdraw their status of international protection.²⁰⁴

4.3.4. Other legislative developments

4.3.4.1. Changes to the hourly rate of lawyers

No new legal or policy changes specifically in relation to information and legal counselling/representation in relation to operational aspects of the asylum procedure occurred in 2020.

However, the Minister of Justice, proposed to increase the hourly rate of lawyers providing services to people who cannot afford legal aid by 10%. This applies to all lawyers, including those that provide legal aid to AIPs and BIPs who do not have the sufficient means to seek legal aid.

On 20 May 2020, the Council of Government approved the proposal. The old hourly rate of € 87 for attorneys-solicitors was replaced by a new rate of € 96. For trainee lawyers, the previous hourly rate of € 58 was replaced by a new hourly rate of € 64. The new rates applied to legal services performed from 2 August 2020, the date on which the Grand-Ducal Regulation of 29 July 2020 entered into force.²⁰⁵

4.3.4.2. The suspension of time limits in jurisdictional matters

Another measure taken in the context of the management of the Covid-19 crisis concerned the suspension of appeal periods before the administrative courts. The time limits which govern the initiation of first instance proceedings before the first instance administrative courts were extended²⁰⁶ as follows:

- a) time delays that expired during the state of crisis were postponed by two months from the date of the end of the state of crisis;
- b) deadlines expiring during the month following the end of the state of crisis are postponed by one month from their expiry date. Only detention decisions were not affected by this suspension.²⁰⁷

Since 15 September 2020, all activities resumed as per usual. However, social distancing measures on

premise were introduced during appeal procedures.²⁰⁸ Pleas could only take place upon appointment and all persons concerned had to wear a mask.²⁰⁹

4.4. Reception and support measures

4.4.1. Housing

4.4.1.1. Legislative Developments

As was explained under the Section 4.2., the ONA replaced the OLAI. Since 1 January 2020, it has for mission to organise the reception of AIPs and to manage housing structures reserved for AIPs.²¹⁰

There was an increase of 17,3 % in the budget for: 1) the taking charge, reception conditions and mentoring of applicants for international protection; 2) support given to those who are returning to their country of origin; 3) extracurricular activities; 4) damage caused to third parties; litigation costs; and 5) operational costs of reception centres.²¹¹ The increase in budget can be explained by the opening of a new emergency accommodation structure.²¹²

4.4.1.2. Reception Capacity

The ONA's accommodation system is organised in three phases: phases 1 and 2 correspond to the first reception, while phase 3 corresponds to accommodation in lasting facilities.²¹³ As of the end of December 2020, the ONA had a total of 55 reception structures with a total number of 4 253 beds, hosting 3 335 people.²¹⁴ 29 of these structures are directly managed by the ONA, 14 by the Red Cross and 12 by Caritas. Out of the 3 335 people, 186 were housed in phase 1 (compared to 204 in 2019), 191 in phase 2 (204 in 2019) and 2 958 in phase 3 (2 800 in 2019).²¹⁵

On 31 December 2020, the average occupation rate for all the reception facilities was 78,4%. For the phase 3 housing it was at 84,1% compared to 81,6% in 2019, 70,8% in 2018 and 65% in 2017.²¹⁶ Note that the maximum occupancy capacity of ONA accommodation facilities is limited to 80%.²¹⁷ Residents are mainly AIPs, 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.²¹⁸ On 31 December

2020, 43 % of residents in the ONA structures were BIPs.²¹⁹

Moreover, despite a significant drop in new arrivals observed in April 2020 due to the sanitary crisis (from 185 arrivals in March to 35 in April 2020), arrivals resumed the following month and reached the pre-crisis level in July 2020. Arrivals were since maintained at a high level, mainly due to family reunification.²²⁰

On 31 December 2020, the ONA housed 76 different nationalities in its facilities, Eritreans being the most numerous (29,5%), followed by Syrians (20,5%), Afghans (10,3%) and Iraqis (6,8%).²²¹ These figures are similar to those of 2019.²²² Moreover, 33,2% of those housed were under the age of 18, and 40,2% were women.²²³

New First-Time Reception Facility

In December 2020, a new centre for newcomers opened in Luxembourg City. It replaces the previous centre in Strassen and will receive its first AIPs in January 2021. The centre has a maximum capacity of 251 people and offers a modern and functional layout, which will allow for a dignified reception and better care for AIPs. The centre is a first-time reception structure where AIPs stay for their first weeks after arrival to Luxembourg. They are later transferred to an accommodation structure for AIPs, where they can stay until the procedure for applying for international protection is complete.²²⁴

In addition to the premises reserved for the reception of AIPs, the structure houses an administrative area on two levels. Here, the ONA, the Health Inspection Department, the Directorate of Immigration from the Ministry of Foreign and European Affairs and the Luxembourg Red Cross have offices. A medical area can be also found. The presence on site of all involved actors in the reception of AIPs is a novelty that will allow for more effective and concerted collaboration.²²⁵

4.4.1.3. Developments in or for AIPs or BIPs' accommodation structures

In view of the high occupancy rate in the ONA's accommodation structures, efforts to promote the construction of new accommodation structures continued in 2020. In this regard, two new

accommodation structures were opened (81 beds in total). Three accommodation structures were closed in 2020 (58 beds in total).²²⁶

Indisputably, the year 2020 was marked by the Covid-19 pandemic, developments in accommodation structures were therefore governed by the crisis. Responding to reception and accommodation needs and guaranteeing the safety of residents in the context of the health crisis linked to Covid-19 were the main concerns of the ONA in 2020.²²⁷ From March 2020 and throughout the health crisis, the ONA therefore implemented a range of measures to guarantee the functioning of accommodation structures, as well as, the safety of staff and residents. Moreover, by implementing a business continuity plan, which reorganized the services and offices of the administration, the ONA did not cease its activities, nor close its counters.²²⁸

Provisional accommodation structures opened to manage the sanitary crisis

Several provisional structures were opened, specifically for vulnerable people, as well as, a structure for AIPs who were tested positive for Covid-19 and needed to be isolated.²²⁹ The aim was to protect vulnerable populations from a potential infection and to prevent the spread of the virus among all reception structures.

Moreover, a new emergency reception facility ("first-reception facility") was set-up for newcomers in July 2020. Any person arriving and wishing to file or that had filed an application for international protection with the Directorate of Immigration of the Ministry of Foreign and European Affairs must first move to the first-reception facility to be tested for Covid-19. After being tested, people who had a negative result were transferred, according to their level of vulnerability, to accommodation facilities. The length of stay in the reception centre was in principle 7 days.²³⁰

Other precautionary measures taken during the pandemic

Measures recommended by the Council of Government and instructions provided by official authorities were strictly implemented in all accommodation structures under the responsibility of the ONA. In close collaboration with the Health Inspection Department, who ensures medical care

for people residing in these structures, more measures were implemented to limit the spread of Covid-19 and the residents' exposure to it.

These measures were:

- All official information on Covid-19, directed at the population, was translated into the languages most spoken by the residents of the ONA accommodation structures (i.e. Arabic and Tigrinya) and was communicated to residents through several channels: flyers, email, posters etc.
- The ONA's staff received information on Covid-19 as well as trainings on the topic of hygiene and on communicable and infectious disease, so as, to direct someone as quickly as possible towards medical services.
- Sanitary facilities were cleaned and disinfected twice per day and guaranteed without interruption.
- Disinfectant gel was made available in the accommodation structure.
- In the ONA's accommodation structures, meals for the residents were provided in their bedrooms, when possible, or were distributed in different stages.
- The ONA's staff ensured that the hygiene and prevention measures were enforced and respected.
- The organization of various services to the benefit of residents and the internal regulations of the accommodation structures were adapted to minimize physical contact between people.
- All material and financial assistance to which residents are entitled was transferred directly to their bank account so that they do not have to travel and collect them from the ONA premises.
- Residents were encouraged not to meet in large groups in the common areas, and visitors were no longer allowed.
- Vulnerable people represented a priority and were evacuated towards special accommodation structures for isolation under the coordination of the Health Inspection Department.

- A stock of protection equipment was made available.
- The ONA's information desks were only open to the public upon appointment and a hotline was set-up.
- Group information meetings were converted into individual Skype meetings between ONA/translator, accommodation structure supervisor and residents.²³¹

In case of infection in an accommodation structure for AIPs and BIPs, the sanitary measures established by the Ministry of Health for the entire population applied. The people concerned were informed of the procedure to take, and could contact at any moment the ONA hotline, as well as, social workers by phone or email.²³²

A mobile van was also set-up during the times that the visits in the structure were not allowed. The van was going around all structures and people needing consultations could be followed by social workers. Moreover, residents had the possibility to request a face-to-face appointment with a social worker to discuss urgent social issues, as well as, sanitary experts. All were entitled to the same medical care as Luxembourgish citizens. The Government also set up a hotline for people in distress.²³³

Except for the measures that specifically refer to the ONA, these measures also applied to the SHUK, please refer to section 9.4.3 for more information.

4.4.1.4. Staff training

As of 31 December 2020, the ONA was composed of 149 agents. The acquisition and development of competences are essential for the ONA's staff, particularly for people who are in direct contact with AIPs. In 2020, the ONA recruited 33 new staff members. Similarly to 2019, the main focus was to improve the recruitment process and develop the competencies of the ONA's agents.²³⁴

Between January and December 2020, ONA's staff participated in 86 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 organisation, human resources and finally on the receiving of clients.²³⁵

Further, the ONA regularly organised collective supervision sessions for caseworkers and other kinds of trainings.²³⁶ Trainings on the themes of trafficking of human beings and female genital mutilation also took place. Moreover, in the context of the pandemic, staff members received trainings on hygiene contents and on communicable and infectious diseases.²³⁷

4.5. Unaccompanied Minors

4.5.1. Statistical Trends of Unaccompanied Minors

In 2020, 47 unaccompanied minors (UAMs) introduced an application for international protection in Luxembourg, this number is slightly higher to the number of applications introduced during 2019 (36 minors). This increase can partly be explained by the fact that Luxembourg welcomed 12 UAMs from Greece as part of a relocation scheme, as well, that ten minors arrived to Luxembourg at the end of 2019 but only introduced an application in 2020. When these aspects are taken into consideration, the number of UAMs that arrived spontaneously to Luxembourg was lower than in previous years.²³⁸

In 2019, applicants mainly originated from Afghanistan, followed by Eritrea. In 2020, although Afghanistan (20) was the main country (one girl and nineteen boys, aged 11 to 17 years old), Syria (7) was the second largest (no girls and seven boys, aged between 13 and 17 years old).²³⁹

In 2020, 24 decisions were taken. Out of the 24 decisions, eight received the refugee status and two got subsidiary protection. Not all UAMs who received a decision had submitted their application in 2020 (some were before), and some UAMs who introduced an application in 2020 are still waiting for an answer.²⁴⁰

In the recommendations of its annual report 2020, the Defender of the Rights of children (*Ombudsman fir Kanner at Jugendlecher*, OKaJu – Previously known as ORK) particularly considered that, from a child's rights point of view, it is not acceptable that, for migrant children who have not started the international protection procedure, both child welfare and youth protection can declare themselves incompetent. OKaJu also recommended the introduction of a legal status for unaccompanied minors, whether they are seeking international protection or not. This status should be accompanied by clear rights, including the right to a guardian in the sense of the Civil Code (Article 389), and not only an ad hoc administrator who deals with the administrative procedure.²⁴¹

4.6. Special Attention Given to Vulnerabilities

4.6.1. The Screening and Identification of Vulnerabilities in AIPs

With the entering into force of the Law of 4 December 2019 establishing the ONA, the ONA took over the responsibility of a project from the OLAI on the detection of vulnerabilities. The project manager was assigned to the ONA's Health Unit which aims to deliver better care and adequate housing for vulnerable persons and/or in a precarious health situation.²⁴²

Moreover, a mechanism for the screening and identification of vulnerabilities was discussed and developed between relevant stakeholders. The idea is to have common identification procedures and tools for identifying vulnerable AIPs applied within the entire network and throughout the entire procedure.²⁴³ This mechanism strengthens the policy on providing specialised care to vulnerable groups in the international protection procedure by creating a special tool for detecting vulnerabilities. It will be launched as a pilot project and evaluated to be adapted accordingly afterwards.²⁴⁴

4.6.2. Mental Health Project

A mental health project was launched in 2019 by the Directorate of Health but only became operational in 2020. The project provided the possibility for temporarily

accommodating AIPs affected by a mental health disorder in a structure managed by the “Liewen Dobaussen” or the “Ligue d’hygiene mentale”. AIPs with psychological disorders and with an existing medical diagnosis were provided with accommodation and a medical follow-up. In total 12 beds were available for AIPs within the two structures. The objective and driver of change for the implementation of this project is to provide AIPs with mental health disorders a better service and medical follow-up.²⁴⁵

4.7. Debate

The main points of the debate of international protection concerned Dublin transfers in the context of the Covid 19 crisis, family reunification of BPIs, house arrest at the SHUK of AIPs likely to be transferred to another Member State under the framework of the Dublin III Regulation and the discussion on the introduction and registration of applications for international protection.

On 11 August 2020, the LFR published a press release called: “Cases of violations of fundamental rights during the submission of asylum applications in Luxembourg”.²⁴⁶ The LFR expressed concern about testimonies of AIPs who found themselves discouraged or intimidated when applying for international protection at the Directorate of Immigration. According to the LFR, this situation took on particular importance in the current health context.

Moreover, the LFR expressed also concerns about the non-respect of the presumption of minority and cases of disproportionate searches in relation to the registration of an application for international protection. In addition, the LFR stated that they were shocked that vulnerable people were put out on the streets after being told that their request was inadmissible.²⁴⁷

The Minister of Immigration and Asylum rejected the accusations. First of all, the Minister highlighted the fact that the first-time reception officers (primo-accueil) of the Directorate of Immigration are regularly confronted with a difficult public, sometimes requiring the intervention of security agents. In addition, the health crisis did not have

any repercussions on the possibility of applying for international protection in the Grand Duchy of Luxembourg.²⁴⁸ The first-time reception service, in charge of opening requests, was open throughout the period of the state of crisis. In addition, the Directorate of Immigration extended all expiring certificates of filing an application for international protection for the duration of the state of crisis. Due to technical problems linked to the “Eurodac” system, no application for international protection could be registered between 29 June and 9 July 2020. Applicants therefore had to return to register their application. During this time, they were housed and supervised by the ONA.²⁴⁹

The Minister drew attention to the fact that while the number of people falling under the scope of the Dublin Regulation remains constant, many people who already have international protection and a residence permit in another Member State come to the Directorate of the Immigration to submit a new application. It should be remembered that these people already benefit from social and material assistance in another Member State, or even already work there, and therefore can travel freely in the Schengen Area like any other citizen of the EU. If, however, the person concerned maintains their wish to submit a new request, the authorities register the latter while taking a decision of inadmissibility as soon as possible, which in no way amounts to a refusal to register the request. Once their request has been declared inadmissible, these people are no longer entitled to reception assistance. That being said, if necessary, those concerned are redirected to other support and housing services that exist regardless of the person's origin or status.²⁵⁰

Concerning the accusations on the presumption of minority, the Minister reiterated their obligation to protect actual minors in homes and schools. It is necessary to prevent adults from being placed among children, that is to say adults who fraudulently attempt to benefit from advantageous provisions which would otherwise not be granted to them. As a reminder, in 2019, 64 people tried to impersonate minors, and 40 people in 2018.²⁵¹

Moreover, on 31 July 2020 the Déi Lénk Party had raised similar concerns.²⁵² According to the Minister of Immigration and Asylum, since all third-country nationals are free to introduce an application for international protection, no criteria for refusing the registration of an application for international protection exists. Depending on the information collected by the agent of the Directorate of Immigration during the registration process, the most relevant information linked to the individual situation of the person is explained to them, in-person, with the presence of an interpreter. This is in accordance with Article 11 of the Asylum Law. Administrative agents therefore have a legal obligation to inform a person on situations in which either a decision of incompetence or a decision of inadmissibility is made and whether they are eligible so that the procedure continues in Luxembourg. However, if a person still decides to file a request for international protection after receiving the information based on their individual situation, they may do so. In practice, most people decide not to file an application after receiving the relevant information.²⁵³

The Minister of Immigration and Asylum also excluded the possibility that officials encouraged AIPs to withdraw their request.²⁵⁴ The Minister then drew attention to the fact that police officers must follow strict procedures established in the Asylum Law²⁵⁵ in order to avoid a systematization of body searches and to reduce it to the strict necessary.

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.

4.8. Malta Declaration²⁵⁶

Seven people were relocated under the Malta Declaration as part of ad hoc relocations, the main countries of origin of these people were the Ivory Coast, Syria and Mali.²⁵⁷

4.9. Relocations from Greece

The Covid-19 pandemic put a lot of stress on the refugee camps in the Greek Islands; however, local populations in Europe were resistant to the idea of

evacuating these camps. According to the Luxembourgish Minister of Immigration and Asylum, the evacuation of these camps would in no way trigger a new migration wave. In this manner, the Minister proposed that the EU help alleviate the pressure on these camps by welcoming 30 000 refugees, or at least shelter 5 000 UAMs. The latter would be achieved through a distribution plan of ten children per 500 000 inhabitants spread across the 27 EU Member States. Neither the Council of Europe nor the European Commission reacted to this proposal with concrete actions. Luxembourg therefore entered into direct collaboration with the Greek Government and the UNHCR.²⁵⁸

In this context the LFR also wrote an open letter to the President of the European Commission, the President of the European Parliament, the President of the European Council, the President of the Council of Ministers of the European Union and to the Ministers of Foreign Affairs of the Member States of the EU asking that the most vulnerable refugees are moved to safe accommodation on the Greek mainland or transferred to other European countries. They also demanded that relocations from overpopulated and unsanitary camps take place as quickly as possible so as not to create a new contamination hub of Covid-19.²⁵⁹

In accordance with the EU Commission's Action Plan for immediate measures to support Greece, Luxembourg received 12 unaccompanied minors²⁶⁰ (UAMs) - eleven boys and one girl.²⁶¹ The children, aged between 11 and 15 and of Afghan and Syrian origin, arrived in Luxembourg on 15 April 2020.²⁶² 93% of UAMs in the Greek camps were boys, which explains the greater number of boys than girls that were transferred to Luxembourg. Moreover, 90 % of the UAMS in the camps are older than 14.²⁶³

The minors were hosted in an accommodation structure, dedicated to unaccompanied minors, managed by Caritas in order to permit effective isolation/quarantine measures.²⁶⁴ The relocation was implemented in close coordination and cooperation with the Greek authorities, the United Nations Refugee Agency (UNHCR) and the International Organisation for Migration (IOM).²⁶⁵ Nonetheless, coordination issues and the Covid-

19 pandemic delayed the transfer of minors to Luxembourg.²⁶⁶

The Moria Camp Fire

Following the fire that occurred in the Moria camp on the Greek island of Lesbos at the beginning of September, the Minister of Immigration and Asylum announced that Luxembourg would stand ready to participate in solidarity efforts at the European level by initially welcoming around 15 refugees from Moria camp in order to alleviate the precarious situation in the overcrowded refugee camps in Greece. The Minister stated that Member States could help by engaging in relocation efforts.²⁶⁷ On 29 September 2020, one family of five persons (three children) was relocated from the Moria refugee camp. They are of Afghan origin, with children aged 10, 8 and 7. A second family of four persons (children aged 9 and 7) of Afghan origin, was relocated to Luxembourg on 30 November 2020. Moreover, four UAMs from the Moria camp, are also expected to be welcomed to Luxembourg in January 2021.²⁶⁸ These relocations are part of the broader Luxembourgish policy to support Greece in the context of the migration crisis that Greece has faced for several months, in particular in the face of the spread of COVID-19 in overcrowded refugee camps.²⁶⁹

4.10. Resettlement

The health crisis severely disrupted international solidarity activities in 2020. Member States, the UNHCR and the IOM suspended all resettlement operations between March and June 2020 because of the pandemic.

As a consequence, the European Commission's recommendation of 23 September 2020 changed the initial 2020 resettlement programme which foresaw to resettle 30 000 people during the period 2020-2021. In this context, Luxembourg committed to resettle 50 people.

On 16 October 2020, the Minister of Immigration and Asylum welcomed 14 refugees (12 adults and two children) to Luxembourg as part of a call launched by the European Commission in 2017.²⁷⁰ The transfer of the 14 persons, initially scheduled for the end of 2019, had to be reported to 2020, due to medical reasons and the COVID situation.

Originally from Somalia and Eritrea, the refugees were evacuated from Libya under the Emergency Transit Mechanism (ETM) from Niger.²⁷¹

4.10.1. Debate

In 2020, the Minister of Immigration and Asylum reiterated Luxembourg's position on relocation schemes on several occasions - highlighting the need for greater EU solidarity.²⁷² In this context, the new Pact on Migration and Asylum was also mentioned as an opportunity for creating greater solidarity since its publication.

The New Pact on Migration and Asylum, and EU Solidarity

On 23 September 2020, the European Commission proposed the new Pact on Migration and Asylum.²⁷³ It covers many different elements for creating a common European approach to migration. Notably, it proposes the principles for a fair sharing of responsibility and solidarity.

On 8 October 2020, the Minister of Foreign and European Affairs asserted that the Pact represents a basis for future negotiations. Underlining that: "In the coming months, we must assume our responsibilities and agree on a common European migration policy worthy of its name", adding that, in the absence of an agreement on fundamental reforms, the Moria tragedy risks reproducing itself in other Member States at the EU external borders.²⁷⁴ As for the concept of "flexible solidarity", the Minister warned against a situation characterized by the fact that it is always the same Member States which welcome people requesting international protection. "In the long term, such a situation is not sustainable," noted Jean Asselborn. The Minister insisted on the need for the Commission to introduce a compulsory relocation system if commitment is lacking.²⁷⁵

On request of the Christian Social People's Party (CSV) a Parliamentary debate (*heure d'actualité*) took place on 15 October 2020,²⁷⁶ in which the new Pact on Migration and Asylum was the topic of focus. In principle the CSV expressed their support for the Pact, highlighting that it is a global approach to migration and built on a consensus among Member States. Moreover, it was stressed that EU solidarity is key but that the proposed three-fold

approach to solidarity for frontier States (relocation, return sponsorship and material support) will be ineffective if there is no mechanism to enforce or monitor the approach. The Party also claimed that this might be one of the last chances to build a consensus among all Member States.

According to the Democratic Party (DP), Luxembourg is one of the few Member States that are actively trying to move migration and asylum policies forward. Similarly to the CSV, they expressed their support for the Pact whilst acknowledging that it is ambitious in its scope and that its implementation will have to be monitored.²⁷⁷

The Pact was met with some pessimism from the Luxembourg Socialist Workers' Party (LSAP), particularly with regard to the concept of solidarity. In their opinion, the current ad-hoc approach to finding solutions in the EU must be replaced by more durable and solidary solutions. In their view, the Pact will not change the current situation in which only a few Member States welcome refugees (in the context of relocations). Moreover, the LSAP mentioned that 'flexible solidarity' in the context of returns is not helpful.²⁷⁸

The Green Party (Déi Gréng) highlighted that a catastrophe like the Moria fire can never happen again. The Pact is not perfect but provides an alternative solution to Member States who do not receive asylum seekers by sponsoring returns. In the Green Party's view, this a "perversion of the notion of solidarity" as it refers to a financial solidarity among Member States and not towards people in need.²⁷⁹

The Alternative Democratic Reform Party (ADR) stated that a compulsory relocation scheme is not realistic since many Member States no longer want to discuss such a compulsory scheme. What could be implemented are the more stringent elements, such as stronger protection of the external borders and protection zones at the external borders (to help closer to the conflict zones).²⁸⁰

In contrast, the Left Party (Déi Lénk), stated that the current model of the asylum system (i.e. the

protection of external borders) is not adequate enough, and to strengthen this approach by enforcing the protection at the external borders would worsen the situation. They call for greater solidarity towards asylum seekers and people in need, noting that the EU is in need of more solidarity in other policy areas (for example: labour and housing policies).²⁸¹

Lastly, the Pirate Party Luxembourg (Piratepartei) agreed that there is a need for greater collaboration among Member States but that the Pact's proposals consist in a common return policy. Subsequently, the Party is sceptical of the idea of sponsored returns and stated that the Pact doesn't take into consideration the fact that some people have no other choice than to migrate irregularly and therefore the issue of irregular migrants is not addressed properly.²⁸²

The debate ended with the Minister of Immigration and Asylum's statement in which he stated that a different approach to the one proposed in 2015/2016 and solution is therefore necessary (please refer to EMN Luxembourg's Policy Reports on Migration and Asylum of 2015 and 2016).²⁸³ Effective solidarity is the key for creating better management of migration. The Minister then reiterated that there is a need for a mandatory relocation scheme clause in the Pact in case the proposal does not work, especially to avoid the creation of large camps at the borders of frontier Member States. It was also mentioned that returns should be part of the EU asylum policy.

Moreover, in a declaration on Foreign and European Affairs made by the Minister of Foreign and European Affairs on 11 November, it was stated that: "Luxembourg alone cannot solve the problem of the Schengen system. We therefore need an EU dimension. Luxembourg will continue its commitment to ensure that we have an obligatory system of solidarity and in particular that in the last instance the European Commission can propose mandatory relocation figures".²⁸⁴ In this regard, the Minister views the Pact on Migration and Asylum as an opportunity to elaborate a more humane EU migration policy and that Luxembourg will continue to support the establishment of a compulsory

solidarity mechanism, in opposition to a “solidarity à la carte” or a “one-sided solidarity”.²⁸⁵

5. MINORS IN MIGRATION

5.1. Legislative Developments

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

On 24 November 2020, the Grand Ducal Regulation of 4 November 2020 relating to the composition and functioning of the Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors in return decisions (hereinafter the UAM Commission), came into force.²⁸⁶

5.1.2. Changes to the ORK

On 18 April 2020, the Law of 1 April 2020 establishing the OKaJu came into force.²⁸⁷ The OKaJu replaced the Ombuds-Committee for the Rights of the Child (ORK), which was founded 18 years ago. The rights of the child will no longer be borne by a committee, but by a person. The function of the defender of the rights of the child is given greater independence and enhanced by being attached to the Parliament. The new Ombudsman will report to the Parliament and their opinion will be requested on each Bill and Grand-Ducal regulation that has an impact on children and young people.

The children's ombudsperson will have their own administration and a budget will be allocated to them. The Ombudsman will also be appointed for a single term of eight years, as opposed to a term of five years, renewable once. Any child who considers that their fundamental rights have been violated can also appeal to the Ombudsman. These changes are in line with the Government's intention to create a dedicated entity to the best interests of the child.²⁸⁸

5.1.2.1. Annual Report of the Ombuds-Committee for the Rights of the Child (ORK)

OKaJu (previously known as ORK) has to "present to the Government and the Chamber of Deputies an annual report on the situation of the rights of the child as well as on its own activities".²⁸⁹ The 2020

report takes stock of eight years in the mandate of the OKaJu. In the light of the concept of the best interests of the child, the report reviews the themes that OKaJu addressed since 2013 and tries to measure the impact of the observations and recommendations made. In this context, a dedicated chapter to children in migration called “Children on the Move, Les enfants migrants” was published.²⁹⁰

In their 2013 report, the ORK (now OKaJu), advocated for a more flexible approach to ‘children on the move’ that takes into consideration the diversity of reasons for why a child might migrate, further recommending the Government to listen to children and to take into consideration their opinions and perspective to guarantee that a decision taken in their regard would be in their best interest.²⁹¹

6. OTHER VULNERABLE GROUPS

6.1. Victims of Human Trafficking

6.1.1. Statistical Trends

In 2020, five male third-country nationals were identified as victims of human trafficking (VHT) in Luxembourg and five people were suspected VHTs, of which two were female and three male. In 2019, one third-country national was identified and twelve were suspected VHTs in Luxembourg, of which seven were women and five were men.²⁹²

Similarly to 2018 and 2019, labour exploitation was the biggest category for VHTs.²⁹³ The five identified men were victims of labour exploitation, four of the suspected victims were also in this category. Lastly, one woman was suspected of sexual exploitation. In 2020, all the individuals identified and suspected of being VHTs were over the age of 18 and originated from the following countries: Portugal, Pakistan and China. In 2019, all were also over the age of 18, however the main countries of origin differed (China (2), Nigeria, Brazil, Algeria, Senegal, Indonesia, Morocco, Angola, Congo, Cameroun and Ethiopia).²⁹⁴

Two requests for a residence permit based on the Directive 2004/81/EC were lodged in 2020, one was granted. The low numbers can be explained by the

fact that the victims were mainly EU citizens.²⁹⁵ Further, five people were arrested or involved in criminal proceedings related to human trafficking. Out of the five people, two were convicted in 2020. In 2019, nine people were arrested or involved in criminal proceedings. Eight were convicted (4 in first instance and four in appeal).²⁹⁶

6.1.2. Legislative Developments

6.1.2.1. The composition, the organisation and the functioning of the Monitoring Committee on the Fight Against the Trafficking in Human Beings (*Comité de suivi de la lutte contre la traite des êtres humains*)

The Grand Ducal Regulation of 19 August 2020²⁹⁷ amended the composition of the Monitoring Committee on the Fight against the Trafficking in Human Beings (hereafter Monitoring Committee) in order to take into account the amendments introduced by the Law of 4 December 2019 on the creation of the ONA - substituting OLAI for ONA. It also includes a new member: the Victim Assistance Department of the Central Social Assistance Service (*Service d'aide aux victimes du Service central d'assistance sociale* - SCAS) was added to the Monitoring Committee.²⁹⁸

6.1.2.2. Bill n°7682

The Bill proposes to amend Article 95 (2) of the Immigration Law by clarifying that residence permits delivered to VHTs are renewable, on each occasion for a period of six months, for the duration of judicial proceedings.²⁹⁹ The driver of change is to strengthen the protection of victims and to clarify until when the residence permit can be renewed.

6.1.2.3. Law of 15 December 2020 amending the amended Law of 10 August 1991 on the legal profession³⁰⁰

On 21 December 2020, the Law of 15 December 2020³⁰¹ amending the amended Law of 10 August 1991 on the legal profession and transposing the Directive (EU) 2016/1919 and the Directive 2012/29 /EU came into force. Preceding this Law, only civil cases were mentioned in the legislation and not criminal cases. Nevertheless, all victims and alleged victims received legal aid on the basis of an agreement between lawyers and the Ministry of

Justice. This Law formalized the agreement.³⁰² The drivers of change are the transpositions of the EU Directives and the formalization of a practice.³⁰³

6.1.2.4. The Law of 15 December 2020 approving the Protocol P029 to the Forced Labour Convention.³⁰⁴

The ratification of the Protocol P029 to the Forced Labour Convention did not lead to any changes in Luxembourg's current legal provisions.³⁰⁵ However it requires the Government to take measures to better protect workers, particularly migrant workers, from fraudulent and abusive recruitment practices and emphasizes the role of employers and workers in combating forced labour. With this ratification, the Government followed up on the demand of the CCDH to ratify this Convention, for more information please refer to Luxembourg's EMN Annual Report 2019.³⁰⁶

6.1.3. Strategic Policy Developments

6.1.3.1. E-Evidence

On 17 January 2020, the Ministers of Justice and Internal Security recognized the impact that the internet and social media have had on organized crime, especially when it comes to trafficking in human beings. As a result, it acknowledges that the national legislation must be adapted and broadened to allow investigators to work more efficiently when dealing with new technologies and their role in major criminal phenomena.³⁰⁷ Reflection exercises on how to improve the tools for cooperation in this area, were launched under the Luxembourg and Dutch presidencies of the Council of the European Union in late 2015 / early 2016 and resulted in the proposal of legal texts under the "e-evidence package".³⁰⁸

These new instruments, a directive and a regulation, are currently being negotiated at the EU level. They represent a major step forward in that they can be interpreted as a fundamental change in the way in which cross-border cooperation in criminal matters is carried out. The mutual trust on which the regulation will be based will allow the authorities to conduct more effective and faster investigations and therefore reduce the number of unpunished persons.³⁰⁹

In addition, in relation to cybercrime and e-evidence, the Government of Luxembourg recommends participating in specialized international trainings to increase knowledge in the field of investigative services, in particular through the European Police College (CEPOL).³¹⁰ The objective is to strengthen investigations by using new technologies and the driver of change is the recognition that cybercrime and e-evidence in the area of human trafficking is an increasingly worrying topic. These developments will affect investigations in human trafficking cases.

6.1.3.2. The National Action Plan on Human Trafficking

Luxembourg's Monitoring Committee³¹¹ chaired by the Ministry of Justice aims to strengthen national and international efforts in the field of human trafficking. The Committee is elaborating a second National Action Plan on Human Trafficking.³¹² A consultation with all Ministries confronted with the issue of human trafficking will lead to an efficient and coordinated fight against this phenomenon.³¹³

6.1.3.3. International Report Trafficking in Persons (TIP)

On 2 July 2020, the Minister of Justice received the Deputy Chief of Mission of the U.S Embassy at the Ministry. During this meeting, the Deputy Chief of Mission officially handed the International Report on Trafficking in Persons (TIP) evaluating Luxembourg's efforts on fighting human trafficking in which Luxembourg maintained its place in the 1st tier.³¹⁴

This meeting was also an opportunity to talk about the 2020-2021 Action Plan to fight against human trafficking. It is based on the evaluation in the framework of the TIP report which gives recommendations on how to effectively fight human trafficking.³¹⁵ The sub-group 'Legislation' of the Monitoring Committee will use, among others, the recommendations of the TIP report to make conclusions for the new National Action Plan on Human Trafficking.³¹⁶

6.1.4. The strengthening of Support and Assistance Services

6.1.4.1. INFOTRAITE Common Space

A new common space called "INFOTRAITE" aimed at assisting VHTs by the two approved and funded assistance services for VHTs (the Support Service for Victims of Trafficking in Human Beings (SAVTEH) of "Femmes en détresse" and the Ozanam centre (COTEH) "Fondation Maison de la Porte ouverte") by the Ministry of Equality between Women and Men was set-up in 2020.³¹⁷

Since 20 November 2020, the SAVTEH and the COTEH, have been working under the common name: INFOTRAITE. Either VHTs come to their offices or they visit where the person in question is staying.³¹⁸ The new "INFOTRAITE" assistance area opens the way for better coordination of the assistance services, increases the visibility accessibility of their services, and offers more consistent care of victims. Through this union of forces, the Ministry of Justice, the Ministry of Equality between Women and Men and their partners are strengthening the prevention component.

6.1.4.2. New reception Centre for Victims of Human Trafficking

In 2020, the Ministry of Equality between Women and Men reinforced the reception of victims of trafficking by providing an additional reception structure through its approved partner, Caritas.³¹⁹ This is a practice that strengthens the policy to provide VHTs with improved assistance.

6.1.4.3. European Crime Prevention Network Awareness Raising Campaign

As reported in Luxembourg's EMN Annual Report 2019,³²⁰ together with 23 other Member States, Luxembourg joined the European Crime Prevention Network (EUCPN) initiative to launch a prevention campaign against trafficking in human beings. In relation to this campaign, the Ministry of Justice expressed concerns about keeping contact with VHTs and reaching out to potential VHTs during the lockdown.³²¹ At the beginning of the lockdown, early March 2020, a pop-up window on the dedicated website

(www.stoptraite.lu), as well as, specific Facebook posts were created and are still active to further reach out to VHTs during and after the lockdown informing and reassuring potential victims that being confined or locked up does not prevent them from fleeing and asking for help. The assistance services, COTEH and SAVTEH, continued to be reachable, to work and assist them despite the pandemic.³²² In the same way, the Ministry of Equality between Women and Men, together with five of their approved and funded NGO partners, launched a hotline for victims (women and men) of domestic violence in April 2020 that could also be used by VHTs, who were redirected to the assistance services: SAVTEH and COTEH.³²³ Lastly on 14 December 2020, posters were put at the newly instated tram stations next to the Luxembourg City's train station. The tram stations are a novelty in Luxembourg and a strategic location to raise awareness on VHTs and provide information to them.³²⁴

6.1.5. Identification of victims

6.1.5.1. Information aimed at Foreigners at Risk of Being Exploited

A leaflet for potential VHTs was finalized in 2020. It contains information in 15 languages (including Arabic, Chinese, Albanian, Tigrinya etc.) and in the form of pictograms. It was widely distributed. The contact information can be removed discreetly from the leaflet and is aimed at foreigners, especially foreign workers most at risk of being exploited. The Police and the ITM recognised this leaflet as being valuable to their work in detecting victims of labour exploitation.³²⁵ The aim is to reach-out to as many VHTs or potential VHTs as possible in a discreet manner.

6.1.5.2. Trainings and awareness raising in identifying and supporting victims³²⁶

Due to the pandemic, trainings could not be held as usual. The Monitoring Committee developed an online training course together with the National Institute for Public Administration (INAP), in charge of training State and municipal staff. The idea is to create different online courses, adapted to the needs of the different target groups.³²⁷

In-depth trainings

Before the state of crisis was declared, the Directorate of Immigration took part in an in-depth training, hosted by the INAP.³²⁸ Moreover, the staff of the ONA³²⁹ and the Detention Centre also followed the training provided to the INAP in the area of trafficking and will continue to train the persons concerned on the matter.³³⁰ The ONA and the ITM further requested more focused trainings.³³¹

Trainings organized by the Ministry of Equality between Women and Men canceled in 2020 due to Covid-19

The Ministry of Equality between Women and Men also usually finances and organizes three in-depth trainings per year carried out by the above-mentioned Director of Sürya - independently of the INAP trainings. They are open to civil society and to local actors on the ground that are not agents of the State. In-depth training sessions planned for Caritas, the Red-Cross and the Association for the Support of Immigrant Workers (ASTI) in 2020 were canceled due to the pandemic.³³²

Inspectorate of Labour and Mines Trainings

Between 1 January and 11 March 2020, five labour inspectors³³³ participated in the training "Trafficking in human beings" which was organized by the INAP.³³⁴ The other trainings planned for 2020 were canceled because of the pandemic. For 2021, trainings on trafficking in human beings at the ITM, are planned together with the taskforce on demand.³³⁵ Measures to train more labour inspectors in the area of human trafficking will make it possible to identify more situations of human trafficking within the framework of ITM controls.³³⁶

Participation in online Trainings, Webinars and Conferences organized during the pandemic on human trafficking

During 2020, Governmental staff participated in several international online events so as to respect the measures in place to fight against Covid-19.³³⁷ For example, a series of three online trainings organized by the Federal Bureau of Investigation's (FBI) Washington Field Office and the FBI HQ's Crimes Against Children & Human Trafficking Unit, took place starting on 5 November 2020.

6.1.6. Cooperation with Benelux States

Luxembourg has more and more cases of presumed VHTs who are detected in Luxembourg, but who claim to be exploited in another European country or even in a third country. National legislation normally requires a link to a national criminal proceeding and therefore, only VHTs exploited in Luxembourg may receive assistance. All of those presumed VHTs have nevertheless been taken care of by the Luxemburgish assistance services and a case-by-case approach is applied.

This concern was first raised in 2019 and continued to be discussed throughout 2020 within the relevant working group “Trafficking of human beings” in which the Ministry of Justice and the Ministry of Equality between Women and Men are represented at the Benelux level in order to compare how other countries are dealing with similar situations and what should be done in order to address these specific situations.³³⁸ Moreover, several meetings took place in 2020 in the framework of the Benelux cooperation in which human trafficking was discussed.³³⁹ The topics discussed covered the above-mentioned issue, the finalization of a Benelux brochure on the three national referral mechanisms, and best practices concerning the regulation of clients soliciting the services of sex workers and the 2021 annual plan.³⁴⁰

6.1.7. Debate

6.1.7.1. The role of the Inspectorate of Labour and Mines in the fight against human trafficking

The discussions from 2019 on the role and scope of the ITM in human trafficking cases continued in 2020. For more information, please refer to EMN Luxembourg’s Annual Report on Migration and Asylum 2019.³⁴¹ Cooperation between the various institutions (Police, Customs etc.) to combat trafficking of human beings must function not only at the strategic level but also operationally. Joint inspections between the Grand Ducal Police and the ITM took place in November 2019, as well as, on 4 July 2020 in Vianden. As trafficking cases do not fall under the scope of the ITM’s monitoring, the ITM do not compile statistics on this issue even though they are confronted with VHTs on the

ground. Almost all victims are detected by the Police, consequently, the available data provides an underestimation of the issue.³⁴² The Minister for Internal Security also stated that the general legal framework and sanctions must be adjusted in order to allow for a more effective prosecution against trafficking in human beings. An inter-ministerial working group is currently exploring possible amendments.³⁴³

6.2. Irregular Migrants

The Covid-19 health crisis highlighted the precarious living situation of irregular migrants in Luxembourg. In recognition of this a number of measures were taken to support this population and to strengthen the policy to fight against the spread of Covid-19. Irregular migrants were granted access to healthcare, social grocery shops and emergency shelters, usually irregular migrants do not have access to such services. For more information on the topic, please refer to EMN Luxembourg’s study: “Responses to long-term irregularly staying migrants: practices and challenges in Luxembourg”, published in 2020.³⁴⁴

6.2.1. Access to Services

Healthcare

The situation of illegally staying migrants in Luxembourg, in the context of the Covid-19 pandemic was brought to light by civil society. On 3 April 2020, the LFR sent a letter to the Ministry of Health asking about the “absence of risk of administrative prosecution due to the absence of valid documents”.³⁴⁵

The Prime Minister, the Minister of Immigration and Asylum, the Minister of Health and the Minister of Justice announced that irregularly staying migrants would have access to healthcare, free of charge and without being issued a return order or being placed in detention during the pandemic. This guarantee was granted in order to overcome any psychological barriers that these people may face when seeking medical care. They were informed by civil society organizations in contact with third-country nationals in an irregular situation.³⁴⁶

Moreover, the Minister of Health indicated at a press conference that people presenting symptoms of Covid-19 could access advanced health care centres, regardless of their social security coverage, which also applied to foreign nationals whose right to stay was coming to an end and to irregularly staying migrants. All healthcare professionals in advanced care centres were duly informed. Translators from the Red Cross were also available by telephone to ensure good communication between the health workers and the patient.³⁴⁷

Social grocery shops

Several NGOs began pleading with the Government to provide access to the social grocery stores to irregular migrants at the beginning of the pandemic. The Ministry of Family Affairs, Integration and the Greater Region was also highly aware of the precarious situation of irregularly staying migrants during the pandemic. Therefore, since 15 April 2020, the Ministry granted irregularly staying migrants access to social grocery shops. They were able to benefit from food aid through the Social Welfare Offices and partner organisations to the social grocery shops by enrolling anonymously.³⁴⁸

On 5 November 2020, ASTI relaunched a second call for donations reiterating that without a residence permit in Luxembourg, undocumented migrants are not entitled to any assistance, often without social security coverage. ASTI continued throughout 2020 to receive calls for food aid as people struggle to find a job that allows them to earn enough money to support their families.³⁴⁹

Emergency shelters

The Wanteraktioun (WAK), a homeless shelter aimed at giving 24 hours of refuge to people without a home during periods of extreme cold is normally open from 1 December to 31 March. Due to the pandemic, the shelter was open until 30 June 2020 and open to irregular migrants,³⁵⁰ free face masks and the cleaning of dirty masks were also offered.³⁵¹ People released from the detention centre were able to stay at the shelter, shower and

were provided with breakfast during the state of crisis.³⁵²

Further, in order to limit the coming and going of people, lunch and medical services were also offered on site. Adequate disinfectant measures and social distancing were also implemented.³⁵³ On 28 October, the Ministry of Family Affairs, Integration and the Greater Region further informed the public that the WAK would open prematurely so as to help people without a fixed domicile to respect the curfew measures – implemented to fight against Covid-19.³⁵⁴

6.2.2. Debate

6.2.2.1. Advocating for regularization of irregular migrants

The opposition party, Déi Lénk, asked in a Parliamentary question if the Government intended for a general regularization of irregular migrants, especially concerning released detainees. The Minister in charge of Immigration replied that a general regularization of detained irregular migrants was not foreseen but that he was open to analyse individual situations.³⁵⁵ However, the regularization of individuals who obtained a return decision and a ban on entry into the territory was not foreseen.³⁵⁶

Médecins du Monde,³⁵⁷ CLAE, and ASTI advocated for a general regularization and universal healthcare.³⁵⁸ In light of the pandemic and its impact on irregular migrants, ASTI pleaded that the Government initiate a general regularization.³⁵⁹

CLAE presented the decisions taken during the last general assembly to the public in which they advocated for:

- A new regularization campaign.
- A universal healthcare coverage system.
- The respect of the right to international protection and decent living conditions for AIPs.³⁶⁰

The reasoning behind these demands is that the sanitary crisis, along with the lockdown measures, particularly affected persons in an irregular administrative situation, who are people that are not normally covered by health insurance.³⁶¹

6.3. Victims of a Forced Marriage

The Law of 20 July 2018 approving the Council of Europe Convention on preventing and combating violence against women and domestic violence amended the Immigration Law by giving the possibility to third-country nationals, victims of a forced marriage and forced to leave the territory, to recover their residence permit through a simplified procedure. The conditions and modalities relating to the recovery of this residence permit are stipulated in the Grand Ducal Regulation of 11 March 2020, which entered into force on 29 June 2020.³⁶²

7. INTEGRATION

7.1. Legislative Developments

7.1.1. The law of 4 December 2019 establishing the ONA and amending the Integration Law.

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. The Law came into force on 1 January 2020,³⁶³ please refer to section 4.2 and the EMN Luxembourg's Annual Report on Migration and Asylum 2019.³⁶⁴

The Integration Department, set up following this law, covers several areas of action:

- Coordination of the interministerial integration committee.
- Integration projects.
- Integration programs.
- Municipal and regional integration.
- A unit dedicated to studies and consultations with external actors.
- Communication.

The adoption of the new Law was the starting point for a number of activities and new collaborations that took place under the Integration Department. At the end of 2020, the Integration Department had a team of 24 people.³⁶⁵

7.1.2. Changes to the national budget

The national budget for all matters under the Integration Department increased by 20,6 % in 2020.³⁶⁶ Moreover, the budget for State

participation in the costs for the functioning of associations working in the field of integration increased by 14%.³⁶⁷

With the creation of the Integration Department new positions were created throughout 2020. The increase in the budget is a testament to the willingness of the Gouvernement to revalue the field of integration and give it more visibility. Due to Covid-19, however, the budget for 2021 has been hampered.³⁶⁸

In addition, the budget for State participation in the creation of European projects within the framework of the integration of foreigners, the fight against discrimination, as well as, within the framework of the European Social Fund and the Asylum, Migration and Integration Fund was € 100 000 in 2020.³⁶⁹ This budget was used for the Luxembourg Institute of Socio-Economic Research (LISER) and EcoTransFaire studies. The year 2020 was considered a transitional year (with regard to the Integration Department) so the budget was set at € 100 000. The amount under this article is expected to increase for 2021.³⁷⁰

7.1.3. Reform of the Law of 16 December 2008 on the integration of foreigners

The Minister of Family Affairs, Integration and the Greater Region pointed out that the expectations and needs in living together have evolved since 2008, subsequently the amended Law of 16 December 2008 on the integration of foreigners (hereinafter Integration Law) needs to be reformed. The idea is to adapt the legislative framework to the challenges of today and tomorrow's society.³⁷¹ The reform of the Integration Law is in line with the Gouvernement's Coalition Agreement 2018-2023 which states:

"The law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg, as well as, the related Grand Ducal Regulations will be reformed in order to allow the legal and regulatory framework to be adapted to the OLAI's current missions".³⁷²

In view of the reform of the law, the Minister of Family Affairs, Integration and the Greater Region

submitted a request to the Parliament to organise a consultation debate on the main orientations of a future integration policy in the beginning of the year 2021.³⁷³ On 26 October 2020 the Minister also launched a consultation with all key actors on the future of integration policies.³⁷⁴ The Minister therefore invited 125 associations active in the field of integration, municipalities, social partners and cross-border organizations to express their opinions on integration policies in Luxembourg. Furthermore four “focus groups” were organised in the beginning of 2021 which brought together the contributing actors in the presence of the Minister of Family and Integration – in accordance with the sanitary measures.³⁷⁵

Moreover, 102 municipalities were invited to consult with their respective Consultative Commission of Integration (*Commission consultative communale d'intégration* – CCCI) to give their feedback for the debate. To help the different actors structure their feedback, the Ministry asked a series of seven questions.³⁷⁶ With the agreement of the stakeholders, their answers and different opinions were made public on the website of the Ministry for Family and Integration and in the Greater Region. In total, 76 different opinions are publically available.³⁷⁷

Additionally, a study conducted with the Organisation for Economic Cooperation and Development (OECD) to examine the current Integration Law and to analyse the existing instruments in the international context started in April 2020. The main objective of the study is to formulate concrete policy recommendations for the revision of the Integration Law. In the course of the study, the OECD experts met with a number of key actors in the field of integration policy in virtual interviews, in order to benefit from their experience and to draw on their expertise and field experience.³⁷⁸

The details of the debate and the consultation will be discussed in detail in the EMN Luxembourg's Annual Report on Migration and Asylum 2021.

7.2. Interministerial Committee³⁷⁹ open to civil society

The first interministerial committee on integration open to civil society took place on 16 December 2020. The aim is to broaden the group and explore synergies between the different actors working on integration.³⁸⁰ The driver of change is the Gouvernement's Coalition Agreement. The idea is to organise the meetings around three presentations, one from the Integration Department, one from another ministry and one from civil society. The actors from civil society present were the ASTI, Caritas, the Centre for Intercultural and Social Studies and Training (CEFIS), CLAE and the Luxembourgish Red Cross. These meetings will take place four times per year.³⁸¹ Other activities of the Committee in 2020 consisted in the selection of projects under the 2020 call for projects and the preparations for the 2021 call for projects in the framework of Multi-Annual Integration Plan (Integration NAP).³⁸²

7.3. Multi-Annual Integration Plan - NAP (Plan d'Action National d'Intégration - PAN)³⁸³

The Integration Department³⁸⁴ of the Ministry of Family Affairs, Integration and the Greater Region is now in charge of coordinating integration policies, in order to implement the Integration NAP in close cooperation with different actors.³⁸⁵ The Integration NAP was continued in 2020, particularly through calls for projects and by developing the Guided Integration Trail (PIA)³⁸⁶ aimed at AIPs and BIPs, as well as the Reception and Integration Contract (CAI).³⁸⁷

7.3.1. Projects retained from the 2020 Integration NAP call for projects

Under the framework of the Integration NAP, call for projects 2020 was launched in 2019.³⁸⁸ 13 new projects selected from 58 projects, started in 2020. For more information on the call please refer to EMN Luxembourg's Annual Report on Migration and Asylum 2019.³⁸⁹

These projects amounted to € 730 000³⁹⁰ and were carried out by various actors such as associations, private or public establishments, training institutes

and research centres. The Covid-19 pandemic, however, delayed the timeline for these projects to start. Some projects were able to start in March whilst others were postponed until September 2020.³⁹¹ The projects retained for 2020, concerned research and studies on integration needs; initiatives to strengthen competencies in order to favour integration or to promote participation in social, political, cultural and economic life and awareness-raising on integration.³⁹²

7.3.2. Integration NAP Call for projects 2021

A call for projects was launched on 9 November 2020 (with the set deadline of 6 January 2021)³⁹³ as part of the implementation strategy of the Integration NAP.³⁹⁴ The 2019 call for projects was broad in its scope, the Integration Department therefore decided to change the approach by adapting the call to their main priorities. Moreover, the implementation time of the projects was extended from four months to nine months. Consequently, the 2021 call for projects was structured around two areas of intervention. One was focused on diversity and the fight against discrimination.³⁹⁵

Particular emphasis was placed on activities aimed at and involving young people directly, ensuring a social and cultural mix. In this context, the following were particularly targeted: projects promoting intercultural dialogue, diversity and the fight against prejudices and stereotypes; projects aimed at creating a debate and reflection on diversity and the fight against discrimination; pilot projects developing tools and support, particularly digital, in terms of information, prevention and awareness of discriminatory phenomena. For more information on this topic, please refer to section 7.11: Fight against racism, discrimination and awareness raising.³⁹⁶

The other area of intervention was focused on language learning and practice. Particular emphasis was placed on projects relating to the promotion and discovery of culture and heritage. In this context, the following were particularly targeted: projects promoting innovative approaches to learning and practicing the official languages of Luxembourg, especially Luxembourgish; innovative

projects at the local and / or regional level promoting participation and intercultural exchanges; projects aiming to highlight Luxembourg's culture and its heritage and to create exchanges around the knowledge, the enhancement and the transmission of a tangible and intangible heritage.³⁹⁷

Eligible project holders were non-profit associations, private bodies and companies, public institutions, professional chambers, public research centres and training institutes. The call provided for the funding of projects starting from an amount of € 25 000 per project. To those interested in the call, two online information sessions were organized in November.³⁹⁸

7.3.3. Welcome and Integration Contract ("Contrat d'accueil et d'intégration" - CAI)³⁹⁹ and The Guided Integration Trail (PIA)⁴⁰⁰

7.3.3.1. Trends

The CAI

Since the launch of the CAI, in total until December 2020, 9 632 contracts had been signed, of which 368 in 2020. 59 % of the signatories were women and 41% were men. In total, 76 different nationalities signed a CAI in 2020. The top nationalities of the people to sign were Indian (11%), Italian (8%), Portuguese (8%), Spanish (6%), Brazilian (5%), Romanian and Russian (4%).⁴⁰¹ 30 new people were recruited and trained to give civic courses in the framework of the CAI.⁴⁰²

The PIA⁴⁰³

According to the Department of Adult Education (SFA) of the Ministry of Education, Children and Youth, which provides the language training component of the PIA, 2 542 AIPs and BIPs followed the courses between September 2019 and September 2020 against 1 719 the previous year which represents an increase of 47,9%.

677 registrations were registered in IL1⁴⁰⁴ course against 748 the previous year, a decrease of 9,5 %. 1 865 were enrolled in IL2 courses,⁴⁰⁵ compared to 971 the previous year, representing an increase of 92,1 %. Of these 1 865 people, 674 were assigned to literacy classes and 1 191 to French courses as a foreign language.⁴⁰⁶ Six new trainers were trained

to give modules part of the PIA so as to increase the speed of the delivery of mentoring for AIPs.⁴⁰⁷

The high number of registrations in IL2 can be explained by an increase in the total number of students compared to the previous year and by the fact that people can take several sessions of IL2 courses in order to obtain the A1.1 in French.⁴⁰⁸ During lockdown, the SFA developed new educational tools and didactic material to allow IL courses to take place remotely. This improved the quality and diversity of resources used in IL courses in general, including the empowerment of the students. As of July 2020, blended learning courses were offered.⁴⁰⁹

7.3.3.2. Reviewing the PIA and CAI

The means of the PIA and the CAI were reinforced in 2020 so as to maintain the quality of services in view of higher number of participants in the future.⁴¹⁰ The 2019 and 2020 calls for projects under the Integration NAP allowed for the gathering of innovative approaches and content in order to put in place a more global integration programme of newly arrived migrants in Luxembourg.⁴¹¹ Consequently, the PIA and CAI were merged into one organizational unit in 2020, to achieve synergies in terms of administrative management and content.⁴¹² In this context, the Integration Department would like to change the approach of the CAI and the PIA.

The first step is to broaden the scope of modules offered under the CAI, for example by creating a comprehensive catalogue of modules. The topics included will be on a wide range of subjects such as how does recycling work in Luxembourg or how does volunteering work?⁴¹³

The PIA was initially organized in three phases, the last phase is specifically targeted at BIPs. In practice, a distinction between the different phases could not be made on the basis of a person's status, but rather on the basis of a person's level of knowledge and degree of autonomy. Based on these conclusions, the content and the organization of integration measures in the framework of PIA are the subject of an in-depth revision.⁴¹⁴

The Integration Department therefore suggests for the PIA I to remain as an introduction to living in Luxembourg. The PIA II would be integrated into the CAI, in which people could select modules that most interest them. The PIA III, would focus on labour integration in a similar framework with specific modules adapted to their needs (for example, taking into consideration past traumas).⁴¹⁵

7.3.3.3. Impact of Covid-19 on integration measures

Due to the fact that the implementation of integration measures, which in principle are characterized by in-person meetings, personal exchanges with participants and well attended events, the Covid-19 pandemic seriously compromised the application of the PIA and CAI in 2020. As a result, a number of services had to be postponed due to the sanitary measures in force.⁴¹⁶ In order to make them more accessible during the pandemic, certain services were digitalized. For example, the first online civic courses given in the context of the CAI took place in December 2020.

Moreover, individual meetings for the CAI have been taking place online since September 2020. However, for people who may not have access to the necessary technological equipment, in-person meetings are also possible. An online form was also devised for participants to contact the service to facilitate the processing of requests, as well as, the setting-up of appointments, registration for services and issuing vouchers for language courses at a reduced rate.⁴¹⁷ It is considered a major change as it opens-up a new way of working.⁴¹⁸

In addition, the orientation day of the CAI took place for the first time as a virtual event on October 24 2020. More than 500 CAI signatories participated in this virtual day, which was organized by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region.⁴¹⁹

7.4. Greater visibility given to integration measures

One of the priorities of the Integration Department in 2020 was to establish a communication service. The purpose of this service is to strengthen

communication with all external partners and to give more visibility to integration projects and actions, as well as to integration programmes.⁴²⁰

Consequently, several changes took place in 2020 to heighten the visibility of integration measures to foreigners:

- The Integration Department recruited a person to focus on communication and increase the visibility of their work.⁴²¹
- The Integration Department worked closely with the Guichet.lu platform to provide easily accessible information to residents in different languages (French, English and German).⁴²²
- The Integration Department also worked with the Ministry of the Economy on the 'Let's make it happen' initiative.⁴²³
- In order to ensure good visibility of the 13 projects selected under the 2019 Integration NAP call for projects and to promote the engagement of actors in the field, the Integration Department launched a new section on the website of the Ministry of Family Affairs, Integration and the Greater Region.⁴²⁴
- In the context of Covid-19, the Integration Department also prepared a toolbox on all relevant information and available flyers on Covid-19 to their partners to distribute across their networks as means to make information on the issue readily available.⁴²⁵
- With the team members of the Municipal and Regional Integration Unit, a leaflet intended for municipalities was created. It will be distributed to newcomers and provides information in a simple visual form, how they can participate in life in the municipality and on the concept of living together. Particular emphasis will be placed on political participation. The leaflet will be available at the end of the first quarter of 2021.⁴²⁶

7.5. Call for projects: the European AMIF 2014-2020 Fund

In June 2020, the ONA and the Integration Department of the Ministry of Family Affairs,

Integration and the Greater Region launched a call for projects⁴²⁷ within the framework of the European AMIF 2014-2020 Fund.⁴²⁸

This call aimed to fund projects in the following areas:

- Promotion of maternal and child health.
- Promotion of health and hygiene in communities living in accommodation facilities for AIPs.
- Carrying out studies and analysis of the integration needs of third-country nationals residing in Luxembourg.
- Conducting studies on the participation of third-country nationals in associative life in Luxembourg and on the role and characteristics of associations for a successful integration of third-country nationals in Luxembourg.⁴²⁹

Two studies were retained from the call. One will be conducted by the LISER called: "Participation in community life and integration of third-country nationals in Luxembourg"⁴³⁰ and the other "Identification and integration of nationals into the life of the country for better resilience and participation"⁴³¹ by EcoTransFaire, however, they will work very closely together on community life in Luxembourg and its impact on integration. The aim of these studies is to see what are the best practices and lessons learnt on how organisations and municipalities conduct outreach activities directed at foreigners.⁴³²

7.6. The National Council for Foreigners (CNE)⁴³³

A nomination⁴³⁴ process started in 2020 to replace the missing representatives of foreigners in the National Council for Foreigners (CNE).⁴³⁵ On 30 June 2020, the council's electorate associations were invited to propose effective and substitute members for the CNE.⁴³⁶ The organization of the CNE was scheduled to be a point of discussion during the debate on the reform of the Integration Law in 2021.⁴³⁷

Moreover, the CNE issued one opinion on 30 March 2020 on the Covid measures, applauding the Government's efforts in limiting the spread of the virus and conserving residents' wellbeing. For

example, the CNE saw the temporary suspension of visa renewal applications, residence cards for third-country nationals, as reassuring measures under such circumstances.⁴³⁸

7.7. The Migrant Integration Policy Index (MIPEX)⁴³⁹

The results of the MIPEX 2020 study were presented at a web conference on 16 November 2020.⁴⁴⁰ In comparison to 2015, Luxembourg scored higher going from 54/100 to 64/100. MIPEX 2020 looked at eight aspects of integration and categorized them from favourable to critically unfavourable. Political participation and anti-discrimination policies in Luxembourg were seen as favourable, labour market mobility, education and access to nationality were marked as slightly favourable and lastly, family reunification, health and permanent residence were deemed halfway favourable. The study gained media attention and provides recommendations on how to improve further.⁴⁴¹

In relation to political participation, it was recommended that Luxembourg take inspiration from the Nordic model to increase voter turnout. Thereby, Luxembourg should eliminate the 5-year wait, go from ad hoc to ongoing voter registration and information; instate quasi-automatic voter registration with an opt-out option at residence registration and any time after elections; automatically send informative letters at regular intervals and set-up citizenship ceremonies which includes information on how to vote (for greater citizen outreach, also for foreign family members). Lastly Luxembourg could reduce registration deadline to a few weeks before election.⁴⁴²

ASTI also made recommendations based on the study. These recommendations concerned access to social security and the creation of a universal health coverage; the introduction of a temporary residence permit for the purpose of seeking work; allowing long-term residents in another MS to obtain a residence and work permit in Luxembourg without having to take the employment market test; the housing criteria in the framework of family reunification requests; the participation of foreigners in legislative elections; the requirements involved in obtaining a long-term residency permit

and the waiting period before receiving a decision on the request; the concept of *jus solis* in acquiring Luxembourg nationality and lastly; the strengthening of the Centre for Equal Treatment's (CET) competencies and resources.⁴⁴³

7.8. Local Integration

7.8.1. Changes to the national budget and non-financial support

In 2020, the budget for subsidies to public entities in the municipal, inter-municipal and regional sectors, initiating and supporting projects for the integration and reception of foreigners doubled.⁴⁴⁴

However due to the sanitary crisis, the budget forecasts for local administrations were updated during Spring 2020, including the planned expenditure in the budget voted by the municipalities. The update fully integrated the effects of the Covid-19 crisis, which led to a major revision to the decrease in municipal revenues.⁴⁴⁵

Although the budget decreased, the Integration Department noted that it won't have a big impact on their support given to municipalities as they have changed their approach by providing municipalities with more experts (please refer to section 7.8.5).⁴⁴⁶

Given the importance of increased participation by municipalities, an annual budget of € 500 000 will be provided until 2023 to support municipal projects in the field of the integration of foreigners. The idea is to offer 20 municipalities per year a subsidy of € 25 000 euros per municipality to encourage them to set up a municipal integration plan, an important element of a successful integration policy.

7.8.2. Call for projects to public entities in the municipal sector

The Municipal and Regional Integration Unit has a budget allowing it to grant subsidies to public entities in the municipal sector initiating and supporting projects for the integration of non-Luxembourgers.⁴⁴⁷ In February 2020, a call for projects was launched⁴⁴⁸ for municipalities, local authority unions, and public institutions under the supervision of municipalities initiating and

supporting projects with a view to the integration and reception of foreigners.

The project for which the subsidy is requested must be part of the integration policy pursued by the Ministry of Family Affairs, Integration and the Greater Region and must consider the principle that integration is a two-way process that takes into account both Luxembourgers and non-Luxembourgers. The project must therefore offer added value for both the host society and the target public. Co-financing is granted up to a maximum of 75% of the costs identified as eligible, on the basis of a provisional budget. Co-financing for municipalities wishing to implement a Municipal Integration Plan (PCI) is capped at €25 000 per municipality.⁴⁴⁹ The requests for subsidies in 2020 were very low due to the impact of Covid-19 on the activities of municipalities.⁴⁵⁰

7.8.3. Analysis of the functioning of the municipal Consultative Commissions of Integration (CCCI)

The team of the Communal and Regional Integration Unit of the Integration Department launched a project to analyze the functioning and needs of CCCIs in two stages. The first being an online survey in two languages inviting all members of CCCIs to participate. Two-thirds of members of the different municipalities in Luxembourg responded positively to the quantitative phase of the analysis. The second step was carried out by an external expert on the basis of qualitative interviews with approximately 30 CCCI members, chosen according to geographic representativeness, which led to recommendations. The results of the analysis were made public and presented to the municipalities in 2021 and could be used by the Ministry of Family Affairs, Integration and the Greater Region to better supervise the CCCIs and the CCCIs to optimize their functioning.⁴⁵¹

7.8.4. The Local Integration Exchange and Support Group (GRESIL)⁴⁵²

The sanitary measures in force to fight against the spread of the Covid-19 virus, did not allow face-to-face events to take place. Preparations were thus frozen and will be resumed in the future. However,

a digital version of GRESIL was foreseen for January 2021.⁴⁵³ The results of previous editions of GRESIL were compiled into "5 key" brochures and are now available in French and German, both in paper and digitally. They serve as a "guide" to CCCI members in organizing their local and regional activities.⁴⁵⁴

7.8.5. Municipal Integration Plans - PCI⁴⁵⁵

On 25 March 2020, the Ministry of Family Affairs, Integration and the Greater Region stated that, if requested, they will support municipalities that are either in the process of constructing a PCI or that already have one.⁴⁵⁶ Following an analysis of the PCI, a new approach to the PCI is being discussed by the Integration Department and its partners – version 2.0. Subsequently, potential municipalities were selected for a pilote phase which will start in 2021.⁴⁵⁷ 18 municipalities agreed to start a PCI in 2021, including 11 municipalities grouped under a regional integration plan.⁴⁵⁸

As mentioned above, the Integration Department would like to change their approach in providing support to municipalities. Usually, a PCI is implemented by a municipality's CCCI, however, they sometimes lack the resources to do so. So although, a municipality drafted a PCI, little to no actions can be taken to implement the strategic document. The idea is for the Integration Department to provide experts from their department or partner organisations, such as the CEFIS or ASTI to accompany the CCCIs, not only in the implementation of a PCI but also in the elaboration phase, for example when doing a diagnostic on local integration initiatives.⁴⁵⁹ This way the Integration Department's support goes beyond financial aid.⁴⁶⁰ In this regard, two advisors on integration were recruited in 2021, in collaboration with the ASTI and CEFIS, to accompany PCIs on the local level.⁴⁶¹

7.8.6. Meetings with Social Welfare Offices

Social Welfare Offices were consulted in October 2020 by the Integration Department to better understand their struggles in the area of integration. The aim of these meetings was to determine whether the Social Welfare agents had all the resources needed to provide help to their target population. The feedback gave the

Integration Department valuable insight on how to improve the existing measures.⁴⁶²

The outcome of the meetings led to the identification of points upon which the Government can improve upon, especially with regard to intercultural mediation and communication. Another important conclusion is that documents are often too complicated for foreigners to fill in so they seek the help of NGOs such as the ASTI or the CLAE to fill-in the forms. The Integration Department would like to simplify procedures and forms as a result.⁴⁶³

In particular, these meetings led to the drafting of a synthesis report which will feed the debate on the reform of the Integration Law.⁴⁶⁴

7.9. Education

7.9.1. Education of Migrant Children

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. By virtue of the principle of equality of opportunity, schools must cater to all populations,⁴⁶⁵ existing measures for children / pupils who do not speak the languages of Luxembourg, or who did not finish their education are the same for all, independent of their status or country of origin.⁴⁶⁶

Luxembourg's increasingly heterogeneous population is reflected in the country's population of pupils. Overall, the share of non-Luxembourgish pupils in fundamental education (primary) was 45,9 % in the academic year 2019/2020, it was 26,4 % in the classic secondary education and 45,2% in the general secondary education (and vocational courses) applying the official programme provided by the Ministry of Education, Children and Youth.⁴⁶⁷ The share of pupils whose first language spoken at

home is not Luxembourgish in secondary education was at 60,1% for the academic year 2019/2020, this rate remained stable in comparison to 2018/2019 which was at 58,4 %.⁴⁶⁸ In fundamental education, the rate was at 66,3% in comparison to 65,6 % in 2018/2019.⁴⁶⁹

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, Children and Youth for the 2020/2021 school year, the number of pupils who attend schools who do not apply the national programme is 12 399 or 11,6% of total enrollments in fundamental and secondary education in Luxembourg (107 153 pupils). These figures are similar to the previous years. Most of these pupils (5 972 or 48,2 %) are enrolled in European schools that do not apply the national programme. It should also be noted that according to the 2020/2021 projections, 6 175 of the 12 399 pupils, or 49,8 %, are enrolled in classes corresponding to fundamental education (primary and pre-school) and 6 224 (50,2%) in secondary classes.⁴⁷⁰

The Schooling service for foreign children (SECAM) is in charge of organising the schooling of children who have recently arrived in the country. Its aim is to welcome and inform pupils and their parents about the various schooling options available for primary and post-primary education (reception classes, specific language classes, etc.). The registration and orientation of a young person newly arrived in Luxembourg between the ages of 12 and 24 inclusive is carried out through the School service for newly arrived children (CASNA) attached to the SECAM.⁴⁷¹ Between September 2019 and September 2020, the CASNA welcomed 983 families for consultations, in contrast to 1 223 families the previous year, which represents a decrease of 19,6%. This sharp decrease can be explained by the health crisis.⁴⁷²

Table 12: Most frequent nationalities of newly arrived pupils who were received by CASNA (2020).

Third-country nationals			
Main Nationalities	2017-2018	2018-2019	2019-2020
Eritrean	10,0%	9,3%	6,2%
Syrian	8,2%	5,7%	6,2%
Afghan	2,5%	4,5%	6,2%
Cape Verdean	1,8%	2,9%	3,3%
EU and Luxembourgish nationals			
Main Nationalities	2017-2018	2018-2019	2019-2020
Portuguese	19,0%	17,9%	14,6%
Luxembourgish (returned to Luxembourg)	8,1%	7,6%	10,3%
French	6,4%	6,0%	7,0%
Italian	5,9%	5,1%	5,8%

Source: Ministry of Education, Children and Youth, 2021. © EMN Luxembourg 2021

Portuguese pupils constituted, since 2017/2018, the largest share of students received by the CASNA, (14,6% of the total students in 2019-2020). However, this represents a decrease (3,3%) when compared to the previous year. Nonetheless, they remained far ahead of the Eritreans, Syrians and Afghans that are equally represented (6,2% each). The share of Eritreans decreased, however, when compared to the previous year whilst the share of Syrians, Afghans and Cap Verdeans increased. 213 out of the 983 candidates were aged 18 to 24 years of age,⁴⁷³ of which 89 were AIPs enrolled in the PIA.⁴⁷⁴

7.9.1.1. Schooling of newly arrived pupils

Legal Groundwork

On 10 September 2020, the Minister of Education, Children and Youth stated that the procedures for taking care of newly arrived pupils (*élèves primo-arrivants*) will be reviewed so as to guarantee that children that arrive in the middle of their education are received, orientated and supported during their educational and social integration path.⁴⁷⁵ The Ministry plans to set up a service specifically responsible for the integration and reception of children of foreign origin, new to Luxembourg. The follow-up of the newly arrived students will take place over four years and has the aim of adapting the school's scholastic process, if necessary, and avoid dropouts. Initial and in-service training for teachers, as well as, various projects to raise awareness of inter-culturalism and multilingualism, organized by the new service, will also contribute to

a better support for this school population.⁴⁷⁶ In this manner, the SECAM is working on a draft Bill of which the purpose is to create a legal basis for the systematic care of all newly arrived pupils. To this end, the draft Bill develops the SECAM's missions relating to the reception, guidance, integration and academic support of pupils. For each of these areas, strategies have been developed, aiming to reduce the impact of one's social and cultural background on the student's academic performance, while enhancing their identity, linguistic and cultural repertoire, their achievements and skills.⁴⁷⁷

Understanding the Luxembourgish educational system

For children aged between 11 and 24 years of age who only recently joined the Luxembourgish system, the SECAM provided support to them and helped orientate them (to classic/vocational secondary school) through tests. This also allowed parents to understand better the Luxembourgish educational system. Further, information sessions on the different educational paths available to children based on their profile took place. Four sessions were organised between February and March 2020 for pupils and parents. Information brochures were also produced called: 'Welcome to Luxembourgish school'; 'What to do after the fourth cycle of primary school?'; 'Orientation towards secondary school- different paths for different profiles'. The first brochure is particularly aimed at parents of children that just arrived to Luxembourg and is available in five languages. Parents are also able to seek support

from intercultural mediators at any moment.⁴⁷⁸ Moreover, during the first two weeks of July, an orientation meeting with each student was organized by CASNA, at the end of which an orientation recommendation was given to them.⁴⁷⁹

Specialised Reception Classes

As of July 2020, there were 18 State specialised reception classes for 196 migrant children in fundamental education. At secondary school level there were 111 reception or integration classes (*classes d'insertion*) for 1 694 migrant pupils.⁴⁸⁰

Other projects

In 2020, the Ministry of Education, Children and Youth organised a free French language summer course for the fifth time - 99 children aged between 12 and 16 participated in these classes.⁴⁸¹ The previous year, 55 newly arrived children, aged 12 to 17, participated in the offer.⁴⁸²

As part of the national integration plan, the SECAM received support from the Ministry of Family Affairs, Integration and the Greater Region for two projects, with the objective of literacy training for newly arrived young people.⁴⁸³

The first project offers language courses to students who do not know the Latin alphabet or the languages of schooling (French, German and Luxembourgish) of Luxembourg; the second is for mostly French-speaking students, who have a poor command of the Latin alphabet. These are practices that strengthen the policy to support newly arrived foreign children. 21 children are enrolled in these projects.⁴⁸⁴

Teaching and socio-educative staff in fundamental and secondary schools that deal with newly arrived children not only received different trainings throughout 2020, but were also supported by the SECAM. In total the SECAM intervened 50 times in secondary schools: 35 class councils, ten support initiatives in secondary schools and five orientation sessions for reception classes.⁴⁸⁵

7.9.1.2. Responding to the Challenges of Heterogeneity in Schools

Diversification of the school offer

In 2019, the Service for International and European Offers (*Service des offres internationales et européennes* - SOIE) was created. The year 2020, although disrupted by the health crisis, enabled this young service to build their team. It was also an opportunity to forge links with other departments of the Ministry of Education, Children and Youth called upon to work regularly with the SOIE. Moreover, the setting-up of a specific programme was put in place in 2020 to establish the teaching of Luxembourgish in International schools with a European profile.⁴⁸⁶

Further, the authorities continued to diversify the school offer so as to anticipate the needs of a growing country, create a coherent schooling offer both on the national and regional level, implement innovative and inclusive educational concepts, be technologically up-to-date, as well as to support the well-being of children and sustainable development.⁴⁸⁷ In this regard, public schools continued to diversify their educational offer, by adapting the linguistic offer and offer innovative teaching.

The Lycée de Garçons Esch (LGE) expanded its school offer by offering, from the start of the 2020/2021 academic year, classes preparing students for the International Baccalaureate (IB) in English. It is the first school in the southern region of the country, to offer this type of English-speaking class thus complementing educational offers for schools situated in Luxembourg City.⁴⁸⁸ This type of educational offer is open to all students, including third-country nationals.

In May 2020, the Ministry of Education, Children and Youth published the brochure "Les classes à régime linguistique spécifique / The classes with a specific linguistic system" targeted at parents of children for whom either German or French is a challenge in school. The brochure provides information on classes with a specific linguistic system (RLS). Except for language courses, RLS classes are given either in French or English, however, the school curriculum remains the same

as for regular classes.⁴⁸⁹ This is a new brochure based on an existing leaflet. For the first time, the brochure is available in English since Anglophone RLS classes were established.⁴⁹⁰

Lastly, the 2020 budget for State financial contributions for the creation of additional classes at the Luxembourgish European Schools increased by 15,8%.⁴⁹¹ The driver of change is the State's aim to provide free education to all residents, regardless of their social, cultural or linguistic background. Luxembourg has a diverse international community and as a result, efforts to provide a schooling offer to meet the needs and desires of families from widely different backgrounds intensified in the last years.⁴⁹²

Intercultural mediation⁴⁹³

During the health crisis, the SECAM continued to support the schooling of children aged 11 to 24, who recently arrived in the Luxembourgish school system and who could not be oriented to a school because of the special circumstances. Intercultural mediators from the SECAM therefore intensified their work throughout the lockdown. They provided support to teaching staff through having video calls, providing written translations and having regular contact with parents to respond to any concerns on distance learning. Between 25 May and 15 July 2020, schools continued to receive newly arrived students entering primary school level. Classroom teachers were particularly attentive to these children working actively together with intercultural mediators.⁴⁹⁴

Due to the intensification of the intercultural mediators' work, more staff had to be employed, as well as, freelance mediators so as to respond to the needs on the ground.⁴⁹⁵ Consequently, the budget for the SECAM with regards to various expenses increased by 10,8%.⁴⁹⁶

In 2020, the SECAM counted 84 intercultural mediators (12 hired on permanent contracts and 72 freelancers), together speaking a total of 39 different languages. 8 926 requests for intercultural mediations were recorded. This represents an increase of 19,4% in comparison to the academic year of 2018/2019. The top five languages in demand were Arabic (2 403), Portuguese (1 541),

Bosnian-Croatian-Montenegrin-Serbian (1 170), Tigrinya (914) and Persian / Farsi (740).⁴⁹⁷

The Centre of Documentation and Intercultural Animations

As part of the collaboration with the ASTI on the Centre of Documentation and Intercultural Animations (IKL), the Ministry of Education, Children and Youth negotiated a new agreement which was signed in October 2020. The IKL's mission is to promote living together and intercultural education in Luxembourg.⁴⁹⁸

7.9.1.3. The impact of Covid-19 on the Education of Migrant Children

Access to Education

Several changes took place with regard to access to education in 2020 in relation to the Covid-19 pandemic. For the most part, these measures are not specific to third-country nationals but applied to the general population. At the beginning of March 2020, Luxembourg suspended activities in educational institutions, closing formal and informal educational structures. The decision took place on 16 March 2020 and created an unprecedented situation for teachers, parents and students.⁴⁹⁹

Considering the positive evolution of the Covid-19 in Luxembourg, the Government decided upon an opening-up strategy, which in the educational sector was translated into a progressive resumption of classes and educational activities at the beginning of May 2020. They have since been adapted over time.⁵⁰⁰ Specific health recommendations were also put in place that took into account the specificities of different educational contexts (primary and secondary education, skill centres, nurseries and reception structures) and they were adapted to the age of the students (preschool, primary, secondary).⁵⁰¹

On 25 November 2020, the Parliament passed the law amending a series of measures to combat the Covid-19 pandemic. To align the national education system with the health recommendations and contribute to the national efforts to contain the spread of the Corona virus, the Ministry of Education, Children and Youth decided to make

some adaptations, which applied, from 30 November 2020 until the Christmas holidays.⁵⁰²

Throughout the Covid-19 pandemic, the Ministry of Education, Children and Youth set-up a frequently asked questions and answers web page in relation to the pandemic and education. The page was accessible in French, Luxembourgish, German, English and Portuguese to provide real time information to parents and students from different linguistic backgrounds.⁵⁰³

Linguistic Support

The Minister of Education, Children and Youth assured the public on 16 June 2020 that newly arrived children in need of linguistic help remained a priority during the pandemic, so that they can integrate into the regular school services as quickly as possible and enable their linguistic autonomy and activation.

After being closed for two months during the lockdown, schools opened on 25 May 2020. Classes took place on a rotational basis and were reduced by half. During the lockdown, distance learning took place – teachers working with newly arrived children also did long distance learning (*cours d'accueil*). As a result of this, all teaching staff had to help with regular school operations until classes resumed normally, at which point teachers in charge of the *cours d'accueil* would be able to focus on their target population again.

After the Easter break and before the opening of the schools on 25 May 2020, all teachers had the possibility to attend to their pupils most in need on a one-on-one basis. After 25 May 2020, small learning groups were organized with appropriate sanitary measures. Children with a migrant background could benefit from individualized teaching and from peer learning for a more focused teaching and learning experience.⁵⁰⁴ It should also be noted that the reception classes for children who could be assigned to another class of regular education were maintained during the lockdown.⁵⁰⁵

Increased support to children by the CASNA during the pandemic

When distance learning began, the CASNA implemented a series of measures for students who were not yet registered with a school. The CASNA contacted parents / students and foster homes with the help of intercultural mediators, in order to assess the families' computer equipment and to find out their preferred means of communication (WhatsApp, mail, smartphone, mailing, printer, etc.). Distance education was then set up from 20 April 2020.⁵⁰⁶ Subsequently, the CASNA sent them exercises on different subjects (mathematics, French, etc.) adapted to their school level. The completed files were then returned by post to the CASNA, which was responsible for the corrections.⁵⁰⁷

The service also offered classes from 8 June to 15 August, taught by students, at the premises of the National Language Institute. Each student who participated in these courses was given a referral recommendation for enrollment in a high school for the 2020-2021 school year. The measures were aimed at 90 children not yet registered with a school.⁵⁰⁸

Having noticed that many students required more support, the CASNA introduced from 25 May to 15 July 2020, on-call school support hours. The hotlines were held at the National Institute of Languages (INL) premises. The pupils received the support of an intercultural mediator, help with their exercises and didactic material given to them for the rest of the week. Lunch bags were also distributed.⁵⁰⁹ Moreover, the contact details for the CASNA were also available on the enrolment forms for schools. They could be consulted on any questions by parents of newly arrived children for example.⁵¹⁰

7.9.2. Education of Adults

7.9.2.1. Measures to enhance language skills

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 who desire to

perfect their language skills. The courses can, however, cater to a particular audience or respond to specific needs. Language classes are offered either by the National Institute of Languages (INL) or by the SFA.

The National Institute of Languages (INL)

In the academic year 2019/2020, the INL saw an increase of 7% in enrolments for language courses and national and international certificates going from 18 644 in 2019 to 19 869 in 2020. Similarly to 2019, this increase mainly reflects a growth in demand for courses in Luxembourgish (6 216 enrolments, +17,5% compared to 2019), French (5 772 enrolments, +0,6% compared to 2019) and the evaluation exam for the Luxembourgish language organised under the framework of the procedures for acquisition of Luxembourgish nationality (*'Sproochentest'*).⁵¹¹

The INL put in place a number of measures to meet the growing demands: among others, the digitalization projects which started in 2019 continued in 2020, in particular the digitization of the oral comprehension part of the *Sproochentest* in collaboration with the University of Luxembourg, the creation of online tests for Luxembourgish and the introduction of a blended learning tool for all languages. The e-learning platform for Luxembourgish reported on in 2019, continued to be developed.⁵¹²

Lastly, due to the impact of Covid-19 on the organisation of classes, students were reimbursed for the interruptions in the learning schedule during the second semester of academic year of 2019/2020 due to Covid-19. All students were issued a voucher allowing free access to a similar course in a subsequent semester during the 2020/2021 or 2021/2022 school years. At the time of registration, voucher holders had priority for their admission to course. This measure was defined by Grand Ducal Regulation.⁵¹³

The Department of Adult Education (SFA)

As in previous years, language classes are also the most popular courses offered at the SFA. During the academic year 2019/2020, 17 607 enrolments were registered compared to 18 420 enrolments the year before, which represents a decrease of 4,4%.⁵¹⁴

Language courses represent nearly two thirds SFA's educational offer (64,7%).

In 2020, the SFA saw 8 376 registrations (47,6%) for Luxembourgish language courses, 36% for French, 5% for English, 4% 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".⁵¹⁵

It should also be noted that since the academic year of 2018/2019, the SFA have been collaborating with Caritas to offer newcomers, who do not master the languages of the country, to give access to classical and general secondary studies, and various professional trainings. 152 adults benefited from this offer in 2019-2020.⁵¹⁶ Moreover, the budget in 2020 for the SFA increased by 18 %.⁵¹⁷ The increase in the budget is due to different factors relating to the services of freelance trainers in the context of linguistic integration.⁵¹⁸

7.10. Access to the labour market

No legal or policy developments took place in 2020 in relation third-country nationals and their access to the labour market. However, the Luxembourg authorities implemented various measures to maintain employment in the context of the health crisis of Covid-19. These measures apply to all employees whatever their nationality, and to all companies impacted by the crisis. We can mention among others:

- The partial unemployment granted to companies. This measure provided until 31 December 2020 was extended in some cases until 30 June 2021.
- A temporary contribution to the uncovered costs of certain companies. This aid is allocated in the form of monthly capital grants calculated on the basis of uncovered costs to companies that, during all or part of the period between 1 November 2020 and 20 March 2021, will have suffered a loss of monthly turnover

of at least 40% compared to the corresponding month of the year 2019.

- A new financial aid introduced for companies in the sectors most severely affected by the Covid-19 pandemic and whose financial situation makes it difficult to bear the new burden resulting from the increase in the minimum social wage scheduled for 1 January 2021.
- Special temporary measures to favour the reinsertion of job seekers into the labour market.
- An extension of unemployment benefits that expired during the state of crisis was granted to all jobseekers concerned until the end of the state of crisis.
- With regard to the employment market test, the deadline for allowing the ADEM to examine whether a vacancy can be fulfilled by a registered job applicant, was extended during the state of crisis, which ended on 24 June 2020. For more information please refer to section 3.4.6.1.⁵¹⁹

7.11. Fight against racism, discrimination and awareness raising

7.11.1. Support for projects in the fight against racism and racial discrimination

Under the Integration NAP call for projects 2020, three projects were selected in the field of anti-racism.⁵²⁰ As mentioned under 7.3.2, the call for projects 2021 focused on diversity and the fight against discrimination. The call for project is part of the implementation of the Integration NAP and marks the fight against discrimination as a policy priority.⁵²¹

Under the budget article "Subsidies for projects in the field of integration and the fight against discrimination", three projects were able to benefit from a subsidy for an amount of approximately € 87 000,⁵²² one of which dealing with structural and institutional aspects of racial discrimination.

7.11.2. A news hour on racism in Parliament

At the request of the Pirate Party and the CSV, a news hour on the political sensitivity of racism and on the situation of discrimination and racism in Luxembourg was organized in Parliament on 1 July 2020, which generated a debate on racism and gained media attention.⁵²³

The debate was triggered in 2019 by the study "Being Black in the EU" and the conference "Being Black in Luxembourg" (for more information please refer to EMN Luxembourg's Annual Report on Migration and Asylum 2019).⁵²⁴ Moreover, the 'Black Lives Matter' movement in the U.S.A also highlighted the issues of discrimination in Luxembourg.

As part of the debate, two motions and two resolutions were put forward:

- A motion inviting the Government to prepare a study on racism in Luxembourg.⁵²⁵
- A motion to take stock of anti-discrimination policies and to elaborate a national action plan against racism.⁵²⁶
- A resolution in which the Parliament commits to expanding the competencies and enhancing and strengthening the resources of the CET.⁵²⁷
- A resolution to officially recognize the legitimacy of the demands made in the #BlackLifeMatters demonstrations in Luxembourg.⁵²⁸ This resolution was later discussed in a Parliamentary committee.⁵²⁹

During the debate, both motions were adopted.⁵³⁰ The ADR party voted against one of the motions as they rejected the notion that structural racism exists in Luxembourg.⁵³¹

Moreover, the Parliament adopted the resolution regarding the CET and committed to:

- Increasing the involvement of the Centre for Equal Treatment in decision-making concerning the fight against all forms of discrimination and the promotion of

harmonious living together on the territory.

- Giving the CET more competencies.
- Increasing the budget and staff of the CET.
- Introducing a clause in the rules of the Parliament concerning discrimination in the guiding principles of the code of conduct for deputies.
- Offering “anti-discrimination” training to deputies, employees of the Parliament, as well as, employees of political groups and sensitivities, allowing them to be conscious of prejudices that could give rise to any kind of discrimination.

Following the motion to prepare a study, mentioned above, the Integration Department launched a study with the CEFIS and the LISER on racism. The main objectives of this study are to:

- Analyze the forms of racism identified in Luxembourg.
- Identify the contexts and situations in which the persons concerned are subject to discriminatory acts and treatment.
- Notify the effectiveness of the measures against racism currently in place.
- Make recommendations.

The results will be available in 2021 and will lead to policy recommendations.⁵³²

In the Parliamentary debate, several members of Parliament pointed out the appalling data of the Being Black study. Racism and discrimination exist in Luxembourg. Some of them mention the presence of various types of racism: structural, individual, daily. There are also direct and indirect discriminations. Attention was drawn to the clichés that can be conveyed with regard to other people and to the fact that words and expressions that are considered to be commonplace can be seen as hurtful by others. Racism reinforces social inequalities, inequalities and can amplify discrimination.

It is difficult to identify the forms and measure the extent, hence the importance of a regular system of data collection. Some call for the role model and responsibility of politicians who must convey the values of tolerance, respect and not play on

people's fears. Racism and discrimination should be combated by various means, including education for children and young people, an appropriate legislative framework and transparent procedures (e.g. for accessing social housing or in the context of school orientation). If on the one hand, there is the freedom for owners to rent their property to anyone and the freedom of employers to hire anyone they want, this freedom must not lead to discrimination on any of the grounds mentioned in the legal framework, such as skin colour or origin.⁵³³

Regarding the resolution on the #BlackLifeMatters demonstrations, the Commission of Family and Integration (*Comission de la Famille et de l'Intégration* – COFAI) further discussed it on 22 July 2020. The representative of the Pirate Party that put it forward explained that it was a symbolic declaration which entailed no commitment from the Parliament except for emphasizing the fact that it is legitimate to demonstrate on the streets, to support the fight against racism and discrimination. The COFAI noted that during the debate that took place on 1 July 2020, a motion was voted to support efforts in this fight, as well as, conduct a study to develop a coherent strategy against this phenomenon. The COFAI therefore, asked if the voting of the resolution could be put aside.

In return, it was suggested to invite a delegation of the NGO ‘L'ÉTZ RISE UP’ - who organized the demonstrations - to a Parliamentary commission under the framework of the study that was being conducted, so as to give a platform to their concerns on the subject. In this manner, the COFAI would demonstrate that they support the cause.

The Pirate Party representative responded by stating that the main goal of the resolution was to give satisfaction to the organisers of the demonstrations which resulted in 1 500 people gathering in front of the American Embassy on 5 June 2020 in reaction to the murder of George Floyd, an Afro-American, on 25 May 2020.⁵³⁴

The topic of racism and discrimination also received high media attention in 2020, both in written press and audio media as evidenced by a succession of articles in various press organs testifying to the

experience of racism by Afro-descendants. For example, a conference on the experiences of women of African descent in Luxembourg took place in February 2020 in which exasperation was voiced by Afro-descendant Luxembourgish women on the focus put on their capacity to integrate when it is often their interlocutors who don't accept Luxembourg nationals with African roots.⁵³⁵ Moreover, as mentioned above, the NGO 'LËTZ RISE UP' organized protests following the death of George Floyd which was widely covered by Luxembourgish media.⁵³⁶

The topic of online discrimination also received media attention in 2020. On the occasion of 'women's strike' on 7 March 2020, a Luxembourgish woman with Cap-Verdean roots, Antonia Ganeto - the founder and spokesperson of the organization Finkapé was pictured holding a megaphone with a sticker with the title of a provocative theatre play called: « Luxembourg, malhonnête tas de merde » (Luxembourg, dishonest shit pile). Subsequently, she became the subject of online abuse. An ADR politician, Tom Weidig, wrote: "This photo says it all ... A 'big shit' sticker hostile to Luxembourg. An Antifa and far-left sticker likely to provoke violence". This started a succession of controversial social media posts to which Antonia Ganeto lodged a formal complaint. Deemed credible, the complaint was investigated by the Luxembourg public prosecutor's office with a view to trial. The trial started on 8 December 2020 before the ninth chamber of the Criminal Court.⁵³⁷ In addition the BEE SECURE initiative organized by the National Youth Service (*Service National de la Jeunesse* – SNJ) and the KannerJugendtelefon qui which aims to promote a safer, more responsible and more positive use of digital technology among the general public reported an increase in reports of racism, revisionism and discrimination.⁵³⁸ Although, they explain that this could be due to many factors such as better knowledge about BEE SECURE's reporting lines, the pandemic and that citizens are increasingly aware of content deemed illegal, this trend is also reflected in police reports.⁵³⁹

7.11.3. Diversity Charter Lëtzebuerg

The Minister of Family and Integration - sponsor of the Lëtzebuerg Diversity Charter, visited

organizations in action and attended, among other things, a round table on multiculturalism or the launch of sensitization. The Diversity Day 2020 ended with the 10th official signing session, it brought together more than 100 participants and gathered 26 new signatures.⁵⁴⁰

8. ACCESS TO CITIZENSHIP AND CIVIC PARTICIPATION

8.1. Access to Citizenship

8.1.1. Statistical Trends

8.1.1.1. Acquisitions of nationality

In 2020, 9 387 persons acquired Luxembourg nationality, representing a decrease of 18,0% when compared to 2019 (11 451 acquisitions).⁵⁴¹ 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 920 people that became Luxembourgish citizens on the basis of first generation *ius soli* as well as 170 children that became Luxembourgish citizens because of their birth in Luxembourg to two foreign parents of which at least one was also born in Luxembourg (double *ius soli*).⁵⁴² By adding these figures, a total of 10 477 people is reached.

Among the 9 387 acquisitions by procedural means, 846⁵⁴³ were based on naturalisation (9,0%), 4 160 on the option procedure (44,3%) and 4 381 on the reclamation procedure (46,7%).⁵⁴⁴ When compared to 2019, acquisitions based on naturalization decreased by 8,1%, reclamations by 13,7% and those based on the 10 specific options stipulated in the amended Law of 8 March 2017 on Luxembourgish nationality (hereinafter Nationality Law)⁵⁴⁵ decreased by 23,7%.⁵⁴⁶

4 640 acquisitions of nationality via procedural means (49,4 %) concerned residents of Luxembourg, while 4 747 nationalities (50,6 %) were acquired by individuals residing abroad.⁵⁴⁷ 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 (1 621 acquisitions), followed by persons over the age of 12 who were born in Luxembourg (928 acquisitions)

and by adults who have completed at least seven years of schooling in Luxembourg (644).⁵⁴⁸ As illustrated in Table 13, the year 2020 saw the same share of third-country nationals acquiring Luxembourgish nationality as in 2019.

Table 13: Acquisitions of nationality by EU citizens and third-country nationals, total and share (2016-2020).

Acquisitions of nationality	2016		2017		2018		2019		2020	
	Total	%	Total	%	Total	%	Total	%	Total	%
EU citizens	6 152	86,2	6 945	76,9	7 939	66,8	6 596	57,6	5 408	57,6
Third-country nationals	989	13,8	2 085	23,1	3 938	33,2	4 855	42,4	3 979	42,4
Total	7 141	100,0	9 030	100,0	11 877	100,0	11 451	100,0	9 387	100,0

Source: Ministry of Justice, Statec, 2021. © EMN Luxembourg 2021

While Brazilians figured among the top third-country nationalities in recent years, the number acquiring Luxembourgish nationality decreased between 2019 and 2020 by 15,0%, from 2 117 to 1 799, whereas between 2018 and 2019, the figure had more than doubled from 931 to 2 117. Brazilians thereby account for 45,2% of all acquisitions by third-country nationals in 2020. At the same time, it has to be highlighted that 1 751

out of the 1 799 total acquisitions (97,3%) 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, 98,0% of these acquisitions concern Brazilians who do not reside in Luxembourg (1 763 out of 1 799 acquisitions). These proportions have remained constant since 2019.

Table 14: Top 10 third-country nationals acquiring Luxembourgish nationality (2020).

First nationality	Acquisitions of nationality
Brazilian	1 799
American	438
British	291
Montenegrin	260
Serbian	149
Cape Verdean	129
Kosovar	107
Bosnian	100
Russian	88
Ukrainian	47
Total top-10 nationalities	3 408
Other third-country nationals	571
Total naturalisations of third-country nationals	3 979

Source: Ministry of Justice, Statec, 2021. © EMN Luxembourg 2021

As in the previous years, significant disparities could be observed with regards to the place of residence of applicants. The following table provides a breakdown of first nationalities that accounted for at least 100 acquisitions in 2020.

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

Table 15: First nationalities acquiring Luxembourgish nationality by residence, total and share (2020).

First nationality	Acquisitions: residence in Luxembourg	Acquisitions: residence abroad	Total acquisitions	Share of residents having acquired Luxembourgish nationality (%)
French	648	1 616	2 264	28,6
Brazilian	36	1 763	1 799	2,0
Belgian	332	681	1,013	32,7
Portuguese	968	13	981	98,7
American	33	405	438	7,5
German	225	135	360	62,5
British	264	27	291	90,7
Montenegrin	260	0	260	100,0
Italian	244	12	256	95,3
Serbian	149	0	149	100,0

Source: Ministry of Justice, Statec, 2021. © EMN Luxembourg 2021

8.1.1.2. Civic Integration courses for the acquisition of Luxembourgish nationality (vivre ensemble au Grand Duché de Luxembourg)⁵⁴⁹ and Luxembourgish language test (Sproochentest)

In 2020, 2 380 candidates were able to register for the Sproochentest,⁵⁵⁰ and the waiting list was eliminated. This is a slight increase (6,6%) when compared to 2019. The success rate for all sessions for the period was 75,0%.⁵⁵¹

In 2020, the SFA issued 1 137 certificates for people who participated in the civic courses and 502 certificates for people who took the exam⁵⁵² for a total of 1 639 certificates. This represents a decrease of 35,2% in comparison to the previous year.

8.1.2. Legislative Developments

8.1.2.1. Changes to the national budget

The 2020 budget for the reimbursement of registration fees for Luxembourgish language courses and assessment tests for people in the naturalization process increased by 120,0%.⁵⁵³ The

driver of change was a response to a larger request for the reimbursement of registration fees.⁵⁵⁴

8.1.2.2. Article 89 of the Law of 8 March 2017 on Luxembourgish Nationality (hereinafter Nationality Law)

Under the framework of the recovery of Luxembourgish nationality, the Nationality Law establishes that a candidate (a direct line descendant of a Luxembourg ancestor) for the recovery of Luxembourgish nationality must “subscribe to the declaration of recovery of Luxembourg nationality before the registrar until 31 December 2020”.⁵⁵⁵ A declaration received after this date would be deemed inadmissible.

However, given the mobility problems generated by the Covid-19 pandemic which restricted the entry into the territory of recovery applicants who are mostly non-residents, the Luxembourg authorities decided to extend the time limit for subscribing to the declaration of recovery before the registrar until 31 December 2021 by amending Article 89 (1) 2 of the amended Law of 8 March 2017.⁵⁵⁶ For the large majority of cases, this change

affects persons that are not legally residing in Luxembourg, but that reside abroad.

8.1.2.3. Law of 19 December 2020 on the change of name and surname and concerning the amendment of the Nationality Law

This law amends Articles 49, 50 and 101 of the Nationality Law.⁵⁵⁷ Those who obtained the Luxembourg nationality by naturalization, option or recovery, may now request the change of name and surname following the conditions determined by the Law of 19 December 2020 on the change of name and surnames under Articles 6 to 15.⁵⁵⁸ Candidates for Luxembourg nationality that do not have a name, can only introduce an application for the acquisition of citizenship once attributed a surname or name, or several, in use in the Grand Duchy of Luxembourg.⁵⁵⁹ Following the entry into force of the Nationality Law, the legislator seized the opportunity to merge the procedure for the transposition of names and surnames currently governed by the legislation on Luxembourg nationality, with the procedure for changing surnames and forenames with the Luxembourgish legislation on nationality. This is both the driver of change and the objective. This approach is justified by the fact that both administrative procedures have the same object: the change of names and surnames. This means that the articles in the Nationality Law relating to the transposition of names and surnames are erased and replaced with the above mentioned law.⁵⁶⁰

8.1.3. Covid-19 measures

8.1.3.1. The closing of the Nationality Office
Various measures taken in the context of the Covid-19 crisis slowed down the procedures for acquiring nationality. During the state of crisis:

- The service desk for ‘Certificates for Nationality’ of the Nationality Office closed. On 25 May 2020, they reopened to the public, but continued to process requests received via email or over the phone.⁵⁶¹ From 2 July 2020, the offices and service desks reopened normally.⁵⁶²
- Municipalities were only ensuring essential services. Working with reduced

staff, their offices were only open by appointment.⁵⁶³

- From 16 March to 29 March 2020, the INL closed as part of the measures to fight against Covid-19. No language courses, tests or exams took place during this time. Classes were expected to start on 30 March 2020.⁵⁶⁴ However, following a decision made by the Government to fight against Covid-19, all courses provided by the INL were taught remotely until 9 July 2020 – the end of the semester. Only national and international exams took place, this included the Luxembourgish language test for acquisition of nationality (‘Sproochentest’). During the exams, all the adequate health measures as defined by the Ministry of Health on the INL website from 11 May 2020 were implemented.⁵⁶⁵
- The ‘Vivre Ensemble au Grand-Duché de Luxembourg’ courses required in the acquisition of Luxembourgish citizenship were canceled from 16 March 2020. In September classes resumed at reduced capacity in order to guarantee social distancing between students in class. However, the exams required in the acquisition of Luxembourgish nationality continued to be organized.⁵⁶⁶

8.2. Civic and Political Participation

Since the referendum of 2015 the question of civic and political participation has been a topic of discussion in Luxembourg.

In 2020, the ASTI held a conference on the topic⁵⁶⁷ which also gained media attention.⁵⁶⁸ The main topic of discussion is the right to vote of foreigners in Luxembourg (please refer to EMN Luxembourg’s Policy Report 2015 for more information). Moreover, on the occasion of web conference of 16 November 2020 presenting the results of the MIPEX 2020, the topic of civic and political participation was raised.⁵⁶⁹

9. RETURN, IRREGULAR MIGRATION AND DETENTION

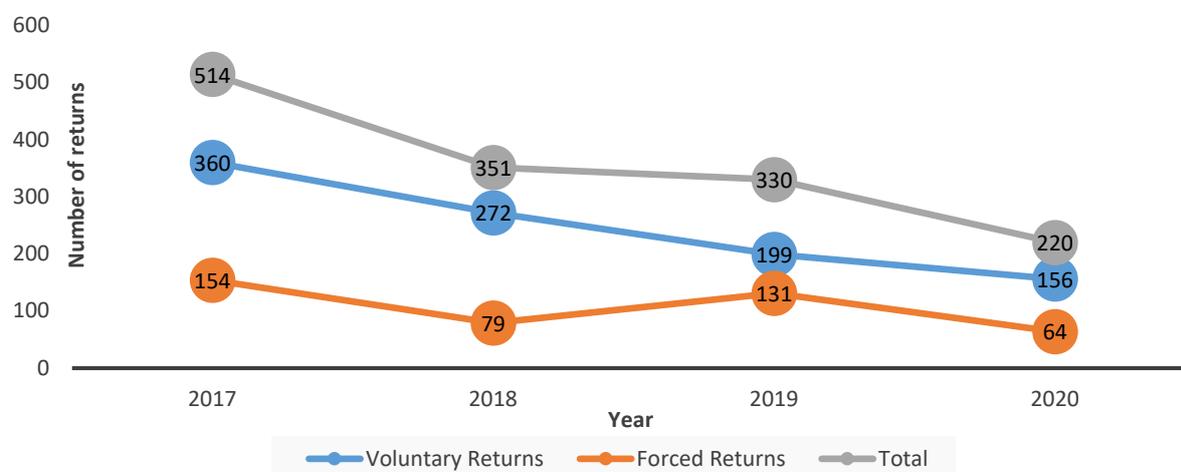
9.1. Statistical Trends

During 2020, 220 individuals were returned to their country of origin or to a different Member State. Of these, 156 returned in the context of a voluntary return (70,9%), while 64 returned in the context of a forced return (29,1%).⁵⁷⁰

This is a decrease when compared to the previous year, during which 330 were returned overall, of

which 199 were voluntary (60,3%) and 131 (39,7%) were forced. Thus, in 2020, the total number of returns decreased by 33,3% when compared to 2019. The number of voluntary returns decreased by 21,6% and the number of forced returns by 51,1%, when compared to the previous year.⁵⁷¹ The sharp decrease between 2019 and 2020 is essentially linked to the pandemic due to a limited number of available flights and travel restrictions put in place worldwide.⁵⁷²

Figure 5: Type of return from 2017 to 2020



Source: Directorate of Immigration 2018, 2019, 2020, 2021. © EMN Luxembourg 2021

The majority of individuals opting for a voluntary return originated from the West Balkans (50), Brazil (25) and Belarus (10).⁵⁷³ As in 2020, 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.⁵⁷⁴

Table 16: The number and proportion of returns towards the West Balkans from 2016 to 2020.

Year	Voluntary Return: West Balkans	N° of voluntary returns	% of voluntary returns	Forced return: West Balkans	Total: forced returns	% of forced returns	N° of returns: West Balkans	Total	% of Returns
2016	328	456	71,9	79	113	69,9	407	569	71,5
2017	279	360	77,5	97	154	63,0	376	514	73,2
2018	157	272	57,7	24	79	30,4	181	351	51,6
2019	74	199	37,2	44	131	33,6	118	330	35,8
2020	50	156	32,0	23	64	35,9	73	220	33,2

Source: Directorate of Immigration 2017, 2018, 2019, 2020. © EMN Luxembourg 2021

Further, since the entry into force of visa liberalisation with Ukraine and Georgia in 2017, the

number of returned Georgians increased from nine 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. This trend continued in 2020, with eight returnees from the Ukraine and six from Georgia.⁵⁷⁵ The assisted voluntary return and reintegration programme was put in place by the Directorate of Immigration with the support of the IOM in 2009. In 2020, 83 individuals received support through this programme. It is important to note that access to the programme is dependent on the country of origin of a person. In 2020, the number of returned irregular migrants amounts to 130 or 59,1% of all returns, while in 2019 this category of persons

formed only 42,1% of all returns. 40,9% of returnees (90 persons) went through the international protection procedure; this is the case for 65, or 41,7% of those returned voluntarily and 25, or 39,0% 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.⁵⁷⁶

Among the 64 people removed in 2020 as part of a forced return with a Police escort to their final destination, 23 were from the West Balkans. In 2019, the number of people returned to their country of origin via forced return was 131, 79 in 2018 and in 2017, 154.

Table 17: Number of returned persons by type of return and migratory situation (2017-2020).

	2017	2018	2019	2020
Voluntary returns	360	272	199	156
-AIP	126	25	128	19
-AIP rejected	198	154	n/a	46
-migrants in an irregular situation	36	93	71	91
Forced returns	154	79	131	64
-AIP rejected	97	29	63	25
-migrants in an irregular situation	57	50	68	39
Total	514	351	330	220

Source: Directorate of Immigration 2018, 2019, 2020, 2021. © EMN Luxembourg 2021

Commercial flights were the means of the majority of forced returns. The participation of one charter plane, organised by Austria allowed seven people to be returned to Nigeria. The Albanian authorities also organized a charter plane, allowing five people to be returned to Albania.⁵⁷⁷ In 2020, 38 individuals benefitted from a suspension of removal for medical reasons (*sursis à l'éloignement*) while 53 benefitted from a postponement of removal (*report à l'éloignement*).⁵⁷⁸

9.2. Legislative Developments

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

On 24 November 2020, the Grand Ducal Regulation of 4 November 2020 relating to the composition and functioning of the Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors in return decisions

(hereinafter the UAM Commission), came into force.⁵⁷⁹

The UAM Commission is composed of four effective members, namely: a representative of the Minister responsible for Immigration and Asylum; a representative of the ONA; a representative of the National Office for Children; a magistrate from the Luxembourg Public Prosecutor's Office or the Diekirch Public Prosecutor's Office.

The ad-hoc-administrator, appointed to represent the unaccompanied minor, is invited to bring their point of view to the Commission and the UAM has the right to be heard by the UAM Commission. Any person who can contribute to a better understanding of the case may also be invited by the UAM Commission in an advisory capacity. The driver of change for this legislative development was the comments of the experts in the context of the evaluation of the application of Schengen.

It is worth noting that the UAM Commission exists and has been operating since 2018. Between the time of its creation in 2018 and October 2019, the UAM Commission adopted 23 evaluations.⁵⁸⁰ It has since, also been the subject of debate in Luxembourg. For more information on the main points of discussion, please refer to the EMN Annual Reports on Migration and Asylum of 2018⁵⁸¹ and 2019.⁵⁸² The discussions continued in 2020, please refer to the below section 9.2.1.1.

There were no other new legal or policy developments regarding forced return of irregular migrants and rejected AIPs in 2020. However, there were some changes that took place in countries of origin (for instance the closing of borders, structural changes etc.) due to the Covid-19 pandemic which led to some issues regarding the identification of third-country nationals.⁵⁸³

9.2.1.1. Debate

The discussions on the UAM Commission from previous years continued in 2020 when the CCDH reiterated several points they had made in 2018, as well as, some additional ones on the draft Grand Ducal Regulation.⁵⁸⁴

The CCDH reiterated its position from 2018 and 2019 that UAM Commission should be multidisciplinary, neutral and independent and that the composition should reflect these principles. They were skeptical of how this organ would be neutral and independent as its objective is to advise the Ministry of Foreign and European Affairs on return decisions that involve UAMs, however, not only is the Ministry a member but it also assumes its presidency. Moreover, they regretted that the UAM Commission as stipulated in the draft Grand Ducal Regulation is only composed of state actors and does not include a member of civil society.⁵⁸⁵ In their opinion, by including a non-governmental actor, the UAM Commission would be able to maintain independence and ensure that different aspects of the best interests of the child are taken into account. If this is not possible, the CCDH recommended that the Government includes the Centre for Psycho-Social and Student Support (*Centre Psycho-Social et d'Accompagnement Scolaires* – CePAS).⁵⁸⁶ They also highlighted the importance that all members of the UAM

Commission must be adequately trained in the psychological and physical health of children. The trainings should be made obligatory, continuous and extensive.⁵⁸⁷

In this context, the ORK (now OKaJu) also regretted that the evaluation of the best interest of the child was only granted to State institutions and judicial bodies that don't have the protection of children in their competences. In addition, the ORK mentioned that witnesses from teacher, educator, a member of the CePAS and/or a tutor, would also be important to determine the best interest of the child.⁵⁸⁸

The ORK further regretted that the draft Grand Ducal Regulation did not foresee objective criteria for the evaluation of the best interest of UAMs, neither in practice nor in the draft legal text. In addition, the obligation to take into consideration particular vulnerabilities, notably sex, gender identity, sexual orientation, disabilities, the risk of being exposed to human trafficking or genital mutilation were also not mentioned. The ORK feared that the UAM Commission will see the return of the minor to their family in the country of origin as the equivalent to their best interest.⁵⁸⁹ In light of the recommendations made in 2018 and 2019 to incorporate objective criteria for assessing when a return would be in the best interest of UAMs, as well as taking into consideration vulnerabilities in the text of the Grand Ducal Regulation, the CCDH was surprised to see that such criteria had not been incorporated into the Draft Grand Ducal Regulation. They further noted that international organisations have developed criteria which could be used as a basis.⁵⁹⁰

Lastly, the CCDH reiterated that it is essential that the text of the Grand Ducal Regulation allows the UAM to be accompanied by a person of their choice, which they trust. The CCDH therefore recommended the Government to explicitly incorporate the following sentence: "the minor can be accompanied by person of trust of their choice".⁵⁹¹

On 16 January 2020, the Minister of Immigration and Asylum took note of the CCDH's opinion stating that the Grand Ducal Regulation was still in the

drafting process therefore constructive criticisms were welcome and that the opinions of the Council of State, the CCDH and the LFR or any other opinion submitted would be taken into consideration.⁵⁹² The Minister noted that a number of observations made by the ORK (now OKaJu) were taken into account, notably their wish to not be a member of the UAM Commission so as to maintain their neutral and external role as an observer.

The Minister could not accept, however, criticisms that the Grand Ducal Regulation and the practice of return of UAMs to their country of origin is a violation of Luxembourg's values and fundamental rights. In the context of the consultative commission, the IOM systematically conducts a family evaluation. This evaluation is then taken into account along with all the other elements of the case and the personal situation of the minor, in order to determine whether it is in the best interest of the child to return to their country of origin. It should be noted that there may be situations where it is clearly in the interest of the minor to return to their parents, in particular when it comes to safe countries of origin. The best interests of the child are analyzed objectively and individually.

Moreover, in the Council of State's opinion of 16 June 2020, it was highlighted that in view of the Law of 1 April 2020 establishing the Ombudsman fir Kanner a Jugendlecher, the Ombuds-Committee for the Rights of the Child replacing the Ombudsman fir Kanner a Jugendlecher, the direct participation in a decision-making procedure by an administration is not compatible with the competencies of the latter. Therefore, the Council of State does not view the designation of the Ombudsman fir Kanner a Jugendlecher as an adequate member of the UAM Commission.⁵⁹³ The ORK (now OKaJu) also agreed that the OKaJu should not directly participate in the decision-making process of an administration which is why it was proposed that they adopt an observatory role.⁵⁹⁴

However, the Council of State also questioned why the composition of the UAM Commission was limited to State institutions.⁵⁹⁵ The Council of State also noted that neither Article 103 of the Immigration Law nor the Law of 1 April 2020

establishing the OKaJu foresees an intervention by them, as advocated in the draft Grand Ducal Regulation. These texts neither establish an obligation for the advisory committee to send the meeting agendas to the OKaJu, an obligation for the Secretariat to communicate different opinions, nor the holding of an annual meeting between the advisory committee and said Ombudsman.⁵⁹⁶

In December 2020, the Government stated that the Grand Ducal Regulation was being revised so as to integrate a new member from civil society.⁵⁹⁷

9.2.2. EU Readmission Agreements

Luxembourg continued to cooperate with other countries in the area of return and readmission, in this regard two laws came into force on 17 March 2020:

- the Law of 11 March 2020 approving the Protocol between Ukraine and the Benelux States,⁵⁹⁸
- the Law of 11 March 2020 approving the Protocol between the Republic of Armenia and the Benelux States.⁵⁹⁹

9.3. Measures to improve the effectiveness of external border controls

No new legal or policy developments took place in 2020, however, negotiations on the new Pact on Asylum and Migration (including pre-entry phase: screening, asylum border procedure and return border procedure) were ongoing.⁶⁰⁰ It should be noted that the number of irregular border crossings was affected by the pandemic. This is due to a reduced frequency of flights to the most popular destinations for irregular migrants - during the first wave of Covid-19, there was hardly any activity at the airport. Consequently, the resumption of flights in the summer led to an increase in irregular border crossings again. The number of intercepted irregular crossings remained high compared to the total number of passengers. In addition to irregular border crossings, there are also secondary movements. These were affected to a lesser extent by the pandemic. These movements took place within the Schengen Area, passing through Luxembourg but did not reach the external border located at Luxembourg airport.⁶⁰¹ Nonetheless,

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

9.3.1.1. Intelligent Borders

The Directorate of Immigration continued to ensure, in close collaboration with the Grand Ducal Police and the Government IT Centre (*Centre des technologies de l'information de l'Etat* - CTIE), the coordination of the implementation of the European Travel Information and Authorization System (ETIAS) and Entry / Exit System (EES). Both systems apply to third-country nationals wishing to access the Schengen Area for a short stay.⁶⁰² The implementation of the Entry/Exit System.

The Border and Coast Guard Agency (FRONTEX), as well as EU-LISA provided important support in the implementation procedure of the EES in 2020.⁶⁰³ The implementation of the EES is scheduled for 24 February 2022. The procedure for setting up the EES is underway. In 2020, two procurement contracts were launched: one for the national IT system and another one for the equipment (registration of the traveler at the airport). Consultations with diverse national organisations and entities are ongoing.⁶⁰⁴ The implementation of the ETIAS regulation is ongoing. An analysis of organizational options started in 2020. Consultations with diverse national organisations and entities are ongoing.⁶⁰⁵

Steering Committee

Coordination of the European Interoperability Framework lies with the Ministry of Internal Security. A steering committee was set up in 2020.⁶⁰⁶

The national border management strategy

The national border management strategy was aligned to the Frontex Technical and operational strategy on European integrated border management.⁶⁰⁷

9.3.1.2. Implementation of the European Border and Coast Guard Corps

In accordance with the requirements arising from Regulation (EU) 2019/1896 relating to the European Border and Coast Guard, the establishment of a permanent corps of up to 10 000

people by 2027 continued in 2020 - despite the constraints posed by the current health crisis.

In 2021, Member States will provide 400 long-term posted officers (one from Luxembourg) and up to 3 600 short-term officers (11 from Luxembourg) for a period of four months, renewable. In order to face the challenge of a continuous increase in national contributions over the next few years, an exercise of coordination and identification of solutions is underway at the national level.⁶⁰⁸

9.4. Administrative Detention

9.4.1. Statistical Trends

In 2020, 246 people were placed in detention, compared to 421 in 2019.⁶⁰⁹ With regard to the profile of the detainees 233 were single men, or 94,7% of the total number of detained persons (compared with 374 in 2019), six were single women (compared to 12 in 2019) and two families representing seven people (compared to ten families in 2019, representing a total of 35 people). In 2020, 65 detainees (26,4%) were transferred as part of the Dublin procedure. This represents a decrease in comparison to 2019 (148 persons, 35,1%). While 48 of them were removed to their country of origin (119 in 2019), four took advantage of a "semi-voluntary return" through IOM (five in 2019), 102 were released (97 in 2019). As opposed to the previous years, none were transferred to the Penitentiary Centre, there were also no escapes in 2020. The average length of detention in all categories was 55 days in 2020 (compared to 47 in the previous year). However, 31 people were detained for 120 days or more, compared to 38 in 2019.⁶¹⁰ Moreover, the management of the Detention Centre was contacted 134 times for individual interviews with detainees in comparison to 227 in 2019. The Centre carried out 79 escorts for the benefit of detainees outside its premises (hospital, court, etc.). In 2019, 148 escorts were organised.⁶¹¹

9.4.2. The Impact of Covid-19 on Luxembourg's Detention Centre

No major legal or policy changes happened in relation to the Detention Centre in 2020, however, there were some measures taken in the framework

of Covid-19. For example, the maximum capacity could not be met so as to ensure social distancing measures.⁶¹² Moreover, a Covid-19 test became part of the medical examination to be taken within the 24 hours before entering the Detention Centre. A negative test however, was not a prerequisite to admission.⁶¹³

9.4.2.1. Business Continuity Plan

The Detention Centre adopted a business continuity plan during the sanitary crisis, the Minister of Foreign and European Affairs foresaw the reassignment of an accommodation unit to become a transit unit. Newly arrived persons were accommodated in this unit before being transferred to an accommodation unit to allow for a quarantine period of seven days, therefore avoiding the spread of Covid-19 in other structures. The detainees were only transferred after receiving a negative result on a Covid-19 test and with the express authorisation of the medical service.⁶¹⁴ Taking into consideration that one of the units was being renovated, the Detention Centre was only able to welcome single men. On 4 November 2020, the Minister stated that the renovations were over and therefore it was possible to place women and families at the Detention Centre again.⁶¹⁵

9.4.2.2. Released Detainees

As of 18 March 2020, 9 detainees were released from the Detention Centre because their return was not feasible due to the containment measures taken either by the transit or host countries in the context of Covid-19. As part of the Detention Centre's business continuity plan in, 19 detainees were released due to the reorganization of the Centre on 16 March 2020. The detainees' removal was not foreseeable under the state of emergency. On 29 May 2020, the Detention Centre counted 25 detainees (single men only). Moreover, the capacity reduction made it possible to renovate an entire living unit without impacting the normal functioning of the Centre.⁶¹⁶ The effective reception capacity of the Detention Centre was reduced to 2 units and a maximum of 29 detainees. It should be noted that released detainees from the Centre were systematically offered accommodation at the SHUK. Moreover, the psychosocial staff of the Centre tried to orientate the released detainees that did not have the

economic means to find accommodation on their own to suitable accommodation structures.⁶¹⁷

9.4.2.3. Activities of the Detention Centre

Due to the restrictions put in place as part of the fight against the Covid-19 pandemic, the activities of the Detention Centre were reduced to the day-to-day management of the facility. However, in collaboration with the EMN Luxembourg, the Centre succeeded in organizing a virtual workshop specifically aimed at managers of detention centers in the EU. The practical measures put in place in the different countries as part of the fight against the pandemic was the main theme of the event. Thirty practitioners came together to exchange their views and share best practices on the topic.⁶¹⁸

9.4.3. Alternatives to Detention

9.4.3.1. Semi-open return facility - SHUK⁶¹⁹

Statistical Trends

In 2020, a total of 232 people compared to 546 in 2019 (-57,5%), were assigned to the SHUK. In particular, individuals who fall within the scope of the Dublin Regulation and are likely to be transferred to another Member State are assigned to the SHUK, with the exception of women and families.⁶²⁰ Out of these 232 people, 24 were transferred to another Member State (104 in 2019), 26 to the Detention Centre (16 in 2019), and 114 left at their own will (compared to 323 in 2019).⁶²¹

The SHUK's residents are mainly comprised of Algerians, Eritreans, Moroccans and Guineans. In 2019, the main residents were Eritreans, Algerians, Afghans, Moroccans and Tunisians. As of 31 December 2020, 57 AIPs were residing at the SHUK, compared to 38 in 2019. On average, individuals stay for a period of 78 days at the SHUK, in comparison to 55 in 2019. The time increased by 41,8% since 2019.⁶²²

Activities of the SHUK

Since the beginning of the pandemic, the activities of the SHUK were strongly reduced. With the support from different partners, however, some activities were still able to take place. For example, as in 2019, SHUK residents were allowed to attend the "Baggerweier" (water platforms in the municipality of Schengen), free of charge during the summer season.⁶²³ Moreover, activities that could

take place indoors, on the premises of the SHUK were encouraged. These activities included among others, arts and crafts and board games. Like in previous years, the SHUK staff showed the residents screenings of films and documentaries.⁶²⁴ In addition, the cooperation with the Volunteer Agency (*Agence du Bénévolat*) was deepened in 2020, both with regard to the appointing of candidates to the Volunteer Agency, and to the hosting of volunteers offering activities to residents of the SHUK.⁶²⁵ A new contact point was also established with the Centre for Information, Gay and Lesbian (CIGALE), Centre of lesbian, gays, bisexuelles, trans, intersexe, queer+ communities which offers a meeting and support point for the members of the LGBTIQ+ community.⁶²⁶

Precautionary measures taken during the pandemic in the semi-open facility

The SHUK in cooperation with the Health Inspection Department took a series of steps to minimize the risk of contamination and exposure to Covid-19 on the premises. With a few exceptions, the measures mentioned under the heading “Other precautionary measures taken during the pandemic” also applied to the SHUK.

For instance, psychosocial staff provided information and took part in raising awareness (both orally and through the distribution of flyers and posters in 12 different languages) on the importance of basic hygiene measures to minimize the risk of infection.⁶²⁷ Meals were distributed to residents sitting on individual benches, systematic Covid-19 screening tests were implemented and a nurse from the Health Inspection Department was on site 8 hours a day.⁶²⁸ The objective of the changes was to protect residents, as well as, the employees of the SHUK by minimizing the risk of contamination during the Covid-19 pandemic.

9.5. Debate

In the area of return, detention and alternatives to detention, house arrest within the SHUK and the detention of minors were the subject of certain concerns in 2020.

House arrest within the SHUK

Since the creation of the SHUK in 2017, it has been the subject of criticism from civil society.⁶²⁹ The year 2020 was no exception.

In 2020, the LFR published a press release on the occasion of the World Refugee Day in which they indicated that they had observed that more AIPs were subject to the house arrest measure (*assignation à résidence*) during lockdown, in particular at the SHUK, which in their view is a disproportionate deprivation of freedom. Although, the LFR stated that they understood the health crisis called for specific measures, the conditions at the SHUK are difficult to reconcile with health considerations.

The LFR reiterated their demand for the closure of the SHUK and for an end to the systematic use of house arrest in the event of doubt about on the application of the Dublin III Regulation. They also advocated that house arrest decisions be taken on an individual and reasoned basis.⁶³⁰

The detention of minors

A draft Bill (n°7633) was introduced into the Parliament by two members of Parliament belonging to the opposition of Déi Lénk on 16 July 2020. It seeks to amend Article 22 of the Asylum Law, Articles 119 and 120 of the Immigration Law, and Article 6 of the Law of 28 May 2009 concerning the creation and organization of the Detention Centre.⁶³¹

The aim of the draft Bill is to prohibit in all circumstances the placement of minors in detention in order to take full account of the best interests of the child, as recommended by international and national organizations.⁶³²

In an answer to the Parliamentary question on the placement of a mother with her child in the Detention Centre, the Minister of Immigration and Asylum indicated that since March 2020, except for the mother accompanied by her child in view of being transferred to Italy, a couple with three children was placed in the Centre for one day in March.⁶³³

LIST OF ABBREVIATIONS

ADEM	National Employment Agency
AIP	Applicant for international protection
AMIF	Asylum, Migration and Integration Fund
AOT	Temporary occupation authorisation
ASTI	Association for the Support of Immigrant Workers
BIP	Beneficiary of international protection
BPVL	Passport, Visa and Legalisation Office
Brexit	Withdrawal of the United Kingdom from the European Union
CAI	Welcome and Integration Contract
CASNA	School reception unit for newly arrived pupils
CCCI	Consultative Commission of Integration (<i>Commission consultative communale d'intégration</i>)
CCDH	Consultative Commission on Human Rights
CEFIS	Centre for Intercultural and Social Studies and Training
CePAS	Centre for Psycho-Social and Student Support (Centre Psycho-Social et d'Accompagnement Scolaires)
CEPOL	European Police College
CET	Centre for Equal Treatment
CLAE	Liaison and Action Committee for Foreigners
CNE	National Council for Foreigners
COFAI	Commission of Family and Integration (<i>Comission de la Famille et de l'Intégration</i>)
COTEH	Ozanam centre - trafficking in human beings
EEA	European Economic Area
EES	Entry-Exit System
EMN	European Migration Network
ETIAS	European Travel Information and Authorisation System
EU	European Union
EUCPN	European Crime Prevention Network
FBI	Federal Bureau of Investigation
GRESIL	Local Integration Exchange and Support Group
ICT	Intercorporate transferees
IFEN	Institute of National Education Formation
IKL	Centre of Documentation and Intercultural Animations (Centre de Documentation et d'Animations Interkulturelles)
INAP	National Institute for Public Administration
INL	National Languages Institute
Integration	Multi-Annual Integration Plan
NAP	
IOM	International Organisation for Migration
ITM	Inspectorate of Labour and Mines
LFR	Lëtzebuenger Flüchtlingsrot (Luxembourg Refugee Council)
LISER	Luxembourg Institute of Socio-Economic Research
LISKO	Lëtzebuenger Integratiouns- a Sozialkohäsiounscenter (Luxembourgish Integration and Social Cohesion Centre)
Monitoring Committee	Monitoring Committee on the Fight against the Trafficking in Human Beings
MS	Member State
Integration	National Action Plan on Integration
NAP	
NGO	Non-governmental organisation
OKaJu	Defender of the Rights of children (<i>Ombudsman fir Kanner at Jugendlecher</i>)
OLAI	Luxembourg Office for Reception and Integration
ONA	National Reception Office
ORK	Ombuds-Comité fir d'Rechter vum Kand (Ombuds-Committee for the Rights of the Child)
PCI	Municipal Integration Plan
PIA	Guided Integration Trail
RNPP	National Registry of Natural Persons
SAVTEH	Support Service for Victims of Trafficking in Human Beings
SCAS	Central Social Assistance Service (Service d'aide aux victimes du Service central d'assistance sociale)

SECAM	Schooling Service for Foreign Children (Service de la scolarisation des enfants étrangers)
SFA	Department of Adult Education of the Ministry of Education, Children and Youth
SHUK	Semi-open return facility
SNJ	National Youth Service
SOIE	Service for International and European Offers
STATEC	National Institute of Statistics and Economic Studies
TIP	International Report Trafficking in Persons
UAM	Unaccompanied minor
UAM Commission	Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors in return decisions
UK	United Kingdom
UNHCR	United Nations High Commissioner for Refugees
VHT	Victim of human trafficking

ANNEX 1: BORDER CLOSURES IN 2020

Member State	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Notifications	
AT - internal borders - only HU & SI - only CZ & SK		11/03/20 - 27/04/20		08/05/20 - 15/06/20	12/05/20 - 11/05/21							Not. 123, 127, 140, 159, 164, 206 Not. 174, 240 Not. 246, 247
BE - internal borders		20/03/20 - 14/06/20										Not. 142, 154, 173, 182, 207, 249
CZ - internal borders - only air borders		14/03/20 - 13/06/20			14-30/06						Not. 125, 131, 156, 185, 191 Not. 220	
DE - internal borders - land border AT		16/03/20 - 22/06/20		12/05/20 - 11/05/21							Not. 130, 141, 150, 171, 178, 186, 200, 215 Not. 171, 236	
DK - all borders	12/11/19 - 11/05/21											Not. 127, 160, 234
EE - all borders		17/03/20 - 16/06/20										Not. 132, 146, 171, 179, 202

Member State	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Notifications		
ES - all borders	17/03/20 - 21/06/20										Not. 136, 151, 165, 181, 194, 198, 203, 209		
	- land border PT			21-30/06								Not. 217, 251	
FI - all borders	19/03/20 - 11/08/20								12/10/20 - 25/02/21		Not. 137, 158, 193, 213, 218, 231, 238, 241, 243, 245, 248		
	- only AT, CH, CZ, ES, FR, LU, PT, PL, SI, SE				15/07/20 - 08/09/20							Not. 220, 221	
	- only AT, BE, CH, CZ, DE, DK, ES, FR, IS, LU, MT, NL, NO, PL, PT, SI, SE					24/08/20 - 18/09/20							Not. 224
	- only AT, BE, CH, CZ, DK, EL, IT, HU, ES, FR, LU, NL, MT, PT, SI, SE							18/09/20 - 18/10/20					Not. 226
	- only IS, NO, SE, DK, SK							18/09/20 - 18/10/20					Not. 229
- only LT & PL								18/09/20 - 18/10/21			Not. 229		
FR - all borders			01/05/20 - 30/04/21									Not. 155, 232	
HU - all borders	12/03/20 - 27/02/21										Not. 124, 139, 157, 180, 195, 225, 227, 237, 242, 244, 250		

Member State	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Notifications
LT - all borders	14/03/20 - 14/09/20										Not. 129, 148, 163, 176, 192, 205, 212, 219, 222
PL - all borders	15/03/20 - 12/06/20										Not. 128, 149, 168, 188, 197
PT - land border ES	16/03/20 - 09/02/21										Not. 135, 153, 170, 187, 199, 216
SK - all borders	08/04/20 - 26/06/20										Not. 166, 172, 196, 204
SE - all borders											

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[mpl?path=D316ED15CB1347F1960C9B006FA74C8C1A8FBC68F67B5E54489B900C4B040340983180BD78386F5CB3977013A5C708924\\$AB83C578633178F6F70B0BAE25AB648](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=D316ED15CB1347F1960C9B006FA74C8C1A8FBC68F67B5E54489B900C4B040340983180BD78386F5CB3977013A5C708924$AB83C578633178F6F70B0BAE25AB648)

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[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=1497765D9CF8865142B7AC40F0392FA595FACCA4D976A7C199C8FF2502E53EAB697074F80CB975447EC5980406B2D209\\$6D94FCA955E2EEFE568F4BDE2DD6A2](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=1497765D9CF8865142B7AC40F0392FA595FACCA4D976A7C199C8FF2502E53EAB697074F80CB975447EC5980406B2D209$6D94FCA955E2EEFE568F4BDE2DD6A2)

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ENDNOTES

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⁷ Information provided by the STATEC on 6 April 2021 and STATEC, « La démographie luxembourgeoise en chiffres », 1 April 2021, p. 22. URL: <https://statistiques.public.lu/catalogue-publications/en-chiffres/2021/010421-demographie-en-chiffres.pdf>

⁸ Ibidem.

⁹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL COVID-19: Temporary Restriction on Non-Essential Travel to the EU. 16 March 2020. URL: : <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0115>

¹⁰ Council of the European Union, “Conclusions by the President of the European Council following the video conference with members of the European Council on COVID-19”, Press Release, 17 March 2020. URL:

<https://www.consilium.europa.eu/en/press/press-releases/2020/03/17/conclusions-by-the-president-of-the-european-council-following-the-video-conference-with-members-of-the-european-council-on-covid-19/>

¹¹ Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19. Published in Memorial A 165 of 18 March 2020. URL: <http://www.legilux.lu/eli/etat/leg/rgd/2020/03/18/a165/jo>

¹² Law of 24 March 2020 extending the state of crisis declared by the Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the fight against Covid-19. Published in Memorial A 178 of 24 March 2020. URL:

<http://data.legilux.public.lu/file/eli-etat-leg-loi-2020-03-24-a178-jo-fr-pdf.pdf>

¹³ Article 14 paragraph 1 of the Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19.

¹⁴ On 14 August 2020, the category of persons in the transport sector was clarified. Are concerned namely, aircrew as well as, third-country nationals in transit (stopover passengers with a connection) who had to present a negative Covid-19 test if they are to leave the transit area. See: The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes relatives aux restrictions temporaires en matière d'immigration », Press Release, 14 August 2020. URL:

https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/08-aout/14-immigration.html

¹⁵ In order to regain their domiciles, citizens of the European Union (EU), the United Kingdom (UK), and from countries associated with the Schengen Area, as well as, their family members were exempt from these travel restrictions. See: Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19.

¹⁶ Grand Ducal Regulation of 18 March 2020 mentions in particular health professionals, researchers in the field of health and care professionals for the elderly and persons employed in the goods and transport sector, including the staff of airline companies.

Grand Ducal Regulation of 20 June 2020 also mentions researchers and experts who provide advice in the context of the Covid-19 pandemic.

Grand Ducal Regulation of 1 July 2020 added highly qualified third-country national workers if their employment is necessary from an economic point of view and their work could not be postponed or carried out during the year.

Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 537 on 25 June 2020. URL:

<http://legilux.public.lu/eli/etat/leg/rgd/2020/06/20/a537/jo>

Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 564 on 1 July 2020. URL:

<http://legilux.public.lu/eli/etat/leg/rgd/2020/07/01/a564/jo>

¹⁷ Law of 20 June 2020 introducing certain temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 536 of 25 June 2020. URL:

<http://legilux.public.lu/eli/etat/leg/loi/2020/06/20/a536/jo>

¹⁸ Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹⁹ The Government of Luxembourg, « Résumé des travaux du 12 juin 2020 », Press Release, 12 June 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/06-juin/12-conseil-gouvernement.html

²⁰ Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

²¹ On 3 July 2020, the Ministry of Foreign and European Affairs communicated to the public, through a press release, the temporary measures taken for matters relating to immigration. The Ministry informed the public that the Government of Luxembourg introduced these changes in accordance with recommendations made by the Council of Europe on the temporary restrictions on non-essential travel to the EU and under which circumstances these restrictions could be lifted.

Source: The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes au sujet des mesures temporaires en matière d'immigration ». Press Release, 3 July 2020. URL: https://maee.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B020%2B07-juillet%2B03-maee-immigration.html

²² Grand Ducal Regulation of 11 September 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 762 of 11 September 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/09/11/a762/jo>

²³ Law of 19 December 2020 amending the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 1031 of 21 December 2020. URL: <http://legilux.public.lu/eli/etat/leg/loi/2020/12/19/a1031/jo>

²⁴ Grand Ducal Regulation of 19 December 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 1032 of 21 December 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/12/19/a1032/jo>

²⁵ By adding Article 2bis to the Grand Ducal Regulation of 20 June 2020 relating to the duration of the prohibition and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Immigration Law.

²⁶ Montenegro and Serbia were removed from the list of third countries whose residents should not be affected by a temporary restriction at the external borders of non-essential travel to the EU, on 17 July 2020. Similarly, Algeria was removed from the list on 7 August 2020 and Morocco on 14 August 2020. On 9 November 2020, Canada, Georgia or Tunisia were no longer authorized to enter the territory of the Grand Duchy of Luxembourg. At the same time, Singapore was added to the list. See: Grand Ducal Regulation of 16 July 2020 amending the Grand-Ducal Regulation amended on 20 June 2020 relating to the duration of the prohibition and the provision of exceptions provided for in Article 2 of the Law of 20 June 2020 introducing certain measures temporary relatives related to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 622 of 17 July 2020. URL: <http://data.legilux.public.lu/file/eli-etat-leg-rgd-2020-07-16-a622-jo-fr-pdf.pdf>

Grand Ducal Regulation of 7 August 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing certain measures temporary provisions relating to the application of the amended Law of 29 August 2008 on the free movement of

people and immigration. Published in Memorial A 669 of 7 August 2020. URL:

<http://legilux.public.lu/eli/etat/leg/rgd/2020/08/07/a669/jo>
Grand Ducal Regulation of 14 August 2020 amending the Grand-Ducal Regulation amended on 20 June 2020 relating to the duration of the prohibition and the provision of exceptions provided for in Article 2 of the Law of 20 June 2020 introducing certain measures temporary relatives related to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 689 of 14 August 2020. URL: <http://data.legilux.public.lu/file/eli-etat-leg-rgd-2020-08-14-a689-jo-fr-pdf.pdf>

Grand Ducal Regulation of 4 November 2020 amending the Grand Ducal Regulation amended on 20 June 2020 relating to the duration of the prohibition and the provision of exceptions provided for in Article 2 of the Law of 20 June 2020 introducing certain measures temporary relatives related to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 885 of 5 November 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/11/04/a885/jo>

²⁷ Uruguay was excluded from the list from 11 January 2021. See: Article 2bis of the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

²⁸ Council of the European Union, « Le Conseil met à jour la liste des pays à l'égard desquels les États membres devraient progressivement lever les restrictions de déplacement aux frontières extérieures », Press Release, 16 July 2020. URL: <https://www.consilium.europa.eu/fr/press/press-releases/2020/07/16/council-updates-the-list-of-countries-for-which-member-states-should-gradually-lift-travel-restrictions-at-the-external-borders/>

²⁹ The Government of Luxembourg, « Restrictions temporaires en matière d'immigration en vigueur à partir du 9 novembre », Press Release, 5 November 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/11-novembre/05-restrictions-temporaires-immigration.html

³⁰ Council of the European Union, “Council agrees to start lifting travel restrictions for residents of some third countries”, 30 June 2020. URL: <https://www.consilium.europa.eu/en/press/press-releases/2020/06/30/council-agrees-to-start-lifting-travel-restrictions-for-residents-of-some-third-countries/>

See also: Parliamentary question of 21 August 2020 n°2708 about the restrictions of non-essential travel of third-country nationals to the EU on love is not tourism. URL: [https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2Fpdf&id=3052F513384A3016F93127EF2B7598DD\\$E9601AF375936FC64CC0117108315F77&fn=3052F513384A3016F93127EF2B7598DD\\$E9601AF375936FC64CC0117108315F77.pdf](https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2Fpdf&id=3052F513384A3016F93127EF2B7598DD$E9601AF375936FC64CC0117108315F77&fn=3052F513384A3016F93127EF2B7598DD$E9601AF375936FC64CC0117108315F77.pdf)

See also: Answer of the Minister of Immigration and Asylum of 15 September 2020 to the Parliamentary question n° 2708 on restrictions of non-essential travel of third-country nationals and the EU campaign, love is not tourism. URL: [https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?mpl?path=D316ED15CB1347F1960C9B006FA74C8C1A8FBC68F67B5E54489B900C4B40340983180BD78386F5CB3977013A5C708924\\$AB83C578633178F6F670B0BAE25A8648](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?mpl?path=D316ED15CB1347F1960C9B006FA74C8C1A8FBC68F67B5E54489B900C4B40340983180BD78386F5CB3977013A5C708924$AB83C578633178F6F670B0BAE25A8648)

³¹ The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes au sujet des mesures temporaires en matière d'immigration », Press Release, 14 September 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/09-septembre/14-maee-immigration.html

³² Answer of the Minister of Foreign and European Affairs of 23 September 2020 to the Parliamentary question n°2762 on love

is not tourism. URL: [https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?ervlet?path=1497765D9CF8865142B7AC40F0392FA595FACCA4D976A7C199C8FF2502E53EAB697074F80CB975447EC5980406B2D209\\$6D94FCA955E2EEFFEE568F4BDE2DD6A2](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?ervlet?path=1497765D9CF8865142B7AC40F0392FA595FACCA4D976A7C199C8FF2502E53EAB697074F80CB975447EC5980406B2D209$6D94FCA955E2EEFFEE568F4BDE2DD6A2)

See also: Answer of the Minister of Foreign and European Affairs of 15 September 2020 to the Parliamentary question n° 2708 on restrictions of non-essential travel of third-country nationals and the EU campaign, love is not tourism.

³³ Including people holding a temporary authorization of stay or a residence permit.

³⁴ Grand Ducal Regulation of 7 August 2020 amending the amended Grand-Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing certain measures temporary provisions relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration

See also: The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes relatives aux restrictions temporaires en matière d'immigration », Press Release, 14 August 2020.

³⁵ Grand Ducal Regulation of 21 August 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing certain measures temporary provisions relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 705 on 21 August 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/08/21/a705/jo>

See also: The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes relatives aux restrictions temporaires en matière d'immigration », Press Release, 21 August 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/08-aout/21-communique-immigration.html

³⁶ Love is not tourism official website. URL: <https://www.loveisnottourism.org/>

³⁷ Answer of the Minister of Foreign and European Affairs of 23 September 2020 to the Parliamentary question n°2762 on love is not tourism.

See also: Answer of the Minister of Immigration and Asylum of 15 September 2020 to the Parliamentary question n° 2708 on restrictions of non-essential travel of third-country nationals and the EU campaign, love is not tourism.

³⁸ See for example, Luxemburger Wort, 24 September 2020, La réunion des couples binationaux désormais autorisée. URL: <https://www.wort.lu/fr/luxembourg/la-reunion-des-couples-binationaux-desormais-autorisee-5f6c9ac5de135b9236316b60>

³⁹ Petition to the European Parliament to allow third-country residents enter Luxembourg for reunion of the unmarried couple. URL: <https://www.change.org/p/european-parliament-to-allow-third-countries-residents-enter-luxembourg-for-reunion-the-unmarried-couple>

⁴⁰ As of 13 April 2021, 373 signatures had been collected. The objectif was 500.

⁴¹ The Government of Luxembourg, « Déclaration de Jean Asselborn à l'occasion du 25e anniversaire de l'entrée en application des accords de Schengen », Press Release, 25 March 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/03-mars/25-asselborn-schengen.html

⁴² Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28 et seq. of the Schengen Borders Code (PDF) URL: https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control.pdf

⁴³ Notification n ° 130 du Member States 'notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28 et seq. of the Schengen Borders Code.

⁴⁴ EURES Labour market information. URL: <https://ec.europa.eu/eures/main.jsp?catId=2643&countryId=LU&acro=Imi&lang=en®ionId=LU0&nuts2Code=%20&nuts3Code=®ionName=National%20Level>

⁴⁵ Answer of the Minister of Finance of 26 May 2020 to the Parliamentary question n°2074 concerning the keeping of a register by the Customs and Excise Agency during controls carried out at the borders of Luxembourg. URL: [https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=02056E6EEBF4A967179391CB2B417B6\\$B62CCC53ECE0BE314D0A4A3ED2A737BD&fn=02056E6EEBF4A967179391CB2B417B6\\$B62CCC53ECE0BE314D0A4A3ED2A737BD.pdf](https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=02056E6EEBF4A967179391CB2B417B6$B62CCC53ECE0BE314D0A4A3ED2A737BD&fn=02056E6EEBF4A967179391CB2B417B6$B62CCC53ECE0BE314D0A4A3ED2A737BD.pdf)

⁴⁶ The Government of Luxembourg, « Jean Asselborn au Conseil des Affaires étrangères de l'Union européenne », Press Release, 23 March 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/03-mars/23-asselborn-conseil.html

See also: The Government of Luxembourg, « Jean Asselborn a participé aux visioconférences du Conseil "Affaires générales" et du Conseil "Affaires étrangères" de l'Union européenne », Press Release, 22 April 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/04-avril/22-asselborn-cae-cag.html

⁴⁷ Answer of the Minister of Finance on the Parliamentary Question n°2074 of 22 April 2020.

⁴⁸ Answer of the Minister of Finance of 29 May 2020 to the Parliamentary Question n°2298 the data registered by the Customs and Excise Agency during controls carried out at the borders of Luxembourg. URL: [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?ervlet?path=D0B66C8DF341659B3B17C7CA159268E1A1D71B3DBC9514DE632631D434A7B709A03BAD6C48EC024878BDCAOEA96070D4\\$BBB4535B6372A41ADF901630BF6FEF5](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?ervlet?path=D0B66C8DF341659B3B17C7CA159268E1A1D71B3DBC9514DE632631D434A7B709A03BAD6C48EC024878BDCAOEA96070D4$BBB4535B6372A41ADF901630BF6FEF5)

See also: Joint answer of the Minister of Foreign and European Affairs and the Minister of Finance of 26 May 2020 to the Parliamentary question n ° 2148 concerning borders with Germany. URL: [https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=2E462CCF81BF8E9410E6DE9A45F92C\\$EA67227930D16D5F842B381B66E5E4CD&fn=2E462CCF81BF8E9410E6DE9A45F92C\\$EA67227930D16D5F842B381B66E5E4CD.pdf](https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=2E462CCF81BF8E9410E6DE9A45F92C$EA67227930D16D5F842B381B66E5E4CD&fn=2E462CCF81BF8E9410E6DE9A45F92C$EA67227930D16D5F842B381B66E5E4CD.pdf)

Joint answer of the Minister of Foreign and European Affairs, the Minister of Higher Education and Research, the Minister of Internal Security and the Minister of Finance of 26 May 2020 to the Parliamentary question n ° 2081 concerning borders with Germany. URL: [https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=C7A413F1640FD2B95DC6403287EFE07B\\$17BD4FF822EAA67301A4BF9E9A3BC558&fn=C7A413F1640FD2B95DC6403287EFE07B\\$17BD4FF822EAA67301A4BF9E9A3BC558.pdf](https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=C7A413F1640FD2B95DC6403287EFE07B$17BD4FF822EAA67301A4BF9E9A3BC558&fn=C7A413F1640FD2B95DC6403287EFE07B$17BD4FF822EAA67301A4BF9E9A3BC558.pdf)

Answer of the Minister of Finance of 29 May 2020 to the Parliamentary question n ° 2274 concerning Customs controls. URL: [https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=41BE91ED8C95EDE4E97E652F18F0E0B8\\$4DDC0063D5314405529EE809A109D422&fn=41BE91ED8C95EDE4E97E652F18F0E0B8\\$4DDC0063D5314405529EE809A109D422.pdf](https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=41BE91ED8C95EDE4E97E652F18F0E0B8$4DDC0063D5314405529EE809A109D422&fn=41BE91ED8C95EDE4E97E652F18F0E0B8$4DDC0063D5314405529EE809A109D422.pdf)

⁴⁹ The Government of Luxembourg, « Communiqué à destination des ressortissants de pays tiers se trouvant actuellement au Grand-Duché de Luxembourg », Press Release, 19 March 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/03-mars/19-luxembourgeois-deplacement.html

⁵⁰ The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes au sujet des mesures temporaires en matière d'immigration », Press Release, 24 June 2020.

URL :

https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/06-juin/24-maee-mesures-immigration.html

⁵¹ *Ibidem*.

⁵² This possibility only existed for foreigners who had been invited to do so. These appointments were made with regard to the registration and / or delivery of biometric residence permits. The information offices remained closed. An explanatory letter was sent to those concerned to make an appointment. See: European Migration Network, National Contact Point Luxembourg answer to EMN AHQ 2020.39, update to AHQ 2020.19 on Security measures in on-site customer service offices, launched by Latvia on 5 June 2020.

⁵³ Answer of the Minister of Immigration and Asylum of 5 June 2020 to the Parliamentary question n°2229 on the number of people released from the Detention Centre during the state of emergency.

URL:

https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?mpl?path=735FD7B8E186ADE6CFD35DFFAEDFC4731D35D446DFD4F3A90242C78ED719683FF20D54EDB92BC329E44DD250415648A156ACC71A1D096CDFAF410421086ACC562

⁵⁴ European Migration Network, National Contact Point Luxembourg answer to COM Ad-hoc query 2020. 75 on residence permits and labour market needs launched by Luxembourg on 11 December 2020.

⁵⁵ In general, third-country nationals who apply for an authorisation to stay must do so from their country of origin or the application is declared inadmissible. The deadlines in the decision-making process (provided for in amended Immigration Law) only start when the file is considered complete by the administration.

⁵⁶ Answer of the Minister of Foreign and European Affairs of 24 April 2020 to the Parliamentary question n°2041 on sanitary measures in reception structures.

URL:

https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServlet?ervlet?mpl?path=944D902CD9873CFC40D27A7457220A336E798FBE3ED9BFD963142A850C8DE5A0AD758803B5C2AA3A7F27102316C26E5F6F78929FA4FCA7E4F1F654E4DBE69A2

⁵⁷ Some figures reported in 2019 differ in 2020 as the data included in the annual report is taken from the Directorate of Immigration's database at the start of the year following the reference period. However, sometimes additions are made to the database after data extraction. These late entries lead to an adjustment of the data for the reference period in question. Information provided by the Directorate of Immigration 2 April 2021.

⁵⁸ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 14. URL : https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20210301-Bilan-2020-Asile-immigration-et-accueil.pdf

⁵⁹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2019 en matière d'asile et d'immigration », Luxembourg, 2020, p.18. URL : https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/Bilan-2019-Asile-Immigration-et-Accueil.pdf

⁶⁰ In comparison with 2019, the issuance of residence permits for the first time decreased by 16,2%. However, the number of residence permits issued for the first time increased in 2019 by 7,2% in comparison with 2018.

⁶¹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 15.

⁶² *Ibidem*.

⁶³ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 14.

⁶⁴ *Ibidem*.

⁶⁵ *Ibid*, p. 16.

⁶⁶ *Ibid*, p.14.

See also: Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile et d'immigration », Luxembourg, 2019. URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20190131-Bilan-2018-Asile-Immigr-Accueil-presse.pdf>

⁶⁷ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 12.

⁶⁸ *Ibidem*

⁶⁹ The category other includes: investors, community service providers or workers for a community service provider, ICT mobile expert/executives and employee/trainees, private reasons, volunteers and NMCD students. The number of residence permits for each of the categories is lower than ten per year.

⁷⁰ *Ibidem*.

⁷¹ *Ibidem*.

⁷² Information provided by the Directorate of Immigration on 29 March 2021.

⁷³ Taking into consideration that a residence permit is issued to each family member. This implies that one sponsor can have several family members.

⁷⁴ These figures take into account authorisations to work.

⁷⁵ Residence permits issued under the category pupil are valid for six months. Although two residence permits were issued to pupils in 2020, by 31 December 2020 they were no longer valid.

⁷⁶ Article 42 (1) of the amended Law of 29 August 2008 on the free movement of people and immigration in the case of « Salaried Workers » (travailleurs salariés), Article 45 and 45 (1) regarding "Blue card holders", or Articles 65 and 66 in the case of researchers.

⁷⁷ See:

Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19.

Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 537 on 25 June 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/06/20/a537/jo>

Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 564 of 1 July 2020. URL: <http://data.legilux.public.lu/file/eli-etat-leg-rgd-2020-07-01-a564-jo-fr-pdf.pdf>

⁷⁸ In 2019, Turkey was the third biggest country of origin to be issued a Bleu Card (50).

⁷⁹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p.15.

⁸⁰ *Ibid*, p.21.

⁸¹ *Ibid*, p.15.

⁸² It proposes to amend Article 47 (4) b) of the amended Law of 29 August 2008 on the free movement of people and immigration.

⁸³ Bill n°7682 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 5. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingservletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309DFD115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813S3B720993C9AEDDC5D06D72351744F628

⁸⁴ Law of 15 December 2020 amending: 1) the Labour Code in order to transpose Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services; 2) the amended Law of 19 December 2008 on inter-administrative and judicial cooperation and the strengthening of the means of the Luxembourg Inland Revenue (ACD), the Registration Duties and Estates Authority and the Customs and Excise Agency and amending: the amended Law of 12 February 1979 on value added tax; the general tax Law ("Abgabenordnung"); the amended Law of 17 April 1964 on the reorganization of the Luxembourg Inland Revenue (ACD); the amended Law of 20 March 1970 on the reorganization of the Registration Duties and Estates Authority; the amended Law of 27 November 1933 concerning the recovery of direct contributions and social insurance contributions. Published in Memorial A 1024 of 18 December 2020. URL:

<http://legilux.public.lu/eli/etat/leg/loi/2020/12/15/a1024/jo>

⁸⁵ A posted worker is a worker who, for a limited period, carries out his work in the territory of an EU Member State other than the State in which they normally work. Source: [EMN Glossary](#)

⁸⁶ Bill n°7516 amending: 1) the Labour Code in order to transpose Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71 / EC concerning the posting of workers in the framework of the provision of services ; 2) the amended Law of 19 December 2008 having as its object inter-administrative and judicial cooperation and the strengthening of the means of the Luxembourg Inland Revenue (ACD), the Registration Duties and Estates Authority and the Customs and Excise Agency and amending: the amended Law of 12 February 1979 on value added tax; the general tax Law ("Abgabenordnung"); the amended Law of 17 April 1964 on the reorganization of the Luxembourg Inland Revenue (ACD); the amended Law of 20 March 1970 on the reorganization of the Registration Duties and Estates Authority; the amended Law of 27 November 1933 concerning the recovery of direct contributions and social insurance contributions. Introduced into Parliament on 23 January 2020, p. 2. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingservletImpl?path=CDEA11787C71D450BFEE4C3EC7FBFE770F50BBAF15A2F03BF518AE6BACD0B621785DD87C7EBC1E79F254322870DB5113SCBD138E3E8BC5CFAA8A2F29031030F2E

⁸⁷ *Ibid*, p. 3.

⁸⁸ *Ibid*, p.4 -5.

⁸⁹ *Ibidem*.

⁹⁰ Seasonal workers in Luxembourg are not usually third-country nationals but EU citizens.

⁹¹ Answer of the Minister of Agriculture, Viticulture and Rural Development of 15 April 2020 to the Parliamentary question n°2025 on seasonal workers. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingservletImpl?path=6CF31235A9E4016686AAD145E16ABA9817BC6E13638C7E5248785869C6782A715E6E9D2CC4E85A5015F7E733C925E266SD7C2CCA042DA42D2F092357475436959

⁹² Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. See also: Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures

relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration

⁹³ Researchers are considered as economic migrants in Luxembourg.

⁹⁴ Grand Ducal Regulation of 19 December 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

⁹⁵ In accordance with Article 14 b) of the Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19, only health researchers were mentioned.

Article 2 c) of the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for by Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration included researchers and experts who provided advice within the framework of the Covid-19 pandemic.

The Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration, removed researchers and experts who provided advice within the framework of the Covid-19 pandemic from the list, only health researchers remained.

⁹⁶ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p.15

⁹⁷ Information provided by the ADEM on 27 January 2021. See also: ADEM, « FAQ ADEM en relation avec Covid-19 », Luxembourg 2020. URL: <https://adem.public.lu/fr/support/fag/faq-corona.html>

⁹⁸ Answer of the Minister of Agriculture, Viticulture and Rural Development of 15 April 2020 to the Parliamentary question n°2025 on seasonal workers. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingservletImpl?path=6CF31235A9E4016686AAD145E16ABA9817BC6E13638C7E5248785869C6782A715E6E9D2CC4E85A5015F7E733C925E266SD7C2CCA042DA42D2F092357475436959

⁹⁹ European Migration Network National Contact Point Luxembourg, "Attracting and Protecting Seasonal Workers from Third Countries in Luxembourg", Luxembourg 2020 p. 5. URL: https://www.emnluxembourg.lu/wp-content/uploads/2020/06/EMN-Luxembourg-Seasonal-Workers-study_FINAL.pdf

¹⁰⁰ It was developed by the Chamber of Commerce via the House of Entrepreneurship, in partnership with the Ministries of Labour and the Economy, the Employment Agency (ADEM) and the Trade Confederation (CLC), Luxembourg Business Federation (FEDIL), National Federation of Hoteliers, Restaurateurs and Cafetiers (HORESCA), the Chamber of Trades and Crafts and the Chamber of Agriculture". Source: Chamber of Commerce, « Sortie de crise. JobSwitch – Cessation des activités au 30 avril 2020 ». URL: <https://www.cc.lu/en/covid19/news/Article/detail/jobswitch-cessation-des-activites-au-30-avril-2020/>

¹⁰¹ See Article 7 of the Bill n°7682 amending Article 61 (1) point (2) of the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 5.

¹⁰² *Ibidem*.

¹⁰³ Grand Ducal Regulation of 19 December 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary

measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹⁰⁴ Article 2, point 11 of the Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹⁰⁵ European Migration Network, National Contact Point Luxembourg answer to EMN AHQ 2020.44 and AHQ 2020.45 Impact of COVID-19 on international students (Part 1 and 2), launched jointly by Luxembourg & COM on 24 July 2020.

¹⁰⁶ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 15

¹⁰⁷ The following measures were applicable: no definitive failure could happen during the summer semester 2019-2020; the examination juries held in July 2020 could only be delayed until 4 September 2020, at the latest; a temporary suspension of the provisions relating to the maximum duration of studies could be pronounced by the rector for an equivalent period to that of a semester.

¹⁰⁸ European Migration Network, National Contact Point Luxembourg, answer to AHQ 2020.44.

¹⁰⁹ With the transposition of the directive 2016/801/EU by the Law of 1 August 2018, introducing Article 67-4 of the Immigration Law, 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". See: Article 67-4 (1) to (4) of the amended Law of 29 August 2008.

¹¹⁰ Information provided by the Directorate of Immigration on 26 March 2021.

¹¹¹ Grand Ducal Regulation of 19 December 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹¹² Grand Ducal Regulation of 1 July 2020 amending the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹¹³ Whether a temporary residence permit or a residence permit as a member of a family emitted by a Member State of the European Union.

¹¹⁴ Article 2 of the Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration. Coordinated version of 21 December 2020. URL:

https://maee.gouvernement.lu/content/dam/gouv_maee/directives/d8/!/%C3%A9gislations/20201221-Version-COORDONNEE-RGD-immigration-restrictions-temporaires.pdf

See also: Grand Ducal Regulation of 19 December 2020 amending the amended Grand Ducal Regulation of 20 June 2020 relating to the duration of the ban and the scope of the exceptions provided for in Article 2 of the Law of 20 June 2020 introducing temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹¹⁵ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 17.

¹¹⁶ Answer of the Minister of Immigration and Asylum of 25 March 2020 to the Parliamentary question n°1970 on family reunification. URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServlet?path=292EC4BF421E36F0608271A1AA8930080B9E62C5561090598F5B44338F2969835D95B4CA379023DC64687C518FE9DF44\\$022577196E13C7EEDCC439136CF3584A](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServlet?path=292EC4BF421E36F0608271A1AA8930080B9E62C5561090598F5B44338F2969835D95B4CA379023DC64687C518FE9DF44$022577196E13C7EEDCC439136CF3584A)

¹¹⁷ Article 69 of the amended Law of 29 August 2008 on the free movement of people and immigration.

¹¹⁸ Bill n°7682 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 3 and p.5.

¹¹⁹ *Ibid*, p. 4.

¹²⁰ Commission of Foreign and European Affairs, Cooperation and Immigration and Asylum, Ordinary Session 2019-2020, « Procès-verbal de la réunion du 18 mai 2020 », 18 May 2020, p. 3. URL:

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=580EF9139C7BD8406EFC713F62A03841\\$A607A8F3AB0E5EE36380A0C94B5E4F84&fn=580EF9139C7BD8406EFC713F62A03841\\$A607A8F3AB0E5EE36380A0C94B5E4F84.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=580EF9139C7BD8406EFC713F62A03841$A607A8F3AB0E5EE36380A0C94B5E4F84&fn=580EF9139C7BD8406EFC713F62A03841$A607A8F3AB0E5EE36380A0C94B5E4F84.pdf)

¹²¹ Bill n°7682 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 5.

¹²² *Ibid*, p. 3.

¹²³ *Ibidem*.

¹²⁴ Commission of Foreign and European Affairs, Cooperation, Immigration and Asylum, « Procès-verbal de la réunion du 10 février 2020 », 10 February 2020, p. 4. URL:

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=3D2EC875A301F422A291876DCECFBFC0\\$6899FFF4BF4CB9E14B613C69214C7346&fn=3D2EC875A301F422A291876DCECFBFC0\\$6899FFF4BF4CB9E14B613C69214C7346.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=3D2EC875A301F422A291876DCECFBFC0$6899FFF4BF4CB9E14B613C69214C7346&fn=3D2EC875A301F422A291876DCECFBFC0$6899FFF4BF4CB9E14B613C69214C7346.pdf)

¹²⁵ Consultative Commission on Human Rights (CCDH), « Rapport de la CCDH sur le droit au regroupement familial des bénéficiaires de protection internationale au Luxembourg », 2 March 2020, Luxembourg. URL:

<https://ccdh.public.lu/fr/actualites/2020/Rapport-regroupement-familial.html>

¹²⁶ *Ibid*, p. 4.

¹²⁷ *Ibid*, pp. 1-2

¹²⁸ Luxembourg Refugee Council (LFR), « Journée mondiale des réfugiés ! Stop Dublin pendant la crise sanitaire », Press Release, 18 June 2020, URL: https://619010fd-b8ee-47c4-bc7d-18228604e533.filesusr.com/ugd/a35505_76b7a2f5f82a42e7ac4915203e593204.pdf

¹²⁹ Change.org, « Asile : Je signe pour deux améliorations concrètes au Luxembourg », URL:

https://www.change.org/p/monsieur-le-ministre-des-affaires-etrang%C3%A8res-et-europ%C3%A9ennes-de-luxembourg-asile-je-signe-pour-deux-am%C3%A9liorations-concr%C3%A8tes-au-luxembourg?recruiter=1117755746&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=d8e7901086524373a9616e85989171f5

¹³⁰ Among others, representatives from the UNHCR, Radboud University, the Ministry of Foreign and European Affairs, The International Committee of the Red Cross, the CCDH, as well as, legal professionals .

¹³¹ Information provided by the Luxembourgish Integration and Social Cohesion Centre (LISKO) on 3 July 2020.

¹³² *Ibidem*.

¹³³ Commission of Foreign and European Affairs, Cooperation, Immigration and Asylum, « Procès-verbal de la réunion du 18 mai 2020 », 18 May 2020, p. 3.

¹³⁴ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 15.

¹³⁵ 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. See: Bill n°6992 amending 1) the amended Law of 29 August 2008 on the free movement of people and immigration ; 2) the amended Law of 28 May 2009 concerning detention; and 3) the Law of 2 September 2011 regulating access to artisanal professions, merchants and industrial professionals, as well as, other liberal professions. « Exposé des motifs », p. 19. Introduced into Parliament on 18 May 2016.

URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=BBECD23AC2E11C35B6516C74C2DE788B51536CC4595C360C00E18C9F5985ED195&fn=BBECD23AC2E11C35B6516C74C2DE788B51536CC4595C360C00E18C9F5985ED195.pdf

¹³⁶ Information provided by the Directorate of Immigration on 26 March 2021.

¹³⁷ European Migration Network, National Contact Point Luxembourg answer to LU& COM Ad-hoc query 2019.23 on investor schemes (golden passports), launched on 14 February 2019.

¹³⁸ Answer of the Ministry of Foreign Affairs and the Ministry of Finance of 11 February 2019 to the Parliamentary question n° 270 on Golden Passports and Visas, and whether they conform to EU concerns on money laundering and the financing of terrorism.

URL: https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServetletmpl?path=4FA3EB89CA10F1F194EF131B3C430F49F41226978137667F082217044A673061AB2368878431AE29C5A44E060954B2155E51072C3CFAD62CA88B25BA1F282C80

¹³⁹ European Commission, « Nouvelles règles de l'UE en matière de visas – Questions et réponses », 31 January 2020, Brussels.

URL : https://ec.europa.eu/commission/presscorner/detail/fr/ganda_20_149

¹⁴⁰ Information provided by the Passport, Visa and Legalisation Office on 16 December 2020.

¹⁴¹ Bill n°7682 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 4.

¹⁴² *Ibidem*.

¹⁴³ European Migration Network, National Contact Point Luxembourg answer to Ad-hoc query 2020.6 on novel coronavirus (2019-nCoV) and visa/entry permit to Chinese citizens and/or other TCNs launched by Cyprus on 3 February 2020.

¹⁴⁴ The Government of Luxembourg, « Communiqué à destination des ressortissants de pays tiers se trouvant actuellement au Grand-Duché de Luxembourg ». Press Release, 19 March 2020.

¹⁴⁵ The Government of Luxembourg, « Coronavirus: Mesures temporaires – Bureau des passeports, visas et légalisations », Press Release, 19 March 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/03-mars/19-bureau-passeports.html

¹⁴⁶ Ministry of Foreign and European Affairs, « Covid-19: Horaire des guichets du MAEE », n.d. URL: <https://maee.gouvernement.lu/fr.html>

¹⁴⁷ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020, pp. 24-29. URL: https://www.emnluxembourg.lu/wp-content/uploads/2020/07/Annual-Report-on-Migration-and-Asylum-2019_EN.pdf

¹⁴⁸ Law of 8 April 2019 amending the amended Law of 29 August on the free movement of people and immigration. Published in Memorial A242 of 11 April 2019. URL: <http://legilux.public.lu/eli/etat/leg/loi/2019/04/08/a242/jo>

¹⁴⁹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2021, p. 20.

¹⁵⁰ The Government of Luxembourg, « Lancement de la procédure de délivrance des documents de séjour pour les ressortissants britanniques suite au retrait du Royaume-Uni de l'Union européenne », Press Release, 30 June 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/06-juin/30-ressortissants-britanniques.html

¹⁵¹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 18.

¹⁵² National Statistics and Economic Studies Institute (Statec), "Population per sex and per nationality as of January 1st 1981-2020 (x 1 000)", Luxembourg 2021. URL: https://statistiques.public.lu/stat/TableViewer/tableView.aspx?ReportId=12853&IF_Language=fr&MainTheme=2&FldrName=1

¹⁵³ Ministry of Justice, « Procédures de nationalité luxembourgeoise clôturées – année 2020 », Luxembourg 2021. URL: <https://mj.gouvernement.lu/dam-assets/dossiers/dossier-nationalite/statistiques/Ind-Stat-2020.pdf>

See also : Ministry of Justice, « Procédures de nationalité luxembourgeoise clôturées – année 2019 », Luxembourg 2020. URL: http://mj.public.lu/chiffres_cles/Ind_Stat_2019.pdf

¹⁵⁴ Bill n°7682 amending Article 40 of the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 3.

¹⁵⁵ Answer of the Minister of Immigration and Asylum of 9 December 2020 to the Parliamentary question n°3258 on residence permits for family members coming from an EU member country.

URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServetletmpl?path=A43D8484CD1A443F4E7DB9C3F80BD7A104DAFD848F704C647C106663BA6794D9FBEBF77DF9A24E19642DD2CD846E2CC953D76A7BF532EADAA7831B09679BC29D8

¹⁵⁶ Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg, 2021, p. 20.

¹⁵⁷ The Government of Luxembourg, « Consultation lancée par le Ministère des Affaires étrangères et européennes et le Département de l'intégration du Ministère de la Famille, de l'intégration et à la Grande Région dans le cadre du prochain programme national pluriannuel du Fonds européen « Asile, migration et intégration » (AMIF 2021-2027) », 15 August to 15 September 2020. URL : <http://etat.emfro.lu/s3/AMIF-2021-2027>

¹⁵⁸ See Press Conference by Charles Michel. URL : <https://twitter.com/i/status/1240027486676795392>

¹⁵⁹ Article 14, paragraph 1 of the Grand Ducal Regulation of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19.

¹⁶⁰ Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg, 2021, p. 3.

¹⁶¹ Ministry of of European and Foreign Affairs, University of Luxembourg, Migration Internationale au Luxembourg, Système d'observation permanente des migrations (OCDE) », 31 October 2020, p.47. URL : <http://hdl.handle.net/10993/45485>

¹⁶² The Government of Luxembourg, « Prise de position du ministre de l'Immigration et de l'Asile par rapport au communiqué du Lëtzebuurger Flüchtlingsrot », Press Release, 11 August 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/08-aout/11-asselborn-prise-position.html

¹⁶³ Answer of the Minister of Foreign and European Affairs of 24 April to the Parliamentary question n°2041.

¹⁶⁴ Notification n° 117, 130, 141, 142, 150, 154 and 155 of Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28et seq. of the Schengen Borders Code. URL: <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders->

[and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf](#)

¹⁶⁵ The Government of Luxembourg, « Prise de position du ministre de l'Immigration et de l'Asile par rapport au communiqué du Lëtzebuurger Flüchtlingsrot », Press Release, 11 August 2020.

¹⁶⁶ Applicants of international protection (AIPs) must express their wish to submit an application in person either to the Directorate of Immigration's Department for Refugees, the control service at the airport, the Grand Ducal Police, the Detention Centre (where the person has been placed), or the state prison. The First-time Reception Service is a cell of the Department for Refugees which processes the applications.

¹⁶⁷ Answer of the Minister of Immigration and Asylum of 25 August 2020 to the Parliamentary question n°2613 on the lodging of international protection applications. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingS_ervletImpl?path=F0294A8BC46ED5CFEA73FB301AB954F76DFC_BDA7DBC3DCFA92F5A0ADAD937B6ABE5EF37A428EEF986D2C9_CCAC6427F84520E7442E523DC1A2111E29182CD0B65E

¹⁶⁸ The Government of Luxembourg, « Communiqué à destination des ressortissants de pays tiers se trouvant actuellement au Grand-Duché de Luxembourg ». Press Release, 19 March 2020.

¹⁶⁹ See: The Government of Luxembourg, « Latest News », n.d. URL: <https://gouvernement.lu/en.html>

¹⁷⁰ The Government of Luxembourg, « Communiqué du ministère des Affaires étrangères et européennes au sujet des mesures temporaires en matière d'immigration », Press Release, 24 June 2020 and information provided by the Directorate of Immigration on 23 December 2020.

¹⁷¹ Information provided by the Directorate of Immigration on 23 December 2020.

¹⁷² *Ibidem*.

¹⁷³ *Ibidem*.

¹⁷⁴ Information provided by the Directorate of Immigration on 3 December 2020.

¹⁷⁵ Information provided by the Directorate of Immigration on 23 December 2020.

¹⁷⁶ Answer of the Minister of Foreign and European Affairs of 24 April to the Parliamentary question n°2041.

¹⁷⁷ This number takes into account all decisions taken with regards to international protection, including grant decisions, refusals, Dublin III transfer decisions, withdrawal of applications and revocations. See Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg, 2021, p. 4.

¹⁷⁸ Information provided by the CEFIS on 10 April 2021, based on figures provided by the Directorate of Immigration.

¹⁷⁹ Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg, 2021, p. 3.

¹⁸⁰ *Ibid*, p. 3 and p. 5.

¹⁸¹ *Ibid*, p. 3.

¹⁸² *Ibidem*.

¹⁸³ *Ibid*, p. 4 and p. 5.

¹⁸⁴ Law of 4 December on the establishing of a National Reception Office (ONA) and amending: 1) the amended Law of 21 September 2006 on tenancy agreements and amending certain provisions in the Civil Code; 2) the amended Law of 16 December 2008 concerning the integration of foreigners in the Grand Duchy of Luxembourg; 3) the amended Law of 18 December 2015 relative to the reception of applicants for international and temporary protection.

¹⁸⁵ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020, p.32.

¹⁸⁶ Bill n°7681 amending the Law of 18 December 2015 on international protection and temporary protection. Introduced into Parliament on 16 October 2020. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingS_ervletImpl?path=50812183A5A31F6A9E9583EF972D0AF4A2DC43D17EBF8CFA2988B5FF1837DB64B03578E00F4C362FBA13BADE7257D18F5A827460303EFF4BA13A5891950D8FB36

¹⁸⁷ Bill n°7681 amending the Law of 18 December 2015 on international protection and temporary protection. Introduced into Parliament on 16 October 2020, p.3.

¹⁸⁸ *Ibid*, p.2.

¹⁸⁹ *Ibid*, p.3.

¹⁹⁰ *Ibid*, p.2.

¹⁹¹ Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg, 2021, p. 9.

¹⁹² *Ibidem*.

¹⁹³ *Ibidem*.

¹⁹⁴ *Ibidem*.

¹⁹⁵ Bill n°7681 amending the Law of 18 December 2015 on international protection and temporary protection. Introduced into Parliament on 16 October 2020, pp. 3-4.

¹⁹⁶ *Ibid*, p. 4.

¹⁹⁷ *Ibidem*.

¹⁹⁸ Change.org, « Asile : Je signe pour deux améliorations concrètes au Luxembourg ».

¹⁹⁹ Luxembourg Refugee Council (LFR), « Journée mondiale des réfugiés ! Stop Dublin pendant la crise sanitaire », Press Release, 18 June 2020, p.3.

²⁰⁰ *Ibidem*.

²⁰¹ *Ibidem*.

²⁰² CLAE, « Résolution de l'Assemblée générale du 25 septembre 2020 », 25 September 2020. URL: <https://www.clae.lu/mailling/presse-resolution-ag/?frame=0>

²⁰³ Article 2 of the amended Law of 7 November 1996 on the organization administrative courts. Published in Memorial A 79 of 19 November 1996. URL: <http://data.legilux.public.lu/file/eli-etat-leg-memorial-1996-79-fr-pdf.pdf>

²⁰⁴ Consequently, a readjustment to the reference to the related provision in paragraph 2, subparagraph 3, of Article 35, is needed if a new subparagraph 2 is inserted into paragraph 1 of Article 35 as the reference in the current versions of the Law would be incorrect.

²⁰⁵ Grand Ducal Regulation of 29 July 2020 amending the amended Grand Ducal Regulation of 18 September 1995 concerning legal aid. Published in Memorial A 650 on 29 July 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/07/29/a650/jo>

See also: The Government of Luxembourg, « Sam Tanson augmente le taux horaire de l'assistance judiciaire », Press Release, 3 August 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2020/08-aout/03-tanson-assistance-judiciaire.html

²⁰⁶ Grand Ducal Regulation of 1 April 2020 amending the Grand Ducal Regulation of 25 March 2020 introducing measures relating to the validity of identity cards and deadlines in matters of municipal planning and urban development within the framework of the fight against Covid-19 which fixed the deadlines. Published in Memorial A 221 of 1 April 2020. URL: <http://www.legilux.lu/eli/etat/leg/rgd/2020/04/01/a221/jo>

These deadlines were extended by the Law of 20 June 2020 concerning: 1) the extension of measures concerning a) the holding of public hearings during the state of crisis before the courts in cases subject to the written procedure, b) certain adaptations to the exceptional summary proceedings before the family court judge, c) suspension of time limits in judicial matters, and d) other procedural modalities; 2) the temporary exemption from Articles 74, 75, 76 and 83 of the amended Law of 9 December 1976 relating to the organization of the notarial profession; 3) the temporary exemption from Articles 15 and 16 of the amended Law of 10 August 1991 on the profession of Lawyer and; 4) the amendment of Article 89 of the amended Law of 8 March 2017 on Luxembourg nationality. Published in Memorial A 523 of 24 June 2020. URL: <http://data.legilux.public.lu/file/eli-etat-leg-loi-2020-06-20-a523-consolide-20201125-fr-pdf.pdf>

²⁰⁷ Article 123 of the amended Law of 29 August 2008 on the free movement of people and immigration.

See also: Article 22, paragraph 6 of the amended Law of 18 December 2015 relating to international and temporary protection; and amending: 1) the amended Law of 10 August 1991 on the legal profession; 2) the amended Law of 29 August 2008 on the free movement of people and immigration and; 3) the Law of 28 May 2009 concerning the Detention Centre; and repealing the amended Law of 5 May 2006 on the right to asylum and additional forms of protection. Published in Memorial A 255 of 28 December 2015. URL: <http://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n15/jo>

²⁰⁸ EASO, COVID-19 emergency measures in asylum and reception systems, 15 July 2020. URL: <https://www.easo.europa.eu/sites/default/files/publications/covid19-emergency-measures-asylum-reception-systems-issue-2.pdf>

²⁰⁹ Information provided by the Directorate of Immigration on 3 December 2020.

²¹⁰ Article 2 of Law of 4 December 2019 on the establishing of the National Reception Office (ONA).

²¹¹ In 2019, this amount was € 24 700 000, in 2020, it was € 28 980 000. See: Article 33.012 in: 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 organisation 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 A 274 on 26 April 2019, p.71. URL :

<http://legilux.public.lu/eli/etat/leg/loi/2019/04/26/a274/jo>

And: Article 33.012 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020 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 March 2018 on the organization of civilian security; 13) the Law of 10 August 2018 on the organization of the Registration Duties, Estates and VAT Authority. Published in Memorial A 886 on 23 December 2019, p. 71. URL: <http://data.legilux.public.lu/file/eli-etat-leg-loi-2019-12-20-a886-jo-fr-pdf.pdf>

²¹² Information provided by the ONA on 29 December 2020.

²¹³ The ONA housing system is organised 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 has (412 beds), it accommodates newcomers wishing to apply for international protection in Luxembourg. 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 324 beds (120 permanent and 204 for emergencies). Here the specific needs of AIPs are 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 3 516 beds, AIPs are transferred here last and stay there until the duration of their application process. Source : Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 32.

²¹⁴ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 31.

See also: Answer of the Ministry of Family Affairs, Integration and the Greater Region, Ministry of Foreign, and European Affairs of 28 May 2019 to the Parliamentary question n° 739 of 2019 on reception facilities. URL:

https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=D7757C9E47D7E2D43E5D2B39149B6119S92BFC94882649945B25471EECE2F7F36&fn=D7757C9E47D7E2D43E5D2B39149B6119S92BFC94882649945B25471EECE2F7F36.pdf

²¹⁵ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 32.

²¹⁶ *Ibidem*.

²¹⁷ An occupancy rate above 80% can hardly be reached in family and mixed structures since the use of the full capacity is impossible (another person can't 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.

²¹⁸ Information provided by the ONA on 31 January 2020.

²¹⁹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 32.

²²⁰ *Ibidem*.

²²¹ *Ibid*, p. 33.

²²² Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2019 », Luxembourg 2020, p. 167. URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-famille-integration-grande-region/2019-rapport-activite-mfamigr/2019-rapport-activite-mfamigr.pdf>

²²³ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 33.

²²⁴ *Ibid*, p. 31.

²²⁵ The Government of Luxembourg, « Jean Asselborn à l'inauguration du nouveau Centre de primo-accueil pour demandeurs de protection internationale », Press Release, 22 December 2020. URL :

https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/12-decembre/22-asselborn-cpa-route-arlon.html

²²⁶ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 33.

²²⁷ *Ibid*, p. 30.

²²⁸ *Ibidem*.

²²⁹ Answer of the Minister of Immigration and Asylum of 8 September 2020 to the Parliamentary question n° 2654 on reception facilities. URL:

https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=802EE247D079084D5091B28C1B8E8BA5S49C11CA90AE5BA125A5501A730CFA279&fn=802EE2

[47D079084D5091B28C1B8E8BA5\\$49C11CA90AE5BA125A5501A730CFA279.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=13E2DA2021806255D1F21463E5B4CC73F3E1470B78EF4D5BB6005232A79436FD&fn=13E2DA2021806255D1F21463E5B4CC73F3E1470B78EF4D5BB6005232A79436FD.pdf)

²³⁰ Information provided by the ONA on 15 December 2020.

²³¹ *Ibidem*.

See also: Joint answer of the Minister of Family Affairs and Integration and the Minister of Immigration and Asylum of 22 April 2020 to the Parliamentary question n°2014 on the situation of persons in social distress and applicants for international protection in accommodation structures, and in the context of the fight against the spread of Covid-19. URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=13E2DA2021806255D1F21463E5B4CC73F3E1470B78EF4D5BB6005232A79436FD&fn=13E2DA2021806255D1F21463E5B4CC73F3E1470B78EF4D5BB6005232A79436FD.pdf

²³² Joint answer of the Minister of Family Affairs and Integration and the Minister of Immigration and Asylum of 22 April 2020 to the Parliamentary question n°2014.

²³³ Information provided by the National Reception Office on 15 December 2020.

²³⁴ Information provide by the National Reception Office on 19 March 2021.

²³⁵ *Ibidem*.

²³⁶ *Ibidem*.

²³⁷ Information provide by the National Reception Office on 15 December 2020.

²³⁸ Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg 2021, p. 7.

²³⁹ Information provided by the Directorate of Immigration on 25 March 2021.

²⁴⁰ *Ibidem*.

²⁴¹ OkaJu, « Rapport ORK-OKaJu 2020 Bilan d'un mandat de 8 ans », Luxembourg 2020, p. 37. URL: http://ork.lu/files/Rapports_ORK/WEB_rapport_2020_FINAL_okaju.pdf

²⁴² Answer of the Minister of Immigration and Asylum of 8 April 2021 to the Parliamentary question n°3826 on the detection of vulnerabilities of AIPs. URL: [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=E7A43683C00781A3BDCDE452280C9F0AAD91C11F5C4374150A4EE4F49D4895D2C9035691EC8DBDBFA62D14AC487AACB4\\$1825E766A70696AC5B3F661AF0AEADA7](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=E7A43683C00781A3BDCDE452280C9F0AAD91C11F5C4374150A4EE4F49D4895D2C9035691EC8DBDBFA62D14AC487AACB4$1825E766A70696AC5B3F661AF0AEADA7)

²⁴³ Information provided by the ONA on 15 December 2020. Moreover, the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, Article 19 (1) and 53 (3) defines vulnerable people as minors, unaccompanied minors, the disabled, the elderly, pregnant women, single parents accompanied by minor children, victims of human trafficking, people with serious illnesses, people with mental disorders and people who have suffered torture, rape or other serious forms of psychological, physical or sexual violence.

²⁴⁴ Answer of the Minister of Immigration and Asylum of 8 April 2021 to the Parliamentary question n°3826 on the detection of vulnerabilities of AIPs.

²⁴⁵ Information provided by the ONA on 15 December 2020.

²⁴⁶ Luxembourg Refugee Council (LFR), « LFR Communiqué de presse Mardi 11 août 2020 », Press Release, 11 August 2020. URL: https://619010fd-b8ee-47c4-bc7d-18228604e533.filesusr.com/ugd/a35505_6045a5a449c5488e8e8e64518e226e71.pdf

²⁴⁷ *Ibidem*.

²⁴⁸ *Ibidem*.

²⁴⁹ *Ibidem*.

²⁵⁰ Answer of the Minister of Foreign and European Affairs of 24 April to the Parliamentary question n°2041.

²⁵¹ *Ibidem*.

²⁵² Parliamentary question n° 2613 of 31 July 2020 on the lodging of international protection applications. URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=E9E323A72DFFE64411C854B9A

[B29BC1\\$5375A4202CF695BA22563AD7CFEAEDAF&fn=E9E323A72DFFE64411C854B9A0B29BC1\\$5375A4202CF695BA22563AD7CFEAEDAF.pdf](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=F0294A8BC46ED5CFEA73FB301AB954F76DFC BDA7DBC3DCFA92F5A0ADAD937B6ABE5EF37A428EEF986D2C9 CCAC6427F84$20E7442E523DC1A2111E29182CD0B65E)

²⁵³ Answer of the Minister of Immigration and Asylum of 25 August 2020 to the Parliamentary question n°2613 on the lodging of international protection applications. URL: [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=F0294A8BC46ED5CFEA73FB301AB954F76DFC BDA7DBC3DCFA92F5A0ADAD937B6ABE5EF37A428EEF986D2C9 CCAC6427F84\\$20E7442E523DC1A2111E29182CD0B65E](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=F0294A8BC46ED5CFEA73FB301AB954F76DFC BDA7DBC3DCFA92F5A0ADAD937B6ABE5EF37A428EEF986D2C9 CCAC6427F84$20E7442E523DC1A2111E29182CD0B65E)

²⁵⁴ *Ibidem*.

²⁵⁵ Article 12(5) of the Law of 28 December 2015 relative to international and temporary protection.

²⁵⁶ The 'Malta Declaration', is a joint agreement on a redistribution mechanism for migrants rescued in the Mediterranean between the Ministers of Interior from Italy, Malta, France and Germany. It was signed on 23 September 2019. Luxembourg expressed its support for the Declaration at the time. 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. See: The Government of Luxembourg, « Jean Asselborn au Conseil 'Justice et affaires intérieures' », Press Release, 9 October 2019. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiquees/2019/10-octobre/09-asselborn-conseil.html

And: European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2019 », Luxembourg 2020, p. 43.

²⁵⁷ Information provided by the Directorate of Immigration on 23 December 2020.

²⁵⁸ The Commission of Foreign and European Affairs, Cooperation, Immigration and Asylum, « Délégation auprès de l'Assemblée parlementaire de l'OTAN, Procès-verbal de la réunion du 8 avril 2020 », 8 April 2020, p.2. URL: [https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=0D5ED04D5658FD4B1F9E53A058FA40BA\\$2A73E77A7F91FC5E4BC68FC666D0D0E8&fn=0D5ED04D5658FD4B1F9E53A058FA40BA\\$2A73E77A7F91FC5E4BC68FC666D0D0E8.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=0D5ED04D5658FD4B1F9E53A058FA40BA$2A73E77A7F91FC5E4BC68FC666D0D0E8&fn=0D5ED04D5658FD4B1F9E53A058FA40BA$2A73E77A7F91FC5E4BC68FC666D0D0E8.pdf)

²⁵⁹ Luxembourg Refugee Council (LFR), « Lettre ouverte pour relocaliser les demandeurs d'asile stockés sur les îles grecques », 17 May 2020. URL: https://619010fd-b8ee-47c4-bc7d-18228604e533.filesusr.com/ugd/a35505_3eed7b8df274425faa2259b68c3892f9.pdf

²⁶⁰ EASO, COVID-19 emergency measures in asylum and reception systems, 2 June 2020, p. 20. URL: <https://www.easo.europa.eu/sites/default/files/covid19-emergency-measures-asylum-reception-systems.pdf>

²⁶¹ Information provided by the Directorate of Immigration on 23 December 2020.

²⁶² The Government of Luxembourg, « Arrivée de 12 mineurs non-accompagnés depuis la Grèce dans le cadre d'une relocalisation », Press Release, 15 April 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiquees/2020/04-avril/15-arrivee-mineurs-relocalisation.html

²⁶³ The Commission of Foreign and European Affairs, Cooperation, Immigration and Asylum, « Délégation auprès de l'Assemblée parlementaire de l'OTAN, Procès-verbal de la réunion du 8 avril 2020 », 8 April 2020, p.2.

²⁶⁴ *Ibidem*.

²⁶⁵ The Government of Luxembourg, « Déclaration de Jean Asselborn sur le transfert de douze réfugiés mineurs non-accompagnés vers le Luxembourg », Press Release, 7 April 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiquees/2020/04-avril/07-asselborn-declaration.html

²⁶⁶ The Commission of Foreign and European Affairs, Cooperation, Immigration and Asylum, « Délégation auprès de

l'Assemblée parlementaire de l'OTAN, Procès-verbal de la réunion du 8 avril 2020 », 8 April 2020, p.2.

²⁶⁷ Answer of the Minister of Immigration and Asylum of 11 September 2020 to the Parliamentary question n°2793 on the situation in Moria. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=2D9DFDA48E94A1656BBA042C0668DB1626A0D7FB751D7B480B96861C4DBD88E7CA8E22DDB7D2374A73046E88CA05314E50B738AD1C49863FAE738D1E874B180B0

See also: The Government of Luxembourg, « Arrivée au Luxembourg d'une jeune famille avec trois enfants depuis le camp de Moria en Grèce », Press Release of 29 September 2020. URL :

https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/09-septembre/29-famille-moria.html

²⁶⁸ Information provided by the Directorate of Immigration on 23 December 2020.

²⁶⁹ The Government of Luxembourg, « Arrivée au Luxembourg d'une jeune famille avec trois enfants depuis le camp de Moria en Grèce », Press Release of 29 September 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/09-septembre/29-famille-moria.html

See also: Information provided by the Directorate on 23 December 2020.

²⁷⁰ The first group of relocated refugees arrived in 2019 under the framework of the Emergency Transit Mechanism (ETM) from Niger, however, the second group of people to arrive was postponed because of the Covid-10 pandemic.

With support from the UNHCR and IOM, the totality of the relocation programme was completed with the arrival of the 14 refugees.

²⁷¹ The Government of Luxembourg, « Arrivée au Luxembourg de 14 réfugiés dans le cadre d'une réinstallation depuis le Niger », Press Release, 16 October 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/10-octobre/16-asselborn-refugies.html

²⁷² See : The Government of Luxembourg, « Arrêt de la Cour de Justice de l'UE relatif à la relocalisation de demandeurs de protection internationale », Press Release, 2 April 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/04-avril/02-arret-courdejustice.html

Answer of the Minister of Immigration and Asylum on 6 May 2020 to the Parliamentary question n°2033 on relocation. URL: [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=D83160C8873E19D0A0A43C77FFAFB916145CB82F921B6752DB0C8CD2569E0F2E1771A7FE19A83C7109A7B8A30BABA91\\$36D50DFDE4F4A33A237F92E9DBF335D0](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=D83160C8873E19D0A0A43C77FFAFB916145CB82F921B6752DB0C8CD2569E0F2E1771A7FE19A83C7109A7B8A30BABA91$36D50DFDE4F4A33A237F92E9DBF335D0)

The Government of Luxembourg, « Jean Asselborn a participé à la vidéoconférence informelle du Conseil "Affaires intérieures" de l'Union européenne », Press Release, 8 July 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/07-juillet/08-asselborn-conseil-ue.html

Answer of the Minister of Immigration and Asylum of 11 September 2020 to the Parliamentary question n°2792 on the situation in Moria. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=B686A7A9844EC6B6684DE43FCA7B1283B6BF42839C6B64AFE9E9E6AB33200F587A9DFC12A55598682B2EA61DB65B2E5595232937319BA3A2E3F487A58FC470B

The Government of Luxembourg, « Jean Asselborn a participé à la vidéoconférence du Conseil "Affaires intérieures" de l'Union européenne », 13 November 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/11-novembre/13-asselborn-cai.html

²⁷³ The European Commission, "A fresh start on migration : Building confidence and striking a new balance between responsibility and solidarity", 23 September 2020. URL: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706

²⁷⁴ The Government of Luxembourg, « Jean Asselborn a participé à la vidéoconférence du Conseil "Justice et affaires intérieures"

de l'Union européenne », 8 October 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/10-octobre/08-asselborn-jai-ue.html

²⁷⁵ *Ibidem.*

²⁷⁶ Parliament session, « Point d'ordre du jour n°6 – Heure d'actualité du groupe politique CSV au sujet du nouveau pacte sur la migration et l'asile », 15 October 2020. URL : <https://visilux.chd.lu/ArchivePage/video/2973/sequence/158790.html>

²⁷⁷ *Ibidem.*

²⁷⁸ *Ibidem.*

²⁷⁹ *Ibidem.*

²⁸⁰ *Ibidem.*

²⁸¹ *Ibidem.*

²⁸² *Ibidem.*

²⁸³ European Migration Network, National Contact Point Luxembourg, "Policy Report on Migration and Asylum 2015", Luxembourg 2016. URL: https://www.emnluxembourg.lu/wp-content/uploads/2016/07/Policy-Report-2015_LU_EN_web.pdf and European Migration Network, National Contact Point Luxembourg, "Policy Report on Migration and Asylum 2016", Luxembourg 2017. URL: https://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport_politique-ENG-2016-web.pdf

²⁸⁴ Ministry of Foreign and European Affairs, "Deklaratioun iwwert d'Aussepolitik", 11 November 2020, p13-14. URL: <https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doMotionDetails&id=3295>

²⁸⁵ *Ibidem.*

²⁸⁶ Grand Ducal Regulation of 4 November 2020 relating to the composition and functioning of the advisory commission for assessing the best interests of unaccompanied minors provided for in Article 103 of the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 917 on 20 November 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/11/04/a917/jo>

²⁸⁷ Law of 1 April 2020 establishing the Ombudsman fir Kanner at Jugendlecher and amending: 1) the amended Law of 25 March 2015 setting the salary system and the conditions and methods of advancement of State officials and; 2) the amended Law of 16 December 2008 on child and family assistance. Memorial A 282 of 14 April 2020. URL: <http://legilux.public.lu/eli/etat/leg/loi/2020/04/01/a282/jo>

²⁸⁸ Bill n°7236 establishing a child rights defender, called "Ombudsman / fra fir Kanner a Jugendlecher" and amending: 1) the amended Law of 25 March 2015 setting the regime for treatments and the terms and conditions for the advancement of state officials; 2) the amended Law of December 16 2008 relating to assistance to children and 3) the Law concerning State revenue and expenditure budget. Introduced into Parliament on 25 January 2018, see: "Exposé des motifs", pp. 2-3. URL: [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=17CF198AB94B41C4084C174F7FBB11D60BCCFFCD3BA1B2B1704DA07C0AF070394004083B4FF6B6EB1CDD3276C3430AC6\\$42297D8E4C01772A3642512C2F946F5B](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=17CF198AB94B41C4084C174F7FBB11D60BCCFFCD3BA1B2B1704DA07C0AF070394004083B4FF6B6EB1CDD3276C3430AC6$42297D8E4C01772A3642512C2F946F5B)

²⁸⁹ Article 8 (1) of the Law of 1 April 2020 establishing the Ombudsman fir Kanner at Jugendlecher.

²⁹⁰ OKaJu, « Rapport ORK-OKaJu 2020 Bilan d'un mandat de 8 ans », Luxembourg 2020, pp. 19 – 37.

²⁹¹ *Ibid*, p. 21.

²⁹² Information provided by the Criminal Police Department and the Ministry of Justice on 19 March 2021.

²⁹³ Information provided by the Ministry of Justice on 3 April 2020 and by the Criminal Police Department and the Ministry of Justice on 19 March 2021.

²⁹⁴ European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2019 », Luxembourg 2020, p. 73.

²⁹⁵ Information provided by the Criminal Police Department and the Ministry of Justice on 19 March 2021.

²⁹⁶ Information provided by the Ministry of Justice on 3 April 2020 and by the Criminal Police Department and the Ministry of Justice on 19 March 2021.

²⁹⁷ Grand Ducal Regulation of 19 August 2020 amending the Grand Ducal Regulation of 10 March 2014 concerning the composition, the organisation and the functioning of the Monitoring Committee on the Fight Against the Trafficking in Human Beings. Published in Memorial A-703 of 21 August 2020. URL:

<http://legilux.public.lu/eli/etat/leg/rgd/2020/08/19/a703/jo>

²⁹⁸ The Government of Luxembourg, The Council of Government, « Résumé des travaux du 7 février 2020 », Press Release, 7 February 2020. URL:

https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/02-fevrier/07-conseil-gouvernement.html

²⁹⁹ See Article 11 of the Bill n°7682 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Introduced into Parliament on 16 October 2020, p. 3 and p. 5.

³⁰⁰ Law of 15 December 2020 amending the amended Law of 10 August 1991 on the legal profession for the purposes of transposing: 1) Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings and; 2) certain provisions of Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Published in Memorial A 1008 of 17 December 2020. URL:

<http://legilux.public.lu/eli/etat/leg/loi/2020/12/15/a1008/jo>

³⁰¹ The Law transposed two EU Directives:

the Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings and; the Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. 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.

³⁰² Information provided by the Ministry of Justice on 27 November 2020.

³⁰³ *Ibidem*.

³⁰⁴ Law of 15 December 2020 approving Protocol P029 - Protocol of 2014 to the Forced Labour Convention, 1930, entered in force by the General Conference of the International Labour Organization, in Geneva on 11 June 2014. Published in Memorial A 1023 of 18 December 2020. URL:

<http://legilux.public.lu/eli/etat/leg/loi/2020/12/15/a1023/jo>

³⁰⁵ Bill n°7521 approving Protocol P029 - Protocol of 2014 to the Forced Labour Convention, 1930, entered in force by the General Conference of the International Labour Organization, in Geneva on 11 June 2014. Introduced to Parliament on 28 January 2020, p. 2. URL:

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=2EF679DBC67F6A50C1A1947F60AB7766\\$0D12EAF3CCBEA612AE1BD8992AC44E7&fn=2EF679DBC67F6A50C1A1947F60AB7766\\$0D12EAF3CCBEA612AE1BD8992AC44E7.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=2EF679DBC67F6A50C1A1947F60AB7766$0D12EAF3CCBEA612AE1BD8992AC44E7&fn=2EF679DBC67F6A50C1A1947F60AB7766$0D12EAF3CCBEA612AE1BD8992AC44E7.pdf)

³⁰⁶ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020, p. 77

³⁰⁷ Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n° 1591 on cyberspace and the trafficking of human

beings.

URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=A4331C89A7D4CEDDAA11B5DB21B5478D3106DEF40EF38D758F1A57ACBE82ABDF909B9E42BBA5A0282BE0F050157CBA\\$A958B2A139DAD2160762D1B5A2871F81](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=A4331C89A7D4CEDDAA11B5DB21B5478D3106DEF40EF38D758F1A57ACBE82ABDF909B9E42BBA5A0282BE0F050157CBA$A958B2A139DAD2160762D1B5A2871F81)

³⁰⁸ The "e-evidence package" includes two legislative proposals, an EU directive and regulation, advocating a rapprochement of procedural rules and a strengthening of judicial cooperation in criminal matters with a view to ensuring the effectiveness of investigations and criminal proceedings. See: Joint answer of the Minister of Justice and the Minister of Communication and Media of 23 July 2020 to the Parliamentary question n°2401 on the diffusion of child pornography in Luxembourg. URL:

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=67B7DCCF3B9A0BB4E246A6DB345A9D65\\$B29449444E872F92168CBB6D72BA4DD&fn=67B7DCCF3B9A0BB4E246A6DB345A9D65\\$B29449444E872F92168CB6D72BA4DD.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=67B7DCCF3B9A0BB4E246A6DB345A9D65$B29449444E872F92168CBB6D72BA4DD&fn=67B7DCCF3B9A0BB4E246A6DB345A9D65$B29449444E872F92168CB6D72BA4DD.pdf)

See also: Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n° 1591 on cyberspace and the trafficking of human beings.

³⁰⁹ Information provided by the Ministry of Justice on 4 December 2020.

See also: Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n° 1591 on cyberspace and the trafficking of human beings.

³¹⁰ Joint answer of the Minister of Justice and the Minister of Internal Security of 17 January 2020 to the Parliamentary question n° 1591 on cyberspace and the trafficking of human beings.

³¹¹ Joint answer of the Minister for Internal Security, the Minister of Labour, Employment and the Social and Solidarity Economy, and the Minister of Justice of 14 August 2020 to the Parliamentary question n°2553 on human trafficking. URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=36281C6F0FD688C8ED06783FB97D581899578F211980E31103144D686D5597BBBCD445FF1B67792E1FA6AB C90908EAA1\\$7855EF32EFC1DFC7637CF0E9040BFFED](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=36281C6F0FD688C8ED06783FB97D581899578F211980E31103144D686D5597BBBCD445FF1B67792E1FA6AB C90908EAA1$7855EF32EFC1DFC7637CF0E9040BFFED)

³¹² Information provided by the Ministry of Justice on 4 December 2020. See also : The Government of Luxembourg, « Lutte contre la traite des êtres humains », n.d. URL :

https://gouvernement.lu/fr/dossiers/gouv_mj%2Bfr%2Bdossier_s%2B2020%2Blutte-traite-humains.html

³¹³ The Government of Luxembourg, « Lutte contre la traite des êtres humains », n.d.

³¹⁴ Tier 1 countries are those whose governments fully comply with the TVPA's minimum standards.

³¹⁵ The Government of Luxembourg, « Le Luxembourg conserve sa place dans le TIER 1 du rapport international TIP (Trafficking in Persons), évaluant les efforts des gouvernements dans la lutte contre la traite des êtres humains », Press Release, 3 July 2020. URL :

https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/07-juillet/03-mi-tip.html

³¹⁶ Joint answer of the Minister of Justice and the Minister of Labour, Employment and the Social and Solidarity Economy of 9 December 2019 to the Parliamentary question n° 1455 on the CCDH's report on human trafficking. URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=90E65AED051A931C571695BC6A400F1CBF0B1CB370D8DC194CDB47E201B1EAA9C41E333993C9F98308666763E3AD29AD\\$9C9C1911216F22922CE31D1710D0BA8F](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=90E65AED051A931C571695BC6A400F1CBF0B1CB370D8DC194CDB47E201B1EAA9C41E333993C9F98308666763E3AD29AD$9C9C1911216F22922CE31D1710D0BA8F)

³¹⁷ The Government of Luxembourg, « Journée européenne de lutte contre la traite: les ministres Sam Tanson et Taina Bofferding proposent des actions concrètes dans la lutte contre la traite des êtres humains », Press Release, 16 October 2020. URL :

https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/10-octobre/16-bofferding-tanson-lutte.html

³¹⁸ Information provided by the Ministry of Justice on 4 December 2020.

³¹⁹ Information provided by the Ministry of Equality between Women and Men on 9 February 2021.

³²⁰ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020, pp. 74-75.

³²¹ Information provided by the Ministry of Justice on 26 May 2020.

³²² Information provided by the Ministry of Equality between Women and Men on 9 February 2021.

³²³ Information provided by the Ministry of Justice on 27 November 2020 and the Ministry of Equality between Women and Men on 9 February 2021.

Moreover, the Ministry of Equality between Women and Men worked together in 2020 with their five partners to finalize and make officially visible in 2021, the specific listening and support for victims of human trafficking beside victims of domestic violence, victims of gender based violence alongside of perpetrators of domestic violence.

³²⁴ Information provided by the Ministry of Justice on 4 December 2020.

³²⁵ Information provided by the Ministry of Justice on 27 November 2020 and 4 December 2020.

³²⁶ Several in-person trainings in relation to the identification of third-country national VHTs take place every year. In general the Government provide three types of trainings: general trainings for governmental staff (border control customs, labour inspectors police etc.) held by the Luxembourgish taskforce; detailed and extensive trainings in the field of human trafficking for the same target group held by a Belgian specialist (the Director of the Belgian NGO Sürya for victims of human trafficking) and specific trainings on demand (for NGOs for instance). Source: Information provided by the Ministry of Justice on 27 November 2020 and 4 December 2020.

³²⁷ *Ibidem*.

³²⁸ Information provided by the Directorate of Immigration on 3 December 2020.

³²⁹ Information provided by the ONA on 15 December 2020.

³³⁰ Information provided by the Ministry of Justice on 4 December 2020.

³³¹ Information provided by the Ministry of Justice on 29 January 2021.

³³² Information provided by the Ministry of Justice on 27 November 2020 and the Ministry of Equality between Women and Men on 9 February 2021.

³³³ In principal, all labour inspectors, who carry out on-the-spot checks, are scheduled to attend training offered by the INAP on human trafficking.

³³⁴ Two general trainings are organized by the Luxembourgish taskforce: one held at the INAP itself and one which is more tailor-made and held at the premises of the requiring administration like ITM, Caritas. If it is a public administration like ITM, the INAP can officially recognize the training in order to give the staff a participation certificate. Information provided by the Ministry of Justice on 29 January 2021.

³³⁵ Information provided by the Inspectorate of Labour and Mines (ITM) on 2 December 2020 and the Ministry of Justice on 29 January 2021.

³³⁶ Information provided by the Ministry of Justice on 4 December 2020.

³³⁷ 1) A virtual conference called "Trafficking in Human Beings and Corona" which took place on 14 and 15 October 2020. 2) Four workshops on VHTs were organized, one being on the impact of Covid-19 on police work in the area of human trafficking. It was organized on the occasion of the EU Anti-Trafficking Day by the Task Force "Menschenhandel" which is the Austrian Monitoring Committee against trafficking in human beings. 3) The Office for Democratic Institutions and Human

Rights (ODHIR) and UN Women organized a global event on "Addressing Emerging Human Trafficking Trends and Consequences of the Covid-19 Pandemic" on 19 October 2020. The aim of the event was to discuss policy recommendations. 4) On 3 December 2020, an event on "Addressing Emerging Challenges to Combating Trafficking in Human Beings (THB), especially of women and children" took place. It was organized as a side-event to the 27th the Organization for Security and Co-operation in Europe's (OSCE) Ministerial Council and co-organized by the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) and the ODIHR. Source: Information provided by the Ministry of Justice on 4 December 2020.

³³⁸ Information provided by the Ministry of Justice on 4 December 2020 and information provided by the Ministry of Equality between Women and Men on 9 February 2021.

³³⁹ *Ibidem*.

³⁴⁰ *Ibidem*.

³⁴¹ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020, pp. 77-78.

³⁴² Information provided by the Ministry of Justice on 4 December 2020.

³⁴³ Joint answer of the Minister for Internal Security, the Minister of Labour, Employment and the Social and Solidarity Economy, and the Minister of Justice of 14 August 2020 to the Parliamentary question n°2553 on human trafficking and information provided by the Ministry of Justice on 11 December 2020.

³⁴⁴ European Migration Network National Contact Point Luxembourg, "Responses to long-term irregularly staying migrants: practices and challenges in Luxembourg", Luxembourg 2020. URL: <https://www.emnluxembourg.lu/wp-content/uploads/2020/12/Responses-to-long-term-irregularly-staying-migrants-practices-and-challenges-in-Luxembourg-2020-1.pdf>

³⁴⁵ Joint answer of the Ministers of Foreign and European Affairs, Justice and the Health of 11 June 2020 to the Parliamentary question n° 2181 on the obligation to denounce irregular staying migrants. URL:

https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2Fpdf&id=DD25E91A6B9BDB84ADCAF0C42D1E3CD057870AA41958BBA755DBD593F179F0720&fn=DD25E91A6B9BDB84ADCAF0C42D1E3CD057870AA41958BBA755DBD593F179F0720.pdf

³⁴⁶ *Ibidem*.

³⁴⁷ European Migration Network National Contact Point Luxembourg, "Responses to long-term irregularly staying migrants: practices and challenges in Luxembourg", Luxembourg 2020, p. 48.

³⁴⁸ Joint answer of the Minister of Family Affairs and Integration and the Minister of Immigration and Asylum of 9 July 2020 to the Parliamentary question n°2389. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=A30EAC889A50778C4729888E2EF789D2DDDE9FB0ED06D32ACC82506791EF7A87E5D49CA8EA84116F0A1CA01050AAB5D35E5BBFB4CBA62E741153532BE9242CC33

³⁴⁹ ASTI, « Nouvel appel à dons pour aider les personnes sans-papiers à survivre », 5 November 2020. URL: <https://www.asti.lu/nouvel-appel-a-dons-pour-aider-les-personnes-sans-papiers-a-survivre/>

³⁵⁰ The Wanteraktioun's opening was extended and adapted from 1 April to 30 June 2020, in order to continue supporting particularly vulnerable people during the Covid-19 epidemic. Within this framework, all activities were grouped on a single site, in Findel. This allowed the beneficiaries to stay in the same place throughout the day, in accordance with the principle "Bleift doheem!". Source: Luxembourg Red Cross, « La Wanteraktioun 2019-2020, prolongée et adaptée », 27 August 2020. URL: <https://www.croix-rouge.lu/fr/blog/la-wanteraktioun-2019-2020-prolongee-et-adaptee/>

³⁵¹ Joint answer of the Minister of Family Affairs and Integration and the Minister of Immigration and Asylum of 22 April 2020 to the Parliamentary question n°2014 on the situation of persons in social distress and applicants for international international protection in accommodation structures, and in the context of the fight against the spread of Covid-19.

³⁵² The Parliament, « Commission de la Famille et de l'Intégration Commission du Travail, de l'Emploi et de la Sécurité sociale, procès-verbal de la réunion du 9 avril 2020 », April 2020, p. 8. URL :

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=FC6387D035728CD750FD95F3161F2A35\\$8C41673BE9F1DD4E2B33DCB8A696EB62&fn=FC6387D035728CD750FD95F3161F2A35\\$8C41673BE9F1DD4E2B33DCB8A696EB62.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=FC6387D035728CD750FD95F3161F2A35$8C41673BE9F1DD4E2B33DCB8A696EB62&fn=FC6387D035728CD750FD95F3161F2A35$8C41673BE9F1DD4E2B33DCB8A696EB62.pdf)

³⁵³ Joint answer of the Minister of Family Affairs and Integration and the Minister of Immigration and Asylum of 22 April 2020 to the Parliamentary question n°2014 on the situation of persons in social distress and applicants for international international protection in accommodation structures, and in the context of the fight against the spread of Covid-19.

³⁵⁴ Ministry of Family Affairs, Integration and the Greater Region, « Couvre-feu: Mise à disposition d'un refuge pour personnes sans abri et début anticipé de la Wanteraktioun », Press Release, 28 October 2020. URL :

https://mfamigr.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2020%2B10-octobre%2B28-couvre-feu-wanteraktioun.html

³⁵⁵ Joint answer of the Minister of Family and Integration, and the Minister of Immigration and Asylum of 9 July 2020 to the Parliamentary question n°2389 on the situation of irregular migrants and Covid-19.

See also: Parliamentary question n°2389 of 12 June 2020 of the déi Lénk on the situation of irregular migrants. URL: [https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=90FFE9A85F1F568B4D4633A40E2BA92\\$9725C3F18F639D9760350CE4F98E8688&fn=90FFE9A85F1F568B4D4633A40E2BA92\\$9725C3F18F639D9760350CE4F98E8688.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=90FFE9A85F1F568B4D4633A40E2BA92$9725C3F18F639D9760350CE4F98E8688&fn=90FFE9A85F1F568B4D4633A40E2BA92$9725C3F18F639D9760350CE4F98E8688.pdf)

³⁵⁶ Ibidem.

³⁵⁷ Information provided by Médecins du Monde on 28 October 2020.

³⁵⁸ Lanners Maryse, « Existenznout vu "Sans-Papiers" a Covid-Kris », RTL, 2020. URL: <https://www.rtl.lu/news/national/a/1547427.html>

See also: ASTI, « Aide alimentaire pour les personnes en situation irrégulière – bilan final », 22 July 2020. URL : <https://www.asti.lu/aide-alimentaire-pour-les-personnes-en-situation-irreguliere-bilan-final/>

ASTI, « L'ASTI soutient les sans-papiers-les oubliés de la crise », 8 June 2020. URL: <https://www.asti.lu/lasti-soutient-les-sans-papiers-les-oublies-de-la-crise/>

And: Information provided by Caritas on 5 October 2020.

³⁵⁹ ASTI argues that "If it is not [done] for humanitarian reasons, let's do it out of pragmatism. Regularization is beneficial for all: employees can benefit from their rights, employers can legalize their work by paying contributions and taxes and the State receives more contributions"

³⁶⁰ CLAE, « Résolution de l'Assemblée générale du 25 septembre 2020 », 25 September 2020. URL : <https://www.clae.lu/mailling/presse-resolution-ag/?frame=0>

³⁶¹ Ibidem.

³⁶² Grand Ducal Regulation of 11 March 2020 amending the amended Grand Ducal Regulation of 5 September 2008 implementing certain provisions relating to administrative formalities provided for by the Law of August 29, 2008 on the free movement of people and immigration. Published in Memorial A 549 on 25 June 2020. URL: <http://legilux.public.lu/eli/etat/leg/rgd/2020/03/11/a549/jo>

³⁶³ Law of 4 December 2019 on the establishing of the National Reception Office (ONA).

³⁶⁴ European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2019 », Luxembourg 2020, p. 49.

³⁶⁵ The Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 248. URL:

<https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-famille-integration-grande-region/2020-rapport-activite-mfamigr/2020-rapport-activite-mfamigr.pdf>

³⁶⁶ In 2019 the amount was € 5 318 063, in 2020, this amount increased to € 6 416 325. See: Article 43.000 in: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 151.

And: Article 43.000 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 150.

³⁶⁷ From € 2 268 563 in 2019 to € 2 585 025 in 2020. See: Article 33.000 in: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 151.

And: Article 33.000 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 150.

³⁶⁸ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

³⁶⁹ Article 33.001 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 150.

³⁷⁰ In 2019, the budget for this Article was € 100. This was a symbolic amount in order to keep the Article open even though no activities were being conducted under it. Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

³⁷¹ In 2018, a consultation debate, organized at the request of the Minister in Parliament had focused on the main orientations of the Integration NAP. A new consultation debate is necessary for the development of a new Bill on integration. The future text, for which the support of civil society is essential, will have to address the following questions:

What is integration?

What are the aims of an integration policy?

What are the means, instruments and procedures necessary and adapted to implement and to promote integration?

Who is affected by integration and what are the needs of the people concerned?

Do our current legislative framework and institutions make it possible to meet these needs?

What are the roles of the different actors: Government, Municipalities, civil society and citizens?

Source: Ministry of Family Affairs, Integration and the Greater Region, « Débat de Consultation ». Introduced to Parliament on 2 November 2020. URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=6B3A7D7AD3CB141075FF3BF3D903911C025040718B001B17073CAC1E2991C6A81DE2D2B50B38470607707D22786AB70D\\$F1E6217EB66D74C7CA695B4FD40BB286](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServicingSrvletImpl?path=6B3A7D7AD3CB141075FF3BF3D903911C025040718B001B17073CAC1E2991C6A81DE2D2B50B38470607707D22786AB70D$F1E6217EB66D74C7CA695B4FD40BB286)

³⁷² The Government of Luxembourg, « Accord de Coalition : 2018-2023 », p. 53. URL:

<https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>

³⁷³ Minister for Relations with Parliament, « Demande de débat de consultation relatif à l'intégration », 2 November 2020. URL :

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=1C6C1B29B2CBABC76E0FDC149A0239EC\\$F3A5D8C6B549D407C851365E6E755A55&fn=1C6C1B29B2CBABC76E0FDC149A0239EC\\$F3A5D8C6B549D407C851365E6E755A55.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=1C6C1B29B2CBABC76E0FDC149A0239EC$F3A5D8C6B549D407C851365E6E755A55&fn=1C6C1B29B2CBABC76E0FDC149A0239EC$F3A5D8C6B549D407C851365E6E755A55.pdf)

³⁷⁴ Ibidem.

³⁷⁵ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 258.

³⁷⁶ 1) What is integration?; 2) To what end should an integration policy be used for?; 3) What integration approach do you favour?; 4) Who is affected by integration and what are the

needs of those affected?; 5) Does our current legislative framework and institutions make it possible to meet these needs?; 6) What are the instruments, measures and procedures which are essential for the establishment of a coherent integration policy?; 7) How do you see the role of the different actors: Government etc.?

³⁷⁷ Last accessed on 13 April 2021. Ministry of Family Affairs, Integration and the Greater Region, « Révision de la loi sur l'Intégration », n.d. URL: <https://mfamigr.gouvernement.lu/fr/dossiers/faq/avis.html>

³⁷⁸ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, pp. 256-257

³⁷⁹ Since 2018, the interministerial integration committee prepares and monitors, under the coordination of the Integration Department, the implementation of the Integration NAP. It brings together the following Ministries and Administrations: the National Employment Agency (ADEM), Ministry of Economy, Ministry of Education, Children and Youth, Ministry of Equality between Women and Men, Ministry of Higher Education and Research, Ministry of Home Affairs, Ministry of Culture, Ministry of Family Affairs, Integration and the Greater Region, Ministry of the Civil Service, Ministry of Justice, Ministry of Health, Ministry of Foreign and European Affairs (Directorate of Immigration and National Reception Office), Ministry of Housing, Ministry of Labour, Employment and Social and Solidarity Economy. Source: Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 248.

³⁸⁰ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020.

³⁸¹ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

³⁸² Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 249.

³⁸³ 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 (Integration NAP) and the Fight Against Discrimination in 2018.

³⁸⁴ Article 6 of the Law of 16 December 2008 concerning the integration of foreigners in the Grand Duchy of Luxembourg.

³⁸⁵ Article 8 (6) of the Law of 4 December 2019 on the establishing of the National Reception Office (ONA).

³⁸⁶ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2018", Luxembourg 2019, p. 39. URL: https://www.emnluxembourg.lu/wp-content/uploads/2019/08/Annual-report-on-migration-and-asylum-2018_EN.pdf

³⁸⁷ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 249. ³⁸⁸ The Government of Luxembourg, « Lancement de l'appel à projets 2020 dans le cadre du Plan d'action national d'intégration (PAN intégration) », 8 November 2019. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2019/11-novembre/08-appel-projets-integration.html

³⁸⁹ European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020, p. 50.

³⁹⁰ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 249.

³⁹¹ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

See also: Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 249.

³⁹² Ministry of Family Affairs, Integration and the Greater Region, « Projet du Plan d'action national intégration 2020 », Luxembourg 2020. URL: <https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/integration/niveau-national/projets.html>

³⁹³ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 250.

³⁹⁴ The Government of Luxembourg, « Lancement de l'appel à projets 2021 dans le cadre du Plan d'action national d'intégration (PAN intégration) », Press Release, 9 November 2020. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/gouv-mfamigr%2Bfr%2Bactualites%2B2020%2Bnovembre%2B09-pan-integration.html

³⁹⁵ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

³⁹⁶ The Government of Luxembourg, « Lancement de l'appel à projets 2021 dans le cadre du Plan d'action national d'intégration (PAN intégration) », Press Release, 9 November 2020.

See also: Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 250.

³⁹⁷ *Ibidem*.

³⁹⁸ *Ibidem*.

³⁹⁹ The Welcome and Integration Contract (CAI) is made available by the Integration Department to any foreigner over the age of 16, who is legally resident in Luxembourg and wishes to stay there in a longer-term way. The CAI allows the signatories to enjoy the following benefits: an orientation day in the presence of numerous actors presenting the public services, as well as the cultural and sporting offer; civic education training to better know and understand the traditions, values, history, culture and political system of the Grand Duchy; and Luxembourgish, French and German language courses at a reduced rate. Source: My.Guichet, "Concluding a Welcome and Integration Contract (CAI) with the State of Luxembourg", January 2020. URL: <https://guichet.public.lu/en/citovens/immigration/nouveau-resident-luxembourg/arrivee-luxembourg/contrat-accueil-integration.html>

⁴⁰⁰ The Guided Integration Trail (PIA) aims to integrate AIPs in the first few weeks after their arrival in Luxembourg. It is based on the principle that successful integration mainly consists of two elements: 1. learning the national and administrative languages and 2. understanding how everyday life functions in Luxembourg. The PIA is currently divided into two phases (PIA I and PIA II). PIA I includes 17 hours of training on linguistic integration and information sessions on everyday life in Luxembourg. PIA II, launched in January 2018, targets candidates who have completed PIA I and focuses on two pillars: mandatory language courses and information sessions on everyday life in Luxembourg. Source: European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg 2018, pp. 44-45. URL: https://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf

⁴⁰¹ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 255.

⁴⁰² Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴⁰³ 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. Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020.

⁴⁰⁴ IL1: nine hours of class during which people receive a presentation of the Luxembourg's educational system and

linguistic situation, as well as an introduction to the Luxembourgish language. Orientations are carried out individually at the end of the IL1 courses. People are then enrolled in literacy or in French as a foreign language classes. Source: Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p.76.

⁴⁰⁵ IL2: at least 120 hours of literacy or French as a foreign language, beginners course.

Source: Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p.76.

⁴⁰⁶ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p.76.

⁴⁰⁷ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020.

⁴⁰⁸ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 76.

⁴⁰⁹ *Ibidem*.

⁴¹⁰ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 256.

⁴¹¹ Answer of the Minister of Family and Integration of 25 March 2020 to the Parliamentary question n°1880 on the Guided Integration Trail. URL: [https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=434E26177103BDB71814AA80BFA3EDF6\\$476F1E2A184463E496BB100F57BF38A8&fn=434E26177103BDB71814AA80BFA3EDF6\\$476F1E2A184463E496BB100F57BF38A8.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=434E26177103BDB71814AA80BFA3EDF6$476F1E2A184463E496BB100F57BF38A8&fn=434E26177103BDB71814AA80BFA3EDF6$476F1E2A184463E496BB100F57BF38A8.pdf)

⁴¹² Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 254.

⁴¹³ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴¹⁴ Answer of the Minister of Family and Integration of 25 March 2020 to the Parliamentary question n°1880 on the Guided Integration Trail.

⁴¹⁵ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴¹⁶ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 256.

⁴¹⁷ *Ibidem*.

⁴¹⁸ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020.

⁴¹⁹ The Government of Luxembourg, « 1re édition digitale de la journée d'orientation du Contrat d'accueil et d'intégration », 26 October 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/10-octobre/26-journee-orientation.html

⁴²⁰ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 258.

⁴²¹ *Ibidem*.

⁴²² *Ibidem*. See also: <https://guichet.public.lu/en.html>

⁴²³ *Ibidem*. See also: <https://luxembourg.public.lu/en/toolbox/tools/videos/lets-make-it-happen.html>

⁴²⁴ The Government of Luxembourg, « Lancement de l'appel à projets 2021 dans le cadre du Plan d'action national d'intégration (PAN intégration) ». Press Release, 9 November 2020.

⁴²⁵ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴²⁶ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 254.

⁴²⁷ The projects will be conducted between 1 January 2021 and 30 June 2022.

⁴²⁸ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 251.

⁴²⁹ The Government of Luxembourg, « Lancement de l'appel à projets 2020 dans le cadre du Fonds européen "Asile, Migration et Intégration », 30 June 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communique/2020/06-juin/30-ona-amif.html

⁴³⁰ Original name: « *Participation à la vie associative et intégration des ressortissants de Pays Tiers du Luxembourg* »

⁴³¹ Original name: « *Identification et intégration des ressortissants à la vie du pays pour une meilleure résilience et participation* »

⁴³² Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴³³ The CNE is an advisory body responsible for studying, either on its own initiative or at the request of the Government, problems concerning foreigners and their integration. On all projects that the Government deems useful to submit to it, the CNE gives its opinion within the deadlines set by the Government. It has the right to present to the Government any proposal it deems useful for improving the situation of foreigners and their families. It submits to the Government an annual report on the integration of foreigners in Luxembourg which is made public. Members of the CNE are foreigners: EU citizens and third-country nationals. The CNE is currently made up of 34 full members, including: 22 representatives of foreigners; 12 members representing employers' organizations (4), trade unions (4), SYVICOL (1), civil society (2) and refugees (1). The composition of the CNE was last renewed in January 2018.

⁴³⁴ In accordance with Article 26 of the Grand Ducal Regulation of 15 November 2011 determining the modalities of designation of representatives of foreigners in the National Council for Foreigners, , as well as, their distribution by nationality. Published in Memorial A 236 of 22 November 2011. URL: <http://data.legilux.public.lu/file/eli-etat-leg-memorial-2011-236-fr-pdf.pdf>

⁴³⁵ Answer of the Minister of Family and Integration of 12 August 2020 to the Parliamentary question n°2562 on the CNE. URL: [https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=6A8DB3BCF2D44D7F7A9335696C078F50\\$A1E9C33B296CD3376D4A06157622AB31&fn=6A8DB3BCF2D44D7F7A9335696C078F50\\$A1E9C33B296CD3376D4A06157622AB31.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=6A8DB3BCF2D44D7F7A9335696C078F50$A1E9C33B296CD3376D4A06157622AB31&fn=6A8DB3BCF2D44D7F7A9335696C078F50$A1E9C33B296CD3376D4A06157622AB31.pdf)

⁴³⁶ 27 out of 75 associations transmitted the requested documents could propose members.

⁴³⁷ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴³⁸ The National Council for Foreigners, « Avis du CNE sur le Covid-19 du 30 mars 2020 : Solidarité à toute épreuve », 30 March 2020. URL : <https://cne-luxembourg.lu/wp-content/uploads/2020/04/covid-19-cne.pdf>

⁴³⁹ This study compares integration policies across 50 countries.

⁴⁴⁰ ASTI, « Migration Integration Policy Index (MIPEX) 2020 – focus sur le Luxembourg », 16 November 2020. URL : <https://www.youtube.com/watch?v=BdTcDUyhfWs>

⁴⁴¹ Portail Européen sur l'Intégration, « Mipex : Luxembourg a fait des progrès, peut faire mieux ! », 16 November 2020. URL : <https://ec.europa.eu/migrant-integration/news/mipex-luxembourg-a-fait-des-progres-peut-mieux-faire-1>

⁴⁴² Migration Policy Group, Thomas Huddleston, "Migration Integration Policy Index Luxembourg", 16 November 2020, slide 17-18. URL: <https://www.asti.lu/wp-content/uploads/2020/11/MIPEX-Luxembourg.pdf>

⁴⁴³ Portail Européen sur l'Intégration, « Mipex : Luxembourg a fait des progrès, peut faire mieux ! », 16 November 2020.

⁴⁴⁴ From € 250 000 in 2019 to € 500 000 in 2020. See: Article 43.000 in: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 151.

And: Article 43.000 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 150.

⁴⁴⁵ The Government of Luxembourg, « Des prévisions budgétaires pour les communes révisées dans le contexte de la pandémie du COVID-19 », Press Release, 20 July 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communes/2020/07-juillet/20-previsions-budgetaires-communes.html

⁴⁴⁶ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴⁴⁷ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 253.

⁴⁴⁸ Ministry of Family Affairs, Integration and the Greater Region, « Subsides aux entités publiques du secteur communal, initiant et soutenant des projets en vue de l'intégration et de l'accueil des étrangers », February 2020. Please note that this call is renewed every year. The 2021 call is still accessible: Ministry of Family Affairs, Integration and the Greater Region, « Subsides to public entities of the municipal sector, initiator and supporter of projects with a view to the integration and reception of foreigners, Modality of patents », January 2021. URL: https://mfamigr.gouvernement.lu/dam-assets/demarches/integration/appel_2020/2021/Modalites-d-octroi-subsides-aux-communes-2021.pdf (last accessed on 4 June 2021).

⁴⁴⁹ *Ibidem*.

⁴⁵⁰ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 253.

⁴⁵¹ *Ibidem*.

⁴⁵² The GRESIL was put in place to support and help municipalities in their activities to achieve integration and social cohesion among their residents. It helps identify good practices in local integration, and develop their competencies. Source: European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2018 », Luxembourg, 2019, p. 77.

⁴⁵³ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 254.

⁴⁵⁴ *Ibidem*.

⁴⁵⁵ A PCI is a strategic document which provides an action plan on defining and implementing an integration policy for a specific territory. In 2015, the Syndicate of Luxembourgish towns and municipalities (Syndicat des Villes et Communes Luxembourgeoises - 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. See: SYVICOL, "Practical Guide to Creating a Municipal Integration Plan", 2018. URL: <https://mfamigr.gouvernement.lu/dam-assets/le-minist%C3%A8re/attributions/int%C3%A9gration/pci/PCI-guide-pratique-FR.pdf>

⁴⁵⁶ Answer of the Minister of Family Affairs, Integration and the Greater Region of 25 March 2020 to the Parliamentary question n°1909 on local integration measures. URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=42EEF368C2571445B7A036E0AF775184588C7EA3B514D2482CAAE25ABA46A00DD&fn=42EEF368C2571445B7A036E0AF775184588C7EA3B514D2482CAAE25ABA46A00DD.pdf

⁴⁵⁷ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 254.

⁴⁵⁸ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020.

⁴⁵⁹ Before constructing a PCI a diagnostic on local integration initiatives is conducted. During this phase, several data collection methods are put in place: a) a statistical analysis on migration trends in the municipality is drawn; b) a survey on the needs of the population regarding local integration interventions

is made and c) an analysis of project documents put into place by the municipality is conducted.

⁴⁶⁰ Due to the change in approach, the number of municipalities that have a PCI might change in 2021, as the definition of what constitutes a PCI will change. Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁴⁶¹ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020.

⁴⁶² The Social Welfare Offices consulted were the following: Beaufort, Centrest), Differdange, Esch-sur-Alzette, Larochette, Nordstad, Pétange, Resonord, Luxembourg City, Wiltz and the non-profit organisation - l'Entente des Offices Sociaux Asbl.

⁴⁶³ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 26 November 2020 and on 8 December 2020.

⁴⁶⁴ Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 257.

⁴⁶⁵ Information provided by the Department for the Schooling of Foreign Children (SECAM) on 15 January 2021.

⁴⁶⁶ Information provided by the Department for the Schooling of Foreign Children (SECAM) on 7 December 2020.

⁴⁶⁷ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 161. URL: <https://men.public.lu/fr/publications/rapports-activite-ministere/rapports-ministere/rapport-activites-2020.html>

⁴⁶⁸ *Ibid*, p. 162

⁴⁶⁹ *Ibidem*.

⁴⁷⁰ Ministry of Education, Children and Youth, « Les chiffres de la Rentrée 2020/2021 », 7 September 2020. URL: <https://gouvernement.lu/dam-assets/documents/actualites/2020/09-septembre/200909-chiffres-rentree.pdf>

⁴⁷¹ Maison de l'Oriente (House of Orientation), « Scolarisation et accompagnement des élèves étrangers », n.d. URL : <https://maison-orientation.public.lu/fr/aides-accompagnements/scolarisation-accompagnement-eleves-etrangers.html>

⁴⁷² Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 68.

⁴⁷³ It is important to note that since 2016, CASNA also welcomes young people between the age of 18 and 24.

⁴⁷⁴ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 68.

⁴⁷⁵ The Government of Luxembourg, « Une rentrée 2020-2021 sous le signe du bien-être et des perspectives d'avenir des enfants des jeunes », Press Release, 10 September 2020. URL : <https://men.public.lu/fr/actualites/communiqués-conference-presse/2020/09/10-rentree.html#:~:text=Le%20ministre%20de%20l'%C3%89ducati on,jamais%20de%20cr%C3%A9er%20pour%20eux>

⁴⁷⁶ Ministry of Education, Children and Youth, « Rentrée scolaire: 2020-2021 Mir këmmere eis. Wuelbefannen an Zukunftschancen », 10 September 2020, p.6. URL: <https://gouvernement.lu/dam-assets/documents/actualites/2020/09-septembre/10092020-Dossier-de-presse.pdf>

⁴⁷⁷ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 68.

⁴⁷⁸ Answer of the Minister of Education, Children and Youth of 16 June 2020 to the Parliamentary question n°2187 on newly arrived children and the Luxembourgish educational system during the pandemic. URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2Fpdf&id=CAC3A6A7747AD53E0CDE9701D4A2F1095E39E145417AAB82F222F9FA51CF757F3&fn=CAC3A6A7747AD53E0CDE9701D4A2F1095E39E145417AAB82F222F9FA51CF757F3.pdf

⁴⁷⁹ Information provided by the Department for the Schooling of Foreign Children (SECAM) on 15 January 2021.

⁴⁸⁰ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 69.

⁴⁸¹ *Ibidem*.

⁴⁸² Ministry of Education, Children and Youth, « Rapport d'activités 2019 », March 2020, p. 66. URL: <https://men.public.lu/fr/publications/rapports-activite-ministere/rapports-ministere/rapport-activites-2019.html>

⁴⁸³ Berlitz: language courses are offered to newly arrived pupils, who do not master either the Latin alphabet or the schooling languages in the country.

Prolingua: Language courses are offered to newly arrived pupils who know French but who have little command of the Latin alphabet. 24 candidates are currently benefiting from these courses.

Information provided by the Department for the Schooling of Foreign Children (SECAM) on 15 January 2021.

⁴⁸⁴ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 69.

⁴⁸⁵ *Ibidem*.

⁴⁸⁶ *Ibid*, p. 45.

⁴⁸⁷ *Ibid*, p. 7.

⁴⁸⁸ At the Athénée (AL), the International School Luxembourg (ISL) and the private school Over the Rainbow. See: Ministry of Education, Children and Youth, « Rentrée scolaire: 2020-2021 Mir këmmen eis. Wuelbefannen an Zukunftschancen », 10 September 2020, p. 10.

⁴⁸⁹ Ministry of Education, Children and Youth, « Les classes à régime linguistique spécifique / The classes with a specific linguistic system », Luxembourg, 14 May 2020. URL: <https://men.public.lu/fr/publications/scolarisation-eleves-etrangers/Parents.html>

⁴⁹⁰ Information provided by the Department for the Schooling of Foreign Children (SECAM) on 15 January 2021.

⁴⁹¹ In 2019 the amount was € 1 266 667, in 2020, this amount increased to € 1 466 666. See : Article 35.011 in: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 128. And: Article 35.011 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 127.

⁴⁹² Ministry of Education, Children and Youth, "International Schooling", 9 December 2020. URL: <https://men.public.lu/fr/grands-dossiers/systeme-educatif/offre-internationale/en.html>

⁴⁹³ 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.

⁴⁹⁴ Answer of the Minister of Education, Children and Youth of 16 June 2020 to the Parliamentary question n°2187 newly arrived children and the Luxembourgish educational system during the pandemic.

⁴⁹⁵ Information provided by the Department for the Schooling of Foreign Children (SECAM) on 7 December 2020.

⁴⁹⁶ Passing from € 188 924 in 2019 to € 209 250 in 2020. See: Article 12.315 in: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 127.

And: Article 12.315 in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 126.

⁴⁹⁷ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 70.

⁴⁹⁸ *Ibidem*.

⁴⁹⁹ Ministry of Health, Ministry of Education, Children and Youth, Ministry of Higher Education and Research, University of Luxembourg, Research Luxembourg, « L'école face à la COVID-19 au Luxembourg », Analysis Report, August 2020, p. 5. URL: <https://men.public.lu/fr/publications/sante-bien-etre/covid19/ecole-covid.html>

⁵⁰⁰ *Ibidem*.

See also : Ministry of Education, Children and Youth, « Rapport sur la situation de la COVID-19 dans les établissements scolaires

: « Le dispositif sanitaire en place depuis la rentrée a fait ses preuves » », 12 November 2020. URL : <https://men.public.lu/fr/actualites/communiqués-conference-presse/2020/11/12-rapport-covid.html>

⁵⁰¹ *Ibid*, p. 18.

⁵⁰² Ministry of Education, Children and Youth, « Courrier de l'Education nationale », December 2020. URL: <https://men.public.lu/fr/publications/courriers-education-nationale/2020/2012-courrier-education-nationale.html>

⁵⁰³ Ministry of Education, Children and Youth, « Questions et réponses : Mesures liées à la COVID-19 dans les écoles et structures d'accueil », n.d. URL : <https://men.public.lu/fr/support/coronavirus/faq-fr.html>

⁵⁰⁴ Answer of the Minister of Education, Children and Youth of 16 June 2020 to the Parliamentary question n°2187 newly arrived children and the Luxembourgish educational system during the pandemic.

⁵⁰⁵ *Ibidem*.

⁵⁰⁶ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 69.

⁵⁰⁷ Information provided by the Department for the Schooling of Foreign Children (SECAM) on 15 January 2021.

⁵⁰⁸ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 69.

⁵⁰⁹ *Ibidem*.

⁵¹⁰ Answer of the Minister of Education, Children and Youth of 16 June 2020 to the Parliamentary question n°2187 newly arrived children and the Luxembourgish educational system during the pandemic.

⁵¹¹ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », March 2021, p. 71.

⁵¹² *Ibidem*.

⁵¹³ Grand Ducal Regulation of 20 May 2020 derogating from Article 6 paragraph 1 of the Grand-Ducal Regulation of 27 June 2018 setting the registration fees' amount for courses organized by the National Institute of Languages. Published in Memorial A 423 of 22 May 2020. URL: <http://www.legilux.lu/eli/etat/leg/rgd/2020/05/20/a423/jo>

⁵¹⁴ Ministry of Education, Children and Youth, « Rapport d'activités 2020 », Luxembourg March 2021, p. 74

⁵¹⁵ *Ibid*, p. 75

⁵¹⁶ *Ibidem*.

⁵¹⁷ In 2019 the amount was € 8 663 899, in 2020, this amount increased to €10 225 286. See: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 133.

And: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 132.

⁵¹⁸ Information provided by the Department of Adult Education of the Ministry of Education, Children and Youth (SFA) on 16 December 2020.

⁵¹⁹ ADEM, « FAQ ADEM en relation avec Covid-19 », Luxembourg 2020. See also: European Migration Network, National Contact Point Luxembourg answer to COM Ad-hoc query 2020. 75 on residence permits and labour market needs launched by Luxembourg on 11 December 2020.

⁵²⁰ See: « A fleur de peau: être afro-descendant au Luxembourg », « Peanut Project » and « Dialog statt Hass / dialoguer au lieu de haïr ». URL : <https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/integration/Projets/projets.html>.

See also: Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 250.

⁵²¹ Information provided by the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 8 December 2020.

⁵²² Ministry of Family Affairs, Integration and the Greater Region, « Rapport d'activité 2020 », Luxembourg 2021, p. 252.

⁵²³ Parliament, « Le racisme au Luxembourg », 1 July 2020. URL : [108](https://chd.lu/wps/portal/public/Accueil/Actualite/ALaUne/?c_urrent=true&urle=wcm%3Apath%3Aactualite.public.chd.lu/ST-</p></div><div data-bbox=)

Source: Ministry of Justice, « Procédures de nationalité luxembourgeoise clôturées – année 2020 ».

⁵⁴⁹ 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. The courses and the exams are held in three languages which participants choose.

⁵⁵⁰ Following the difficulties in treating demands for the Sproochentest since 2018, the INL reorganized it. Every Luxembourgish teacher is now involved in the Sproochentest at the rate of two lessons per week and the tests are held from Tuesday to Friday, alternating oral expression and oral comprehension tests. This system makes it possible for 20 to 30 candidates to do the exams every day, to reduce waiting times and test a maximum of candidates.

⁵⁵¹ Ministry of Education, Children and Youth, « Rapport d’activités 2020 », March 2021, p. 72.

⁵⁵² *Ibid*, p. 75.

⁵⁵³ Passing from € 100 000 in 2019 to € 220 000 in 2020. See: Article 12.190 under Section 07.0 – Justice in: Law of 26 April 2019 concerning the budget of state revenue and expenditure for the financial year 2019, p. 109.

And: Article 12.190 under Section 07.0 – Justice in: Law of 20 December 2019 concerning the budget for State revenues and spending for 2020, p. 107.

⁵⁵⁴ Information provided by the Ministry of Justice on 10 December 2020.

⁵⁵⁵ Article 89 of the Law of 8 March 2017 on Luxembourg nationality and abrogating: 1. the Law of 23 October 2008 on Luxembourg nationality; 2. the Law of 7 June 1989 relating to the transposition of the names and surnames of persons who acquire or recover Luxembourg nationality. Published in Memorial A 289 of 17 March 2017. URL: <http://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a289/jo>

⁵⁵⁶ Article 14 of the Law of 20 June 2020 concerning: 1) the extension of measures concerning a) the holding of public hearings during the state of crisis before the courts in cases subject to the written procedure, b) certain adaptations to the exceptional summary proceedings before the family court judge, c) suspension of time limits in judicial matters, and d) other procedural modalities; 2) the temporary exemption from Articles 74, 75, 76 and 83 of the amended Law of 9 December 1976 relating to the organization of the notarial profession; 3) the temporary exemption from Articles 15 and 16 of the amended Law of 10 August 1991 on the profession of Lawyer and; 4) the amendment of Article 89 of the amended Law of 8 March 2017 on Luxembourg nationality.

⁵⁵⁷ Article 18 of the Law of 19 December 2020 on the change of name and surname and concerning the amendment of the amended Law of 8 March 2017 on Luxembourg nationality. Published in Memorial A 1045 of 21 December 2020. URL: <http://legilux.public.lu/eli/etat/leg/loi/2020/12/19/a1045/jo>

⁵⁵⁸ Amended Article 49 of the Law of 8 March 2017 on Luxembourg nationality.

⁵⁵⁹ Amended Article 50 of the Law of 8 March 2017 on Luxembourg nationality

⁵⁶⁰ Parliamentary Document n°6568B/08 on the change of name and surnames and bearing: amendment of the amended Law of 8 March 2017 on Luxembourg nationality and; abrogation of the amended Law of 11-21 germinal XI in relation to pronouns and name changes. « Rapport de Commission: Commission de la Justice ». Introduced to Parliament on 15 December 2020, p. 2. URL:

https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingSrvletImpl?path=EF80D3B1B920DD025030F78790DE68C5AAF84B51B4CEC192FED99CD3C6452F649D78B1A4A58662E49DD94FB7ED68AE885BC4C52CAD582B6F1FB1F8B029D521C97

⁵⁶¹ Ministry of Justice, « Réouverture des guichets "Certificat de nationalité" et "Armes et Gardiennages" », May 2020. URL : <https://mj.gouvernement.lu/fr/actualites/Articles/2020/05-mai/25-mj-guichet-horaires.html>

⁵⁶² The Government of Luxembourg, « Adaptation des horaires d’ouverture du guichet "Certificat de nationalité" et du guichet "Armes et Gardiennage" », 2 July 2020. URL : https://gouvernement.lu/fr/actualites/toutes_actualites.gouv/mj%2Bfr%2Bactualites%2BArticles%2B2020%2B05-mai%2B25-mj-guichet-horaires.html

⁵⁶³ Applications for acquiring Luxembourgish nationality are only accepted if the Registrar considers the application to be complete. The Registrar then transfers it to the Ministry of Justice (Article 20 (3), 35 (6) and 42 (5) of the amended Law of 8 March 2017 on Luxembourg nationality.

⁵⁶⁴ The National Institute for Languages, « Pas de cours du 16 au 29 mars 2020 », Official Government Notice to Learners, 12 March 2020. URL : <http://www.inll.lu/coronavirus-covid-19-informations-et-directives-2/>

⁵⁶⁵ The National Institute for Languages, « Les cours en e-learning seront maintenus jusqu’à la fin du semestre courant. Reprise des tests et examens nationaux et internationaux à partir du 11/05/2020 », 22 April 2020. URL : <http://www.inll.lu/les-cours-en-e-learning-seront-maintenus-jusqu-a-la-fin-du-semestre-courant-les-tests-et-examens-nationaux-et-internationaux-reprendront-a-partir-du-11-mai-2020/>

⁵⁶⁶ Information provided by the Department of Adult Education of the Ministry of Education, Children and Youth (SFA) on 16 December 2020.

⁵⁶⁷ ASTI, « La lutte continue: évolution du droit de vote des jeunes et des étrangers depuis 1960 », 8 January 2020. URL : <https://www.asti.lu/conferences-debats/>

⁵⁶⁸ See for example: Le Quotidien, « Le déficit démocratique s’accroît au Luxembourg », 9 January 2020. URL : <https://lequotidien.lu/luxembourg/le-deficit-democratique-saccroît-au-luxembourg/>

⁵⁶⁹ ASTI, « Migration Integration Policy Index (MIPEX) 2020 – focus sur le Luxembourg », 16 November 2020.

⁵⁷⁰ Directorate of Immigration, « Bilan de l’année 2020 en matière d’asile et d’immigration », Luxembourg 2021, p. 21.

⁵⁷¹ *Ibidem*.

⁵⁷² *Ibidem*.

⁵⁷³ *Ibid*, p. 22.

⁵⁷⁴ *Ibidem*.

⁵⁷⁵ One voluntary return and five as part of a forced return. Information provided by the Directorate of Immigration on 26 March 2021.

⁵⁷⁶ Directorate of Immigration, « Bilan de l’année 2020 en matière d’asile et d’immigration », Luxembourg 2021, p. 21.

⁵⁷⁷ *Ibid*, p. 22

⁵⁷⁸ *Ibidem*.

⁵⁷⁹ Grand Ducal Regulation of 4 November 2020 relating to the composition and functioning of the advisory commission for assessing the best interests of unaccompanied minors provided for in Article 103 of the amended Law of 29 August 2008 on the free movement of people and immigration.

⁵⁸⁰ Parliamentary session of 10 October 2019, “Prise de position du Gouvernement”. URL : <https://www.chd.lu/ArchivePlayer/video/2615/sequence/131818.html>

⁵⁸¹ European Migration Network, National Contact Point Luxembourg, “Annual Report on Migration and Asylum 2018”, Luxembourg 2019, pp. 47-48.

⁵⁸² European Migration Network, National Contact Point Luxembourg, “Annual Report on Migration and Asylum 2019”, Luxembourg 2020, pp. 45-46.

⁵⁸³ Information provided by the Directorate of Immigration on 3 December 2020.

⁵⁸⁴ Consultative Commission on Human Rights, « Avis sur le projet de règlement grand-ducal relatif à la composition et au fonctionnement de la commission consultative d’évaluation de

l'intérêt supérieur des mineurs non accompagnés prévue à l'Article 103 de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration », 15 January 2020. URL :

https://ccdh.public.lu/fr/actualites/2020/20200115_Avis_PRGD_CommConsInteretSupMNA_FINAL.html

⁵⁸⁵ *Ibid*, p.2

⁵⁸⁶ *Ibid*, p.3

⁵⁸⁷ *Ibid*, p.4

⁵⁸⁸ *Ibid*, p.36

⁵⁸⁹ *Ibid*, p. 35

⁵⁹⁰ *Ibid*, pp. 5-6

⁵⁹¹ *Ibid*, p. 6

⁵⁹² The Government of Luxembourg, « Réaction de Jean Asselborn à l'avis de la Commission consultative des droits de l'Homme du Grand-Duché de Luxembourg portant sur le projet de règlement grand-ducal relatif à la composition et au fonctionnement de la commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés », 16 January 2020. URL :

https://gouvernement.lu/fr/actualites/toutes_actualites/comm_uniques/2020/01-janvier/16-asselborn-ccdh.html

⁵⁹³ Council of State, « Avis du Conseil d'Etat sur le projet de règlement grand-ducal relatif à la composition et au fonctionnement de la commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés prévue à l'Article 103 de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration », 16 June 2020, p. 2. URL : <http://data.legilux.public.lu/file2/2020-06-16/30>

⁵⁹⁴ *Ibidem*.

⁵⁹⁵ *Ibidem*.

⁵⁹⁶ *Ibid*, p. 3.

⁵⁹⁷ Answer of the Minister of Immigration and Asylum of 3 December 2020 to the Parliamentary question n°3098 on minors, applicants of international or temporary protection. URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=8A431816C48681543C9581D83702EE7444CO74D8730A2F0DC7C0E48607DDB0B037100CA0200CE9504C447D9701AFD7D6\\$32106E7A0D7CA869346C022CFD04E80D](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=8A431816C48681543C9581D83702EE7444CO74D8730A2F0DC7C0E48607DDB0B037100CA0200CE9504C447D9701AFD7D6$32106E7A0D7CA869346C022CFD04E80D)

⁵⁹⁸ Law of 11 March 2020 approving the Protocol between Ukraine and the Benelux States (the Kingdom of Belgium, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands) applying the Agreement between the European Union and Ukraine on the readmission of persons in an irregular situation, signed in Brussels, on December 17 2018. Published in Memorial A 148 of 13 March 2020. URL:

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=16C15DB3319C6B440DBFBF1F26F9FF16B88FA2B946CA4EE6902DC54F941CAB7EB8741AD6B0ACF99E7740847758AD936C\\$EB07340C63F04C2A137CACF5CEAE403B](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=16C15DB3319C6B440DBFBF1F26F9FF16B88FA2B946CA4EE6902DC54F941CAB7EB8741AD6B0ACF99E7740847758AD936C$EB07340C63F04C2A137CACF5CEAE403B)

⁵⁹⁹ Law of 11 March 2020 approving the Protocol between the Republic of Armenia and the Benelux States (the Kingdom of Belgium, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands) applying the Agreement between the European Union and the Republic of Armenia on the readmission of persons in an irregular situation, signed in Brussels, June 20, 2018. Published in Memorial A 147 of 13 March 2020. URL: [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=B3A160D79C4C7C55EB2935DADD3C987F87788C28398CD6E0CBB89F38A1D163AED724FD71EBE7DDDB283FEF11338AEF5\\$F4229D36F54577603FEACC7AEC5142E6](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=B3A160D79C4C7C55EB2935DADD3C987F87788C28398CD6E0CBB89F38A1D163AED724FD71EBE7DDDB283FEF11338AEF5$F4229D36F54577603FEACC7AEC5142E6)

⁶⁰⁰ Information provided by the Directorate of Immigration on 23 December 2020.

⁶⁰¹ Information provided by the Airport Police Unit of the Grand Ducal Police on 9 December 2020.

⁶⁰² Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 24.

⁶⁰³ Information provided by the Airport Police Unit of the Grand Ducal Police on 9 December 2020.

⁶⁰⁴ Information provided by the Directorate of Immigration on 23 December 2020.

⁶⁰⁵ *Ibidem*.

⁶⁰⁶ *Ibidem*.

⁶⁰⁷ *Ibidem*.

⁶⁰⁸ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 24.

⁶⁰⁹ *Ibid*, p. 25.

⁶¹⁰ *Ibidem*.

⁶¹¹ *Ibid*, p. 28.

⁶¹² *Ibid*, p. 25.

⁶¹³ Information provided by the Detention Centre on 23 December 2020.

⁶¹⁴ *Ibidem*.

⁶¹⁵ *Ibidem*.

See also: Answer of the Minister of Foreign and European Affairs of 4 November 2020 to the Parliamentary question n°3090 on the Detention Centre. URL: https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=2E5B74302215A41CBA24312D032F366D21A9617D24FE7FF414218AB234F7C95F702712ABD79516C7C559959D7B65166E51B91CF257A40AD96D6D4038FC66A97AD

⁶¹⁶ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 28.

⁶¹⁷ Answer of the Minister of Immigration and Asylum of 5 June 2020 to the Parliamentary question n°2229 on the number of people released from the Detention Centre during the state of emergency.

⁶¹⁸ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2020 en matière d'asile, d'immigration et d'accueil », Luxembourg 2021, p. 27.

⁶¹⁹ In April 2017, a 'semi-open return structure' (Structure d'hébergement d'urgence au Kirchberg – SHUK) was put in place, from which people are transferred to States applying the Dublin regulation. Due to house arrest (assignation à résidence), the SHUK is considered to be an alternative to detention by national authorities.

⁶²⁰ Directorate of Immigration, « Bilan de l'année 2020 en matière d'asile et d'immigration », Luxembourg, 2021, p. 28.

⁶²¹ *Ibidem*.

⁶²² *Ibidem*.

⁶²³ *Ibid*, p.29.

⁶²⁴ *Ibid*, p. 30

⁶²⁵ *Ibidem*.

⁶²⁶ *Ibidem*.

⁶²⁷ Information provided by the semi-open facility (SHUK) on 23 December 2020.

⁶²⁸ Information provided by the semi-open facility (SHUK) on 28 June 2020 and on 23 December 2020.

⁶²⁹ Please refer to: European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2017", Luxembourg 2018.

European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2018", Luxembourg 2019

And: European Migration Network, National Contact Point Luxembourg, "Annual Report on Migration and Asylum 2019", Luxembourg 2020.

⁶³⁰ Luxembourg Refugee Council (LFR), « Journée mondiale des réfugiés ! Stop Dublin pendant la crise sanitaire », Press Release, 18 June 2020, pp. 3-4.

⁶³¹ Draft Bill n°7633 on the prohibition of placing minors in detention and amending:1) the Law of 18 December 2015 on the reception of applicants international protection and temporary protection; 2) the amended Law of 29 August 2008 on the free movement of people and immigration; and 3) the Law of 28 May 2009 establishing and organizing the Detention Centre. Introduced to Parliament on 16 July 2020. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServngS_ervletImpl?path=2E5B74302215A41CBA24312D032F366D21A9617D24FE7FF414218AB234F7C95F702712ABD79516C7C559959D7B65166E51B91CF257A40AD96D6D4038FC66A97AD

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⁶³² *ibidem*.

⁶³³ Answer of the Minister of Foreign and European Affairs of 4 November 2020 to the Parliamentary question n°3090 on the Detention Centre.

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