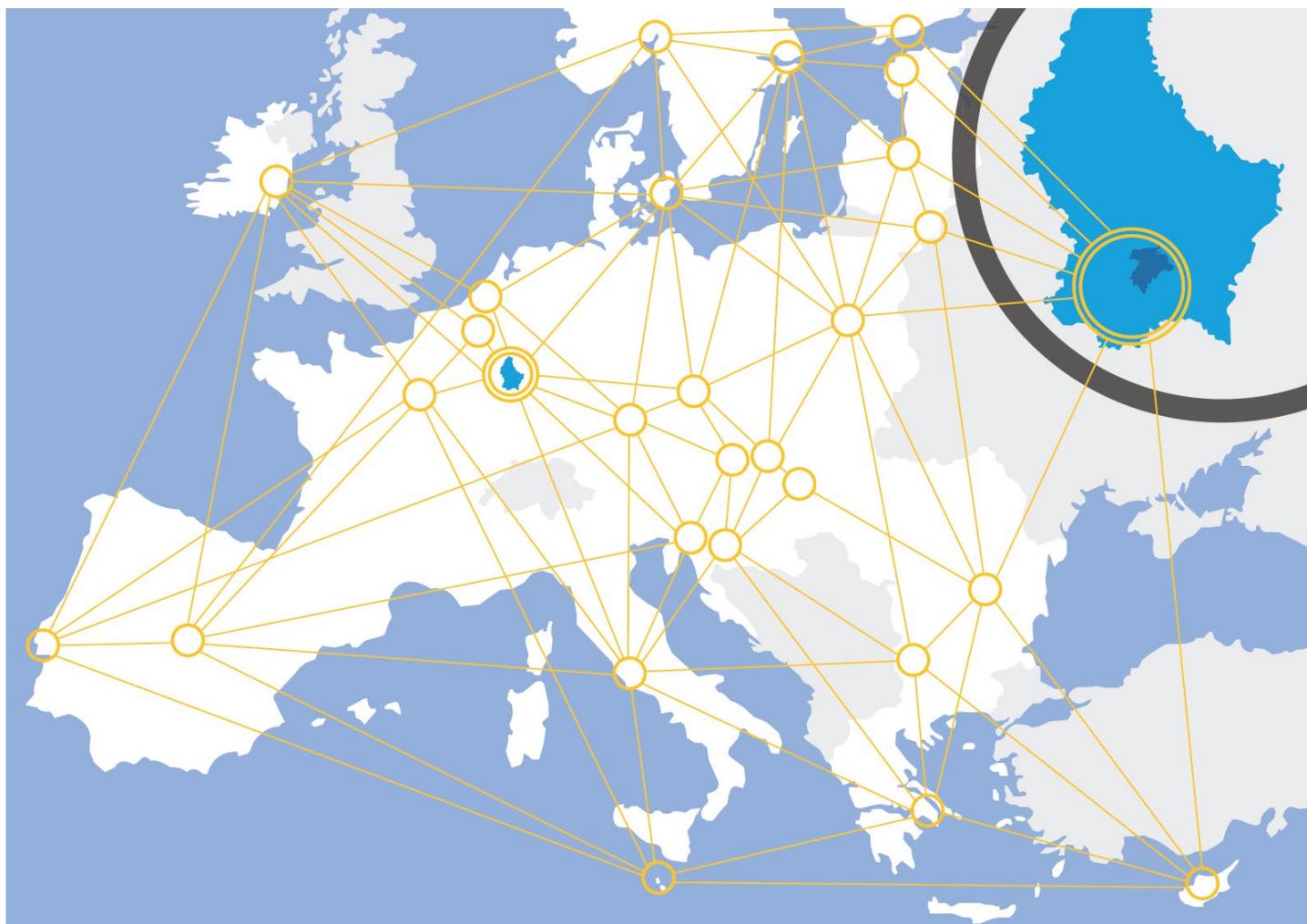


**EMN**

European Migration Network



LËTZEBUERG



# 2021 ANNUAL REPORT ON MIGRATION AND ASYLUM

## SUMMARY

This report presents the statistical trends and developments in migration, asylum and integration, changes in legislation or policies, and it traces significant national debates, which occurred in Luxembourg during the year 2021. Given the ongoing impact of the COVID-19 pandemic, including in the field of immigration, and the evolving situation after the takeover of power of the Taliban in Afghanistan, two separate chapters are dedicated to these topics in this report.

### *Legislative developments*

Several of the most notable changes and debates in Luxembourg during the year of 2021 were of legislative nature and two laws in particular have been approved by parliament on 16 June 2021:

The Law of 16 June 2021 amending the Immigration Law entered into force on 5 July 2021.<sup>1</sup> This law changes the legislation on immigration, by lightening the administrative burden for third-country nationals, and by altering certain provisions relating to intra-corporate transferees, trainees and family reunification.

The Law of 16 June 2021 amending the Asylum Law entered into force on 5 July 2021.<sup>2</sup> This law modifies the remedies available to applicants for international protection (AIPs). It increases their effectiveness and guarantees maximum legal certainty in the context of transfers under the Dublin Regulation, as well as in the case of final decisions to close proceedings on an application for international protection and of decisions to withdraw international protection.

Bill 7844 was introduced to Parliament on 15 June 2021 to amend the amended Law of 8 March 2017 on Luxembourgish Nationality (hereinafter Nationality Law) and entered into force on 22 August as the Law of 30 July 2021. According to the Nationality Law, a candidate (a direct line descendant of a Luxembourg ancestor) for the recovery of Luxembourgish nationality must start to (re)claim her/his Luxembourg nationality before the registrar before 31 December 2022.<sup>3</sup>

Table 1 provides an overview over the three relevant laws, that entered into force in the course of 2021 and the respective sections of the report in which the legislative developments are discussed in detail.

**Table 1: Overview over the passed laws in the field of migration in Luxembourg in 2021**

Title	Content	Entry into force	Section
Law of 16 June 2021 amending the Asylum Law <sup>4</sup>	Modification of the remedies available to applicants for international protection (AIPs).	5 July 2021	5.2.1; 5.2.2; 5.2.3; 5.2.4; 6.3.2.3
Law of 16 June 2021 amending the Immigration Law <sup>5</sup>	Changing of the legislation on immigration.	5 July 2021	4.2.3; 4.3.2.1; 4.4.2; 4.5.1.2; 4.7.1; 5.2.3; 10.2
Law of 30 July 2021 amending the Nationality Law <sup>6</sup>	Extension of time limit to apply for recovery of Luxembourgish nationality.	22 August 2021	8.1.2

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In 2021, three noteworthy bills<sup>7</sup> were introduced to parliament with their legislative procedure still ongoing at the time of writing. On 2 September 2021, the government introduced to Parliament Bill 7877, intending to amend the amended Electoral Law of 18 February 2003<sup>8</sup>, hereinafter the Electoral Law. This bill intends to support political participation of the steadily growing number of non-Luxembourgish residents and it foresees the abolishment of the 5-year residency clause on active and passive voting rights for EU- and non-EU citizens residing in Luxembourg. Further, the date of closure for the registration on the electoral list before the elections for non-Luxembourg citizens to register on the municipal electoral rolls would be reduced from 87 days to 55 days.<sup>9</sup>

On 26 November 2021, the Government Council approved a bill proposing to amend the Immigration Law. This bill aims to ensure a more effective management of the removal of third-country nationals illegally residing on the territory by structuring the different categories of removal measures (*mesures d'éloignement*) in a clear and coherent way.<sup>10</sup> On 19 January 2022 this bill was introduced to Parliament as Bill 7954.<sup>11</sup>

Bill 7881 on the exchange of information relating to nationals of countries outside the European Union as well as the European Criminal Records Information System (ECRIS) was introduced to Parliament on 10 September 2021.<sup>12</sup> This system will make it possible to search for entries in the criminal records of third-country nationals against which court decisions have been issued by the criminal courts of other EU Member States.<sup>13</sup>

An overview over the abovementioned legislative processes is presented in Table 2.

**Table 2: Overview over the relevant bills in the field of migration in Luxembourg in 2021**

Title	Introduced to Parliament	Content	Status as of 28 February 2022	Section
Bill 7877 amending the Electoral Law <sup>14</sup>	2 September 2021	Abolishment of the 5-year residency clause on active and passive voting rights in municipal elections for EU- and third-country citizens	Opinion by the National Council for Foreigners received (11 January 2022)	7.1.1.1; 7.1.1.2
Bill 7954 amending the Immigration Law <sup>15</sup>	Approved by Government Council (26 November 2021) <sup>16</sup> ; introduced to Parliament (19 January 2022) <sup>17</sup>	Amending the Immigration Law with respect to removal of third-country nationals illegally residing on Luxembourg territory	Referred to Committee on Foreign and European Affairs, Cooperation, Immigration and Asylum on 3 February 2022	11.2.2.1; 11.3.1
Bill 7881 on the exchange of information relating to nationals of countries outside the European Union as well as the European criminal records information system (ECRIS) <sup>18</sup>	10 September 2021	Exchange of information relating to third-country nationals	Opinion by the Public Prosecutor's Office received (13 December 2021)	9.1

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As already noted in the 2020 Annual Report on Migration and Asylum of the EMN Luxembourg (LU EMN ARM) (please refer to chapter 7.1.3), the Government plans to reform the amended Law of 16 December 2008 on the reception and integration of foreigners (hereinafter Integration Law). Initial accompanying consultations have already been solicited in 2020 and this process continued in 2021. Multiple consultations with stakeholders from civil society, social partners and the municipalities took place and, in this context, the OECD-study "Towards a successful integration process: The functioning of the integration system and its actors in the Grand Duchy of Luxembourg" was published on 25 November 2021.<sup>19</sup>

**Table 3: Initiated reform process for the Integration Law**

Title	Content	Status	Section
Law of 16 December 2008 concerning the reception and integration of foreigners in the Grand Duchy of Luxembourg <sup>20</sup>	Organising reception, integration of foreigners, combatting discrimination, organizing social assistance for foreigners	Came into force on 24 December 2008 and was substantially amended by the Law of 4 December 2019 creating the National Reception Agency <sup>21</sup> . The current amendment procedure is ongoing <sup>22</sup> ; please also refer to the LU EMN ARM 2019 <sup>23</sup> and 2020 <sup>24</sup> for further information	7.1.2

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### *National Integration Strategy*

At the beginning of 2021, the Pact of Living Together (*Pakt vum Zesummeliewen - PvZ*) replaced the Communal Integration Plan (PCI) to create a more dynamic and multi-year integration process for a stronger inclusion of Luxembourg's municipalities.

### *Education and training*

Continuing education for Luxembourg residents has been made more accessible and additional courses, which are tailored to AIPs and beneficiaries of international protection (BIPs), have been included into the training portfolio of the Adult Education Service (SFA).<sup>25</sup>

### *Basic essential services*

Luxembourg has initiated the planning process of extending its current public health care system. It is foreseen to offer vulnerable population groups, who have not been covered to date, low-threshold easy access to health care.

### *The crisis in Afghanistan and its impacts on migration and asylum*

Luxembourg has been reacting on the changing situation in Afghanistan since the takeover of power by the Taliban in August 2021. Luxembourg has halted decisions on applications for international protection by Afghans until sufficient reliable information will be available.<sup>26</sup> Between the takeover of power through the Taliban in August until the end of 2021, 71 Afghan nationals have been granted international protection. This includes 45 Afghan nationals evacuated from Afghanistan.<sup>27</sup> Luxembourg has further committed to resettle additional people.<sup>28</sup>

### *Covid-19 pandemic and immigration*

While the year 2021 continued to be marked by the COVID-19 pandemic, several important developments, such as the availability of vaccines and rapid tests, did redirect pandemic activity on to different paths than in 2020. The focus lay on testing as well as on getting everyone in Luxembourg, including AIPs and persons in a situation of irregular stay, vaccinated. Yet, Luxembourg's only external border, that is Luxembourg's international airport, remained closed for third-country nationals (TCN). Luxembourg's entry regulations, which were adjusted multiple times and in a dynamic fashion in line with the evolution of the pandemic, however, created several exemptions that allowed for the entry of certain TCNs. As of 22 December 2021, this border closure was extended from 31 December 2021 to 31 March 2022 by means of Grand Ducal Regulation.<sup>29</sup>

## TABLE OF CONTENTS

<b>SUMMARY</b> .....	<b>I</b>
<b>TABLE OF CONTENTS</b> .....	<b>IV</b>
<b>LIST OF FIGURES</b> .....	<b>VI</b>
<b>LIST OF TABLES</b> .....	<b>VII</b>
<b>LIST OF ABBREVIATIONS</b> .....	<b>VIII</b>
<b>PREFACE</b> .....	<b>X</b>
<b>METHODOLOGY</b> .....	<b>X</b>
<b>TERMINOLOGY AND DEFINITIONS USED</b> .....	<b>XI</b>
<b>1. DEMOGRAPHIC DEVELOPMENTS</b> .....	<b>1</b>
<b>2. COVID-19 PANDEMIC AND IMMIGRATION</b> .....	<b>4</b>
2.1. ENTERING LUXEMBOURG: RESTRICTIONS AND SANITARY MEASURES .....	4
2.2. RESIDING IN LUXEMBOURG: IMPACTS, SANITARY AND HEALTH MEASURES .....	7
<b>3. THE CRISIS IN AFGHANISTAN AND ITS IMPACT ON MIGRATION AND ASYLUM</b> .....	<b>9</b>
3.1. DEVELOPMENTS IN 2021 .....	9
3.2. PUBLIC REACTIONS .....	10
<b>4. LEGAL MIGRATION AND MOBILITY</b> .....	<b>12</b>
4.1. STATISTICAL TRENDS IN LEGAL MIGRATION .....	12
4.2. MIGRATION FOR ECONOMIC PURPOSES .....	17
4.3. MIGRATION FOR EDUCATIONAL PURPOSES .....	19
4.4. MIGRATION FOR FAMILY REASONS .....	20
4.5. INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION .....	23
4.6. BREXIT .....	24
4.7. ADDITIONAL SIGNIFICANT DEVELOPMENTS IN LEGAL MIGRATION .....	25
<b>5. INTERNATIONAL PROTECTION</b> .....	<b>27</b>
5.1. STATISTICAL TRENDS IN INTERNATIONAL PROTECTION .....	27
5.2. LEGISLATIVE DEVELOPMENTS AND PROCESSES.....	30
5.3. RECEPTION AND SUPPORT MEASURES .....	32
5.4. VULNERABILITIES .....	35
5.5. RELOCATION AND RESETTLEMENT .....	36
<b>6. MINORS IN MIGRATION</b> .....	<b>37</b>
6.1. EDUCATION OF MIGRANT CHILDREN .....	37
6.2. PHYSICAL AND MENTAL HEALTH .....	41
6.3. UNACCOMPANIED MINORS .....	41
6.4. PUBLIC REACTIONS .....	43
<b>7. INTEGRATION AND INCLUSION</b> .....	<b>46</b>
7.1. LEGISLATIVE DEVELOPMENTS .....	46
7.2. LIVING TOGETHER PACT REPLACES COMMUNAL INTEGRATION PACT .....	51
7.3. MULTI-ANNUAL NATIONAL ACTION PLAN FOR INTEGRATION (PAN) .....	51
7.4. EUROPEAN AMIF FUND .....	53
7.5. HEALTH .....	54
7.6. INCLUSION OF THE ELDERLY.....	54
7.7. INVOLVEMENT OF MULTI-STAKEHOLDERS.....	55
7.8. ADULT EDUCATION AND EMPLOYMENT .....	55
7.9. FIGHT AGAINST RACISM AND DISCRIMINATION.....	57
7.10. DIGITALISATION.....	59

<b>8.</b>	<b>ACCESS TO CITIZENSHIP .....</b>	<b>60</b>
8.1.	STATISTICAL TRENDS .....	60
8.2.	LEGISLATIVE DEVELOPMENTS.....	63
<b>9.</b>	<b>BORDERS AND SCHENGEN .....</b>	<b>64</b>
9.1.	LEGISLATIVE DEVELOPMENTS.....	64
9.2.	EXTERNAL BORDERS .....	64
9.3.	SCHENGEN .....	65
<b>10.</b>	<b>VICTIMS OF HUMAN TRAFFICKING (VHT).....</b>	<b>66</b>
10.1.	STATISTICAL TRENDS.....	66
10.2.	LEGISLATIVE DEVELOPMENTS.....	66
10.3.	STRATEGIC POLICY DEVELOPMENTS.....	66
10.4.	ADDITIONAL DEVELOPMENTS .....	67
10.5.	COOPERATION WITH DIFFERENT COUNTRIES .....	67
10.6.	PUBLIC REACTIONS.....	68
<b>11.</b>	<b>IRREGULAR MIGRATION, DETENTION, AND RETURN .....</b>	<b>69</b>
11.1.	IRREGULAR MIGRATION.....	69
11.2.	RETURN.....	69
11.3.	READMISSION .....	72
11.4.	ADMINISTRATIVE DETENTION .....	73
<b>12.</b>	<b>MIGRATION AND DEVELOPMENT .....</b>	<b>76</b>
	<b>BIBLIOGRAPHY.....</b>	<b>78</b>
	<b>ENDNOTES .....</b>	<b>89</b>

## LIST OF FIGURES

FIGURE 1: DEMOGRAPHIC DEVELOPMENTS IN 2021.....	2
FIGURE 2: COVID-19 PANDEMIC: TIMELINE OF ENTRY-RESTRICTIONS AND RELATED SANITARY MEASURES .....	6
FIGURE 3: TOTAL NUMBER OF RESIDENCE PERMITS ISSUED 2017-2021.....	12
FIGURE 4: NUMBER OF FIRST RESIDENCE PERMITS, RENEWALS AND LONG-TERM RESIDENCE PERMITS ISSUED 2017-2021. ....	13
FIGURE 5: MAIN PURPOSES FOR RESIDENCE PERMITS ISSUED IN 2021.....	13
FIGURE 6: FIRST ISSUANCE OF WORK PERMITS TO THIRD-COUNTRY NATIONALS RESIDING IN ANOTHER EU MEMBER STATE.....	15
FIGURE 7: THIRD-COUNTRY NATIONALS HOLDING A VALID RESIDENCE PERMIT ON 31.12.2021 BROKEN DOWN BY PURPOSE.....	17
FIGURE 8: EUROPEAN BLUE CARDS FIRST ISSUED IN 2021 BY ISCO CATEGORY. ....	18
FIGURE 9: AUTHORISATIONS TO WORK ISSUED TO THIRD-COUNTRY NATIONALS RESIDING IN ANOTHER MEMBER STATE, BY MAIN NATIONALITIES (2021). ....	18
FIGURE 10: TEMPORARY AUTHORISATIONS TO STAY ISSUED FOR PURPOSES OF FAMILY REUNIFICATION BROKEN DOWN BY SPONSORS' CATEGORIES OF RESIDENCE PERMIT IN 2021. ....	21
FIGURE 11: NUMBER OF VISAS ISSUED IN LUXEMBOURG 2019-2021. ....	23
FIGURE 12: DOCUMENTS ISSUED IN THE CONTEXT OF BREXIT 2020-2021 .....	24
FIGURE 13: NUMBER OF BRITISH CITIZENS WHO ACQUIRED LUXEMBOURG NATIONALITY PROCEDURALLY (2015-2021). ....	25
FIGURE 14: NUMBER OF APPLICATIONS FOR INTERNATIONAL PROTECTION (2016-2021). ....	27
FIGURE 15: MAIN NATIONALITIES OF AIPs IN 2021.....	28
FIGURE 16: DECISIONS ON APPLICATIONS FOR INTERNATIONAL PROTECTION IN 2021 BROKEN DOWN BY CATEGORY. ....	29
FIGURE 17: DECISIONS TO GRANT REFUGEE STATUS AND SUBSIDIARY PROTECTION IN 2021, BY MAIN NATIONALITIES. ....	29
FIGURE 18: DEMOGRAPHIC SNAPSHOT OF THE POPULATION HOSTED IN RECEPTION FACILITIES (END OF DECEMBER 2021).....	32
FIGURE 19: EVOLUTION OF NUMBER OF BEDS AND PEOPLE HOSTED IN ACCOMMODATION FACILITIES (2015-2021). ....	33
FIGURE 20: OCCUPATION RATE OF RECEPTION FACILITIES ACCORDING TO PHASE AND TYPE (DECEMBER 2021) .....	34
FIGURE 21: MOST FREQUENT NATIONALITIES OF NEWLY ARRIVED PUPILS RECEIVED BY THE CASNA (2020/21). ....	38
FIGURE 22: RECEPTION CLASSES (ACCU, CLIJA & CLIJA+) AND NUMBER OF NEWLY ARRIVED PUPILS IN THESE CLASSES (2017-2021). ....	39
FIGURE 23: REQUESTS FOR INTERCULTURAL MEDIATIONS (SCHOOL YEARS 2016/17-2020/21). ....	40
FIGURE 24: DISAPPEARANCES OF UAMs IN LUXEMBOURG, 2016-2020.....	41
FIGURE 25: REFORM OF INTEGRATION LAW: MAIN DEVELOPMENTS. ....	49
FIGURE 26: OVERVIEW: SIGNATORIES OF THE WELCOME AND INTEGRATION CONTRACT 2021.....	52
FIGURE 27: UNEMPLOYMENT REGISTRATIONS AND SUCCESSFUL JOB SEARCH AND/OR PLACEMENTS OF BIPs (2015-2020). ....	57
FIGURE 28: PROCEDURAL ACQUISITIONS OF THE LUXEMBOURGISH NATIONALITY (2016-2021). ....	60
FIGURE 29: NUMBER OF RETURNS BROKEN DOWN BY TYPE (2017-2021).....	70
FIGURE 30: PEOPLE IN ADMINISTRATIVE DETENTION (2021). ....	74
FIGURE 31: PEOPLE ACCOMMODATED IN THE SEMI-OPEN RETURN FACILITY – SHUK (2021). ....	75

## LIST OF TABLES

TABLE 1: OVERVIEW OVER THE PASSED LAWS IN THE FIELD OF MIGRATION IN LUXEMBOURG IN 2021 .....	I
TABLE 2: OVERVIEW OVER THE RELEVANT BILLS IN THE FIELD OF MIGRATION IN LUXEMBOURG IN 2021 .....	II
TABLE 3: INITIATED REFORM PROCESS FOR THE INTEGRATION LAW .....	III
TABLE 4: TOP FIVE THIRD-COUNTRY NATIONALITIES IN LUXEMBOURG AS OF 1 JANUARY .....	2
TABLE 5: TOP TWENTY FOREIGN NATIONALITIES RESIDING IN LUXEMBOURG AS OF 1 JANUARY 2022.....	3
TABLE 6: FIRST RESIDENCE PERMITS ISSUED 2019 - 2021 BROKEN DOWN BY CATEGORY OF RESIDENCE PERMIT. ....	14
TABLE 7: DOCUMENTS TREATED/ISSUED TO FAMILY MEMBERS OF CITIZENS OF THE EU OR ASSIMILATED COUNTRIES WITHOUT RENEWALS (2019-2021).....	15
TABLE 8: DOCUMENTS TREATED/ISSUED IN RELATION TO FREE MOVEMENT OF PERSONS BROKEN DOWN BY DOCUMENT TYPE (2019 - 2021).....	15
TABLE 9: TOTAL OF THIRD-COUNTRY NATIONALS HOLDING A VALID RESIDENCE PERMIT AS OF 31.12.2021 BROKEN DOWN BY CATEGORY .....	16
TABLE 10: RESIDENCE PERMITS ISSUED FOR ECONOMIC PURPOSES, 2019-2021 (FIRST DELIVERIES). ....	17
TABLE 11: RESIDENCE PERMITS ISSUED FOR EDUCATIONAL PURPOSES, 2019-2021 (FIRST DELIVERIES). ....	20
TABLE 12: RESIDENCE PERMITS/CARDS ISSUED FOR FAMILY PURPOSES, 2019-2021 (FIRST DELIVERIES). ....	20
TABLE 13: TEMPORARY AUTHORISATIONS TO STAY DELIVERED FOR PURPOSES OF FAMILY REUNIFICATION ACCORDING TO SPONSORS' CATEGORIES OF RESIDENCE PERMIT (2017-2021). ....	21
TABLE 14: TOP 10 NATIONALITIES APPLYING FOR INTERNATIONAL PROTECTION IN 2021.....	28
TABLE 15: MOST FREQUENT NATIONALITIES OF NEWLY ARRIVED PUPILS RECEIVED BY THE CASNA (2017/18-2020/21). ....	38
TABLE 16: ACQUISITIONS OF NATIONALITY BY EU CITIZENS AND THIRD-COUNTRY NATIONALS (2016-2020). ....	61
TABLE 17: TOP 10 THIRD-COUNTRY NATIONALS ACQUIRING LUXEMBOURGISH NATIONALITY (2021).....	62
TABLE 18: FIRST NATIONALITIES ACQUIRING LUXEMBOURGISH NATIONALITY BY RESIDENCE, TOTAL AND SHARE (2021). ....	62
TABLE 19: NUMBER AND PROPORTION OF RETURNS TOWARDS THE WEST BALKANS (2017-2021).....	70
TABLE 20: NUMBER OF RETURNED PERSONS ACCORDING TO TYPE OF RETURN AND MIGRATORY SITUATION (2017-2021).....	71

## LIST OF ABBREVIATIONS

ABBL	Luxembourg's Bankers Association ( <i>Association des Banques et Banquiers, Luxembourg</i> )
ACAT	Action by Christians for the abolition of torture Luxembourg ( <i>Action des chrétiens pour l'abolition de la torture Luxembourg</i> )
ACCU	Welcome Class ( <i>Classe d'accueil</i> )
ADEM	National Employment Agency ( <i>Agence pour le développement de l'emploi</i> )
AIP	Applicant for international protection
AMIF	Asylum, Migration and Integration Fund
ASTI	Association for the Support of Immigrant Workers ( <i>Association de Soutien aux Travailleurs Immigrés</i> )
BIP	Beneficiary of international protection
BPVL	Passport, Visa and Legalisation Office ( <i>Bureau des passeports, visas et légalisations</i> )
CAI	Welcome and Integration Contract ( <i>Contrat d'accueil et d'intégration</i> )
CAP	Provisional Reception Facility ( <i>Centre d'accueil provisoire</i> )
CASNA	School Service for Newly Arrived Pupils ( <i>Cellule d'Accueil Scolaire pour Elèves Nouveaux Arrivants</i> )
CCCI	Municipal Advisory Committee on Integration ( <i>Commission consultative communale d'intégration</i> )
CCDH	Consultative Commission on Human Rights ( <i>Commission consultative des Droits de l'Homme</i> )
CCP	Vocational Capacity Certificate ( <i>Certificat de Capacité Professionnelle</i> )
CCSS	Social Security Office ( <i>Centre commun de la sécurité sociale</i> )
CEFIS	Centre for Intercultural and Social Studies and Training ( <i>Centre d'Etude et de Formation Interculturelles et Sociales asbl</i> )
CIMM	Isolation Centre for migrant patients ( <i>Centre d'isolement des migrants malades</i> )
CLAE	Liaison Committee of Organisations of Foreigners ( <i>Comité de liaison des associations d'étrangers</i> )
CLIJA	Integration class for young adults aged 16 to 17 years ( <i>Classe d'intégration de jeunes adultes</i> )
CLIJA+	Integration class for young adults aged 18 to 24 years ( <i>Classe d'intégration de jeunes adultes +</i> )
CNE	National Council for Foreigners ( <i>Conseil National pour étrangers</i> )
CNS	National Health Fund ( <i>Caisse nationale de santé</i> )
CPA	Initial Reception Centre ( <i>Centre de primo-accueil</i> )
CRC	UN Committee on the Rights of the Child
DAES	Access to Higher Education Diploma ( <i>Diplôme d'accès aux études supérieures</i> )
DPA	Initial Reception Facility ( <i>Dispositif de primo-accueil</i> )
CJEU	European Court of Justice
ECPAT	End Child Pornography and Trafficking of Children for Sexual Purposes
ECRIS	European Criminal Records Information System
EEA	European Economic Area
EES	Entry-Exit System
EFID	Excellence Foundation for Integration and Development
EIMAB	Mersch Anne Beffort International School ( <i>École Internationale Mersch Anne Beffort</i> )
EMN	European Migration Network
ENAD	National school for adults ( <i>Ecole nationale pour adultes</i> )
ETIAS	European Travel Information and Authorisation System
EU	European Union
EUAA	European Union Agency for Asylum
FED	Women in distress ( <i>Femmes en detresse</i> )
FMPO	Fondation de la Maison Porte Ouverte
FRA	European Union Agency for Fundamental Rights
Frontex	European Border and Coast Guard Agency
GRESIL	Local Integration Exchange and Support Group ( <i>Groupe d'échange et de soutien en matière d'intégration au niveau local</i> )
HORECA	Hotels, Restaurants & Catering Sector
IBM	Integrated Border Management

IFEN	Institute of National Education Formation ( <i>Institut de formation de l'Education nationale</i> )
IGSS	General Inspectorate of Social Security ( <i>Inspection générale de la sécurité sociale</i> )
ISCO	International Standard Classification of Occupations ( <i>Classification internationale type des professions - CITP</i> )
ICT	Intra-corporate transfer
IL	Linguistic Integration ( <i>Intégration linguistique</i> )
IMS	Inspiring More Sustainability Network
IOM	International Organisation for Migration
ITM	Inspectorate of Labour and Mines ( <i>Inspection du Travail et Mines</i> )
LFR	Luxembourg Refugee Council ( <i>Lëtzebuerger Flüchtlingsrot</i> )
LISER	Luxembourg Institute of Socio-Economic Research
LU EMN ARM	Annual Report on Migration and Asylum of the EMN Luxembourg
MAEE	Ministry of Foreign and European Affairs ( <i>Ministère des Affaires Étrangères et Européennes</i> )
MFAMIGR	Ministry of Family Affairs, Integration and the Greater Region ( <i>Ministère de la Famille, de l'Intégration et à la Grande Région</i> )
NGDO	Non-Governmental Development Organisation
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Cooperation and Development
OKaJu	Ombudsman for children and youngsters ( <i>Ombudsman fir Kanner at Jugendlecher</i> )
ONA	National Reception Office ( <i>Office National de l'accueil</i> )
ONE	National Office for Children ( <i>Office National de l'enfance</i> )
PAN (Integration PAN)	Multi-Annual National Action Plan for Integration ( <i>Plan d'Action National d'intégration</i> )
PCI	Communal Integration Plan ( <i>Plan communal intégration</i> )
PIA	Accompanied Integration Pathway ( <i>Parcours d'intégration accompagné</i> )
PRR	Plan for Recovery and Resilience
PvZ	Pact of Living Together ( <i>Pakt vum Zesummeliewen</i> )
RECAMAS	Return Case Management System
REVIS	Social inclusion income ( <i>Revenu d'Inclusion Sociale</i> )
RIAL	Research and information on anti-Semitism in Luxembourg ( <i>Recherche et information sur l'antisémitisme au Luxembourg</i> )
RNPP	National Registry of Natural Persons ( <i>Registre national des personnes physiques</i> )
RYSE	Refugee Youth Support and Empowerment
SECAM	Department for the schooling of foreign children ( <i>Service de la scolarisation des enfants étrangers</i> )
SFA	Adult Education Service ( <i>Service de la formation des adultes</i> )
SHTDPI	Temporary Reception Facilities for applicants for international protection ( <i>Structure d'hébergement temporaire pour Demandeurs de Protection Internationale</i> )
SHUK	Semi-open return facility ( <i>Structure d'hébergement d'urgence au Kirchberg</i> )
SIA	School Integration and Reception Service ( <i>Service de l'Intégration et de l'Accueil scolaire</i> )
SIGI	Intermunicipal Union for IT Management ( <i>Syndicat Intercommunal de Gestion informatique</i> )
SIV-PIA	Information sessions on life in Luxembourg ( <i>Séances d'Information sur la Vie au Luxembourg (SIV) dans le cadre du Parcours d'Intégration Accompagné</i> )
STATEC	National Institute for Statistics and Economic Studies ( <i>Institut national de la statistique et des études économiques du Grand-Duché de Luxembourg</i> )
Syvicol	Association of Luxembourgish Cities and Municipalities ( <i>Syndicat des Villes et Communes Luxembourgeoises</i> )
TCN	Third-country national
UAM	Unaccompanied minor
UAM Commission	Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors ( <i>Commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés</i> )
UK	United Kingdom
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
VHT	Victim of human trafficking

## 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 written by the National Contact Point in Luxembourg within the European Migration Network (EMN Luxembourg<sup>30</sup>), namely by Nicole Holzapfel-Mantin, Lukas Mellinger, Ralph Petry, Mathis Osburg, and Adolfo Sommarribas under the supervision of the coordinator Associate Prof. Dr. Birte Nienaber. We are grateful for the ongoing and valuable support of Sylvain Besch of the Centre for Intercultural and Social Study and Training (CEFIS), Pietro Lombardini of the National Reception Office (ONA), Christiane Martin of the Directorate of Immigration (Ministry of Foreign and European Affairs), Pascale Millim of the Ministry of Justice, Dr. Jacques Brosius and Dr. Pierre Weiss of the Department of Integration (Ministry of Family Affairs, Integration and the Greater Region), and François Peltier of the National Institute for Statistics and Economic Studies (STATEC).

## METHODOLOGY

The level of significance of events was determined by applying the following criteria:

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

The sources of information used were:

### Primary sources

- National and European legislation;
- Parliamentary documents (bills introduced to parliament, opinions of various stakeholders on draft laws, etc.);
- Publications by national governmental and non-governmental experts;
- Publications by non-governmental organisations active in the field of migration and asylum;
- Parliamentary debates and questions;<sup>31</sup>
- Relevant internet sites (ministries, non-governmental organisations, etc.);
- Database on administrative case law of administrative jurisdictions.<sup>32</sup>

### Secondary sources

- Luxembourgish media, such as main daily and weekly newspapers of Luxembourg;
- Reference documents such as studies and activity reports from various stakeholders (ministries, public institutions etc.), which have fed discussions on asylum and migration policies in Luxembourg;
- Commentaries by non-governmental organisations;

### Tertiary sources

- EMN Asylum and Migration Glossary 7.0<sup>33</sup>

## TERMINOLOGY AND DEFINITIONS USED

The usage of all terms, except when they are used in the local context, is in accordance with the definitions provided by the Asylum and Migration Glossary 7.0 of the European Migration Network.<sup>34</sup>

When terms are used in national context, they are defined by national legislation, for instance:

*Foreigner* is defined as “any person who does not possess the Luxembourg nationality, who either exclusively possesses another nationality, or who possesses none”.<sup>35</sup>

*International protection* includes “the refugee status and the subsidiary protection status”.<sup>36</sup>

*Refugee* is 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.”<sup>37</sup>

*Beneficiary of subsidiary protection* is 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.”<sup>38</sup>

## 1. DEMOGRAPHIC DEVELOPMENTS

### AT A GLANCE

- On 1 January 2022, **Luxembourg counted 645 397 residents**. Compared to 1 January 2021, the country saw a **net population change** of +10 667.
- The **overall net migration amounted to +9 736 people in 2021**, including +5 360 third-country nationals, +5 502 foreign EU citizens and -1 486 Luxembourgish nationals.
- As of 1 January 2022, the **share of foreigners in the country was 47,1%**. **The foreign population was composed of 245 908 EU citizens (80,8%) and 58 259 third-country nationals (19,2%)**.

On 1 January 2022, Luxembourg had 645 397 residents of which 341 230 were Luxembourgish nationals (52,9%) and 304 167 foreign nationals (47,1%). During 2021, the overall population of the Grand Duchy has increased by 1,7%.<sup>39</sup>

#### *Net population change*

Luxembourg's net population change in 2021, that is, the sum of the natural population change (difference between births and deaths) and the net migration (difference between number of immigrants and emigrants), amounted to 10 667 people. More specifically, this corresponds to a relative growth of Luxembourgish nationals by 1,8%, of third-country nationals by 5,4% and of foreign citizens of the European Union (EU) by 0,7%.<sup>40</sup> These figures were produced based on the National Registry of Natural Persons (RNPP). Hereby, a statistical adjustment was made to the migratory surplus and natural increase of the population considering write-offs that are not reflected in births, deaths and migration.<sup>41</sup>

#### *In- and out migrations*

In 2021, out of a total of 25 335 arrivals (22 490 in 2020), 62,0% can be attributed to EU citizens, 31,8% to third-country nationals, and 6,2% to Luxembourgish nationals. The 15 959 departures from Luxembourg consisted of 64,0% EU citizens, 16,9% third-country nationals and 19,2% Luxembourgish nationals. The net migration was largely positive for third-country nationals (+5 360) and foreign EU citizens (+5 502) but negative with regards to Luxembourgish nationals (-1 486). Overall, the migratory surplus amounted to +9 376 people.<sup>42</sup>

#### *Composition of population*

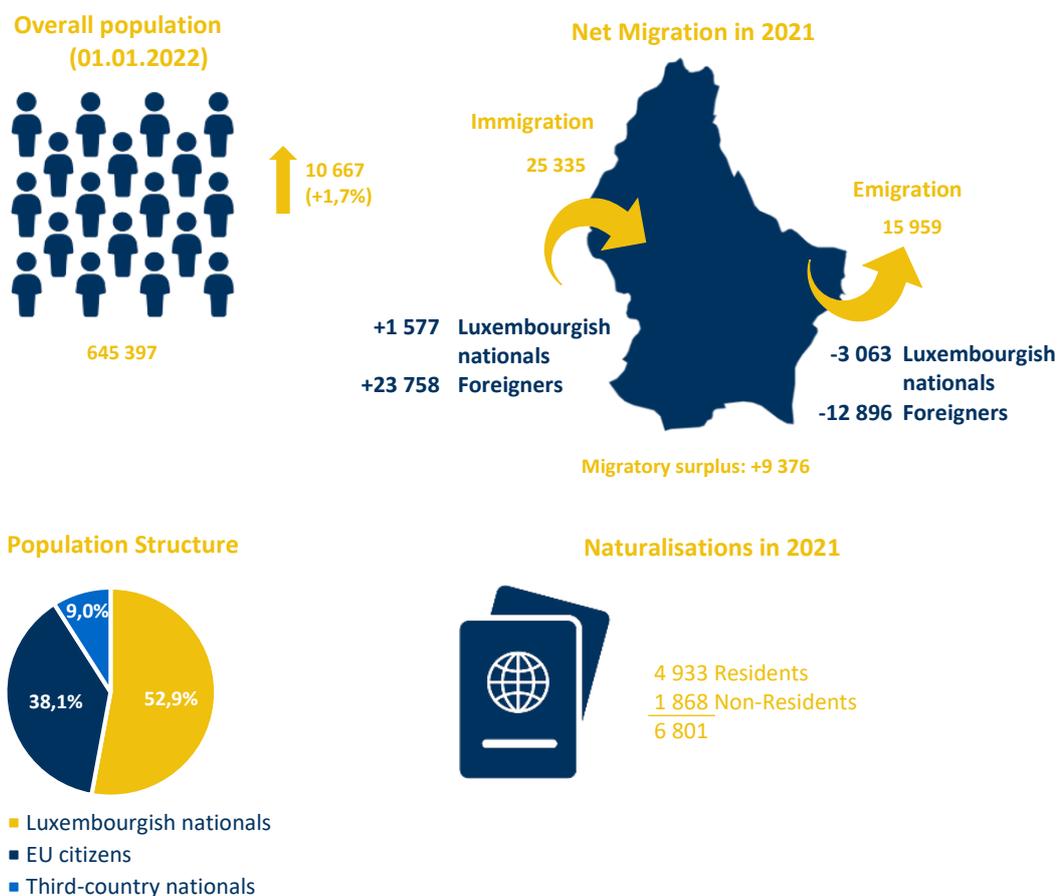
With 47,1% of the overall population, the proportion of foreigners in the country remained relatively stable when looking at 2021 (-0,1%). On 1 January 2022, the foreign population was composed of 245 908 EU citizens (80,8%) and 58 259 third-country nationals (19,2%). More specifically, third-country nationals represented 9,0% of the total population and the top five foreign nationalities residing in Luxembourg were EU citizens (from Portugal, France, Italy, Belgium and Germany).<sup>43</sup>

#### *Top five third-country nationalities in Luxembourg*

As a result of Brexit, on 1 January 2021, British nationals composed the largest group of third-country nationals in Luxembourg. In contrast to the previous year –and following a continuous decline in British nationals over the past years – on 1 January 2022, the largest group of third-country nationals residing in Luxembourg was from China. As shown in Table 4 and 5, at that date 4 142 Chinese nationals were residing in Luxembourg. They are followed by British nationals (4 104), Indian nationals (3 777), Montenegrin nationals (2 855), and Brazilian nationals (2 853).<sup>44</sup>

Between 2021 and 2022, the Chinese population increased by 3,6%, the Indian population by 20,9% and the Brazilian population by 9,6%, while the share of citizens from the United Kingdom (-10,0%) and Montenegro decreased (-3,0%).<sup>45</sup>

Figure 1: Demographic developments in 2021



Source: STATEC, 2022 © EMN Luxembourg 2022

Table 4: Top five third-country nationalities in Luxembourg as of 1 January

Nationality	Number as of			Number as of	% of the total population as of
	1 January 2019	1 January 2020	1 January 2021		
China	3 714	3 925	3 999	4 142	0,6
United Kingdom <sup>46</sup>	(5 766)	(5 317)	4 561	4 104	0,6
India	2 331	2 804	3 125	3 777	0,6
Montenegro	3 589	3 163	2 944	2 855	0,4
Brazil	2 205	2 449	2 604	2 853	0,4

Source: STATEC, 2022 © EMN Luxembourg 2022

**Table 5: Top twenty foreign nationalities residing in Luxembourg as of 1 January 2022.**

<b>Nationality</b>	<b>Number as of 1 January 2022</b>	<b>% of the total population</b>
Portugal	93 678	14,5
France	49 173	7,6
Italy	24 116	3,7
Belgium	19 414	3,0
Germany	12 796	2,0
Spain	8 388	1,3
Romania	6 405	1,0
Poland	5 020	0,8
China	4 142	0,6
United Kingdom	4 104	0,6
Netherlands	4 069	0,6
Greece	4 017	0,6
India	3 777	0,6
Montenegro	2 855	0,4
Brazil	2 853	0,4
Syria	2 696	0,4
Cape Verde	2 507	0,4
Ireland	2 369	0,4
United States of America	2 170	0,3
Bulgaria	1 969	0,3

Source: STATEC, 2022 © EMN Luxembourg 2022

## 2. COVID-19 PANDEMIC AND IMMIGRATION

### AT A GLANCE

- The **regulations on entering Luxembourg by plane as well as sanitary measures and vaccination policies in 2021 have been subject to frequent changes** as the pandemic situation remained dynamic.
- **Interviews with AIPs could continue throughout 2021** in strict compliance with the health protocols.
- **Each AIP has access to COVID-19 tests and vaccinations** just as any other Luxembourgish resident.
- During the COVID-19 pandemic, **10 accommodation facilities for AIPs have been temporarily opened for emergency purposes**. As of the end of November 2021, eight of these have been closed.

While the year 2021 continued to be marked by the COVID-19 pandemic, several important developments, such as the availability of vaccines and rapid tests, redirected pandemic-related activities on to different paths than in 2020.

### 2.1. Entering Luxembourg: restrictions and sanitary measures

#### 2.1.1. Impact of border closures on UK Nationals

As of 1 January 2021, the United Kingdom (UK) is considered a third country when it comes to temporary restrictions on non-essential travel to the European Union as part of the fight against the COVID-19 pandemic. The UK has not been added to the safe-list of third countries that were exempt from temporary restrictions on non-essential travel to the EU. Thus, third-country nationals having their residence in the UK, including British nationals not falling under the provisions of the Withdrawal Agreement, were subject to temporary restrictions regarding their entry into Luxembourg from 1 January 2021 onwards.<sup>47</sup>

#### 2.1.2. Entry restrictions and related sanitary measures

Throughout 2021, the dynamic development of the COVID-19-pandemic required multiple modifications of health- and sanitary measures and the amended Council Recommendation EU 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction<sup>48</sup> set out a common approach to travel from non-EU countries to the EU and for the gradual lifting of the restrictions on non-essential travel. The Luxembourgish Government repeatedly acted on this Recommendation in order to update the third-country-safe-list on which nationals are permitted to enter Luxembourg as well as the list of countries from which Luxembourg accepts vaccination certificates by means of the Law and several Grand Ducal Regulations.<sup>49</sup>

Luxembourg, which is located at the heart of Europe, has no external land or sea borders and its only external border is its airport. Hence, restrictions to enter Luxembourg refer to arrivals of third-country nationals via Luxembourg's airport. While the pandemic situation kept on changing, Luxembourg's external border remained closed for TCNs. However, the regulations on entering Luxembourg by air as well as sanitary measures and vaccination policies in 2021 have been subject to frequent changes in parallel to the development of the pandemic throughout 2021 and have created several exemptions that allowed for the entry of certain TCNs. The Grand Ducal Regulation of 22 December 2021 amending the Grand Ducal Regulation of 20 June 2020 on 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 temporary measures relating to the application of the amended Immigration Law, extended the border closure from 31 December 2021 to 31 March 2022.<sup>50</sup>

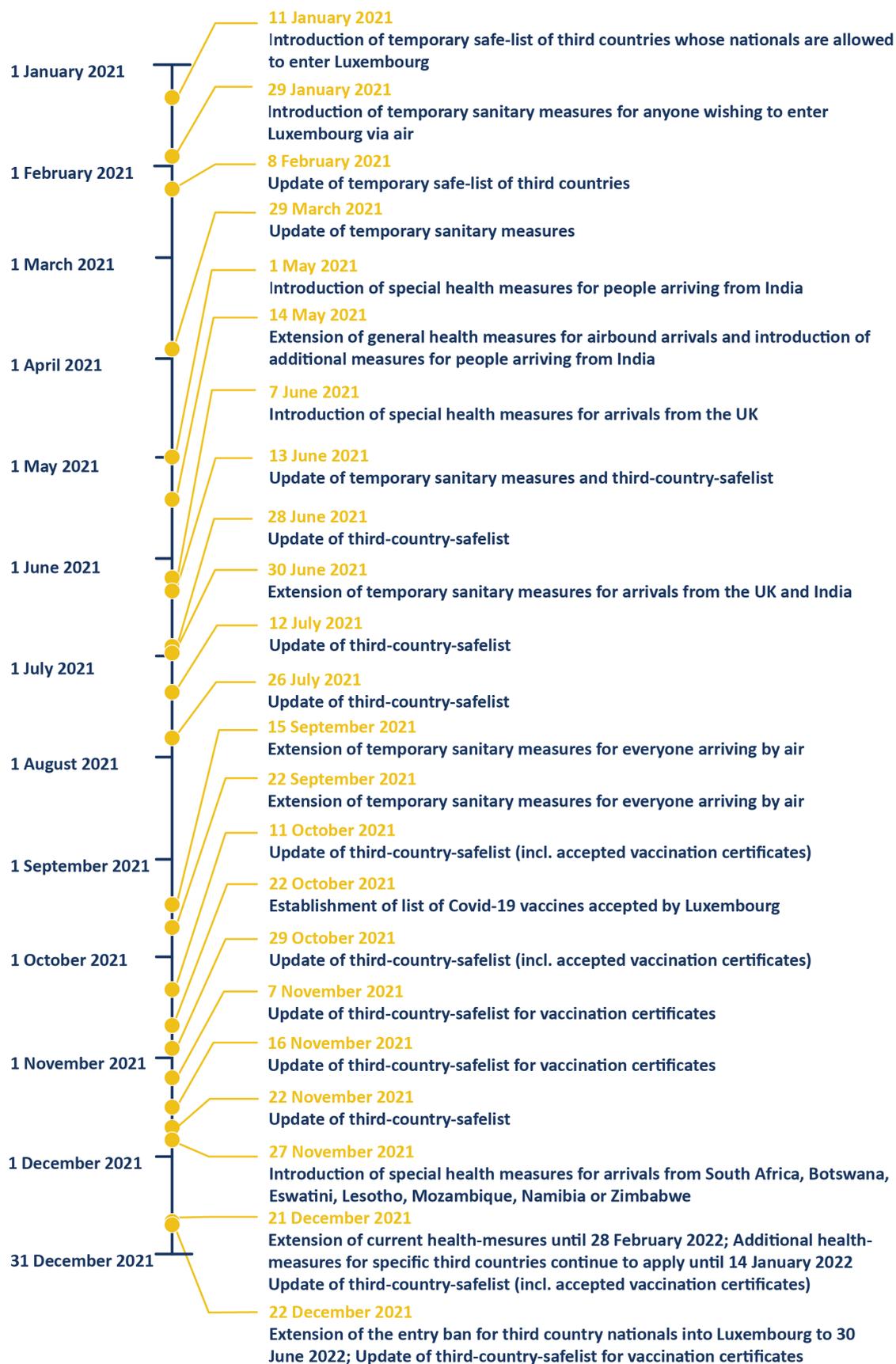
As already touched upon, entry regulations followed the recommendations of the amended Council Recommendation EU 2020/912 and were realised by means of the amended Law of 20 June 2020 and the Grand Ducal Regulations, which amended the amended Grand Ducal Regulation of 20 June 2020<sup>51</sup> 13 times in 2021. These Grand Ducal Regulations adjusted the duration of the entry ban and the scope of exemptions for third country nationals provided for in Article 2 of the amended Law of 20 June 2020 introducing certain temporary measures relating to the application of the amended Immigration Law (please see Figure 2 below).<sup>52</sup>

On 31 December 2021, the following regulations applied in accordance with the Law of 17 December 2021 amending the amended Law of 20 June 2020 introducing certain temporary measures relating to the application of the amended Immigration Law:

- Extension of the ban on the entry of third-country nationals into the territory of the Grand Duchy of Luxembourg from 31 December 2021 to 30 June 2022. However, the duration of the ban, the categories of persons and the modalities of standardisation are to be adjusted by Grand Ducal Regulation(s) (Modification of article 1).
- Everyone above 12 years of age entering Luxembourg by air must continue to present one of the following valid documentations before boarding: i) vaccination certificate, or ii) recovery certificate, or iii) negative PCR-Test.
- Extension of temporary travel restrictions for third-country nationals, who can no longer enter the territory of the Grand Duchy of Luxembourg with the exception of Citizens of San Marino, Andorra, Monaco and the Vatican until June 2022.
- Update of the list of accepted vaccines and vaccination certificates issued by third countries recognised by the Grand Duchy of Luxembourg.<sup>53</sup>

Specifying the legislative provisions of the abovementioned law, the Grand Ducal Regulation of 22 December 2021, for now extends the border closure for certain TCNs from 31 December 2021 to 31 March 2022.<sup>54</sup> Further adjustments for the time period until 30 June 2022 are possible.

**Figure 2: Covid-19 pandemic: Timeline of entry-restrictions and related sanitary measures**



*The number of amendments is not equal to the number of Grand Ducal regulations, as a Grand Ducal regulation may amend various measures. The provided dates refer to the date when the changes entered into force. © EMN Luxembourg 2022.*

## **2.2. Residing in Luxembourg: impacts, sanitary and health measures**

### **2.2.1. Impact of Covid-19 on the asylum procedure**

Interviews with applicants for international protection (AIPs) could continue throughout 2021 in strict compliance with the health protocols. This allowed for smooth functioning of the procedures regarding applications for international protection and continuous decision-making processes. In order to minimise the number of in-person contacts on the premises of the Directorate of Immigration, it was decided to generally extend the validity of the registration certificate of the application for international protection that is issued to AIPs from one month to two or three months.<sup>55</sup>

### **2.2.2. Free vaccinations for AIPs**

Applicants for international protection are just as eligible for vaccinations as the general population. The national vaccination strategy sets the criteria for prioritization (e.g. age). As every resident in Luxembourg, asylum seekers receive an invitation to book an appointment for their vaccination against COVID-19. No specific vaccine has been designated for AIPs.<sup>56</sup> Moreover, the Department of Integration at the Ministry of Family Affairs, Integration and the Greater Region provides via its contracted partners rapid antigen tests as well as covers the costs for sanitary supplies (e.g. masks, gels etc.).<sup>57</sup>

### **2.2.3. COVID-19 vaccination for individuals in a situation of irregular stay**

In an open letter from 29 June 2021, 13 civil society organisations jointly demanded access to health care for everyone in Luxembourg.<sup>58</sup> Subsequently, on 13 and 14 August 2021, people in an irregular situation in Luxembourg had the opportunity to be vaccinated against SARS-CoV-2 without fearing consequences regarding their stay in Luxembourg. ASTI and the Liaison Committee of Organisations of Foreigners (CLAE) helped to organise this vaccination campaign together with the Ministry of Health.<sup>59</sup>

### **2.2.4. Current health measures at accommodation structures**

In his reply to Parliamentary Question 5049 towards the end of 2021, the Minister in charge of Immigration and Asylum has summarized the then-existing health measures in accommodation structures. Masks and disinfectant equipment are made available in each accommodation structure. More specifically, since July 2020, the Initial Reception Facility (DPA) has been in place for new arrivals. Anyone arriving and wishing to file or having filed an application for international protection with the Immigration Department of the Ministry of Foreign and European Affairs is accommodated at the DPA in order to be tested for COVID-19. Each new arrival is subject to a seven-day quarantine period as well as testing on the first and sixth day of the quarantine. After this period and only in the event of a negative test, people who have applied for international protection are transferred to another structure. In case of a positive test among the new arrivals, the person concerned is transferred to "an Isolation Centre for Migrant patients (CIMM)".<sup>60</sup> The same applies if a case is detected within a hosting facility for BIPs and it is not possible to isolate the person concerned on site. Situations in which people test positive for COVID-19 in an accommodation facility for AIPs are always dealt with on a case-by-case basis depending on the possibilities of isolation, as well as the structural and organizational capacities of each structure.<sup>61</sup>

During the COVID-19 pandemic, 10 housing facilities have been temporarily opened for emergency purposes. As of the end of November 2021, eight of these have been closed.<sup>62</sup>

Importantly, each AIP has access to COVID-19 tests and vaccinations just as any Luxembourgish resident. The tests come with instructions on how to use them. Regarding vaccination, people hosted by the National Reception Office (ONA) have been and continue to be informed about the Government's vaccination campaign. An information campaign targeting AIPs has been launched by the National Reception Office in all reception structures to support vaccination. Key information documents have been translated in ten different languages and personal assistance is provided to get residents vaccinated.<sup>63</sup>

Despite the abundance of health and safety measures in place at accommodation facilities, visits will need to remain limited to minimize the risk of transmission from outside. The occupants of accommodation facilities are informed of these measures via several channels. First, through the internal regulations, displayed and supplemented with pictograms in all structures. Individual interviews are conducted with newcomers to explain this regulation. The internal regulations as well as the information material is translated into French, English, German and the languages most commonly spoken by the people accommodated.<sup>64</sup>

#### **2.2.5. The Impact of Covid-19 on Luxembourg's detention centre**

To control the spread of COVID-19 in prisons and Luxembourg's detention centre, the Law of 16 December 2021 stipulates the rules for any person newly admitted to the Detention Centre in the context of quarantine and isolation, as well as the rules on the sanitary measures.<sup>65</sup>

### 3. THE CRISIS IN AFGHANISTAN AND ITS IMPACT ON MIGRATION AND ASYLUM

#### AT A GLANCE

- Between the takeover of power through the Taliban in August until the end of 2021, **71 Afghan nationals have been granted international protection by Luxembourg**. This includes **45 Afghan nationals evacuated from Afghanistan**.
- A **pledge of 90 humanitarian admissions was made under the extended pledging exercise for Afghan nationals** for the years 2021 and 2022
- During a meeting on humanitarian aid in Afghanistan, which was organized by the United Nations Office for the Coordination of Humanitarian Affairs in September 2021, **Luxembourg committed to an additional €500 000 in aid**.
- In absence of complete and reliable sources of information, **decisions on applications for international protection by Afghan nationals** at the ministerial level and before the First Instance Administrative Court were temporarily suspended.

#### 3.1. Developments in 2021

On 7 January 2021, four unaccompanied minors (UAMs), originally from Afghanistan and Burundi, were welcomed to Luxembourg from the Moria Camp in Greece. With this relocation, Luxembourg's commitments made on 15 April 2020 to relocate a total of 25 refugees, including 16 unaccompanied minors, are fulfilled.<sup>66</sup> As in previous years, Afghanistan remains the main country of origin of unaccompanied minors in 2021 (please also refer to section 6.3.1).<sup>67</sup>

Luxembourg has been concerned over the situation in Afghanistan before August 2021 and it hoped to see peace negotiations take place, which should have helped stabilise the country in spring.<sup>68</sup> Approximately three months later, however, following the withdrawal of US troops from Afghanistan in 2021, the Taliban completed their takeover of power on 15 August 2021 with the conquest of the Afghan capital of Kabul. The Taliban proclaimed the reestablishment of the Islamic Emirate of Afghanistan (IEA) (which existed before from 1996 to 2001). Following these developments, Luxembourg has participated in evacuation missions from Afghanistan and as committed to resettling Afghan Applicants for International Protection (AIPs) as well.

On 12 August 2021, the Minister of Foreign and European Affairs stated that the protection of Afghan nationals who worked for the EU and NATO is a duty for Luxembourg.<sup>69</sup> During the nights of 23 and 24 August 2021, Belgium and the Netherlands assisted Luxembourg to bring nine individual claimants for international protection in Luxembourg from inside Kabul Airport to Luxembourg. The people in question concern a family with three children and three men.<sup>70</sup> Luxembourg managed to further evacuate 25 people (Luxembourgish citizens, residents and persons at risk with a link to Luxembourg) directly from Afghanistan, in cooperation with the Benelux partners. The initial evacuation was followed by several admissions of persons at imminent risk through the issuing of visas in Pakistan.<sup>71</sup> Between the takeover of power through the Taliban in August until the end of 2021, Luxembourg evacuated overall 45 Afghan nationals from Afghanistan.<sup>72</sup>

On 31 August 2021, the Minister of Immigration and Asylum of Luxembourg, along with other EU Ministers in charge of migration, adopted a declaration on the migration and security aspects linked to the deterioration of the situation in Afghanistan. The Minister of Foreign and European Affairs committed to achieving a collective effort of international protection of the most vulnerable Afghans together with several Member States, the European Commission and the European External Action Service (EEAS). The Minister was able to convince the European Commission to organise a forum on resettlement in September to implement the resettlement commitments made at the G7 meeting of 24 August 2021. The objective of this commitment is the protection of girls, women, former judges, human rights defenders and of any additional threatened people.<sup>73</sup>

During a meeting on humanitarian aid for Afghanistan, which was organized by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) on 13 September 2021, Luxembourg committed to an additional €500 000 in aid. Luxembourg's total financial support in Afghanistan thus came close to €3 million by mid-September 2021.<sup>74</sup>

On 25 November 2021, in their reply to a parliamentary question on Luxembourg's military engagements in Afghanistan, the Ministers in charge of Immigration and Asylum, and of Cooperation and Humanitarian Action announced that Luxembourg's financial aid for Afghanistan will increase to €7,85 million to support Luxembourg's strategic humanitarian partners, such as the International Committee of the Red Cross, the UNHCR, the UN World Food Program, the International Federation of Red Cross and Red Crescent Societies (IFRC), UNICEF and UNDP as well as several Luxembourgish humanitarian non-governmental organisations (NGOs) in close collaboration with their local partners. The Minister further stated that Luxembourg is participating in the implementation of the Team Europe Initiative (TEI) on the displacement crisis in Afghanistan's neighbouring countries. However, at the time of writing, the modalities regarding the implementation of this initiative had yet to be defined.<sup>75</sup>

In absence of complete and reliable sources of information, decisions on applications for international protection by Afghan nationals at the ministerial level and before the First Instance Administrative Court were temporarily suspended. The first judgments and rulings are expected in early 2022.<sup>76</sup>

In 2021, since the Taliban took power, 71 Afghan nationals have been notified of decisions to grant international protection in Luxembourg. These 71 people include the 45 Afghan nationals evacuated from Afghanistan.<sup>77</sup>

The assessment of all the applications from evacuated Afghan nationals was completed in mid-December 2021, and they all received notification of their decisions.<sup>78</sup> In parallel, Luxembourg continued processing applications of other Afghan nationals who belong to certain risk groups. The Minister further announced that, in a joint European effort, Luxembourg is ready to welcome additional 50 Afghan nationals.<sup>79</sup>

A pledge of 90 humanitarian admissions was made under the extended pledging exercise for Afghan nationals – (resettlement and humanitarian admission under the AMIF 2021-2027) for the years 2021 and 2022. The majority of admitted persons is expected to apply for international protection in Luxembourg.<sup>80</sup>

Between 2001 and 2020, a total of €48 million were spent in the framework of Luxembourg's Development Cooperation in Afghanistan, through UN agencies and international NGOs. Until August 2021, Luxembourg financed projects worth 2,35 million euros in Afghanistan, particularly in the field of humanitarian aid. Following the takeover of power by the Taliban, Luxembourg's Development Cooperation will maintain its long-standing commitment to support the Afghan civil population, especially women and girls. To this end, the interventions of Luxembourg's development cooperation have undergone re-evaluation for several months by its implementing partners on the ground.<sup>81</sup>

### **3.2. Public reactions**

In spring of 2021, several Luxembourgish civil society organisations<sup>82</sup> have expressed their concern over the safety of the civilian population in Afghanistan and complained against the decreasing rate of approved applications for international protection by Afghans since the end of 2019.<sup>83</sup> On 23 August 2021 the abovementioned group of civil society organisations from Luxembourg demanded that Luxembourg should:

- continue the complete halt of removals for rejected Afghan applicants for international protection;
- re-examine the situation of rejected asylum seekers in Luxembourg in light of the new political and military situation and the granting of protection to these people;
- accelerate the processing of current international protection and family reunification cases,
- help with opening safe humanitarian corridors for those who want to flee and seek international protection in Europe;

- grant humanitarian visas in Luxembourg for family members of Afghan refugees or beneficiaries of subsidiary protection.<sup>84</sup>

Since October 2021, the Minister in charge of Immigration and Asylum repeatedly commented on the decision-making process of Luxembourg on the international protection of Afghan applicants. He reacted on the critique by national NGOs on the suspension of decision-making on applications for international protection by Afghan nationals at the ministerial level and the termination of the deliberation on the matter before administrative jurisdictions.<sup>85</sup>

Towards the end of October 2021, Luxembourgish civil society organisations, in particular the Luxembourg Refugee Council (*Lëtzebuurger Flüchtlingsrot* - LFR),<sup>86</sup> highlighted Luxembourg's commitments to, inter alia, "fight against the undermining of [...] the rights of refugees and migrants, and continue its efforts to strengthen these rights". Luxembourg's Minister of European and Foreign Affairs has presented these commitments in his note verbale on the occasion of Luxembourg's first-time candidacy in May 2021 (and election in October 2021) to the UN Human Rights Council.<sup>87</sup> The civil society organizations press the Government of Luxembourg to accelerate the processing of applications for international protections by Afghans since, according to them, sufficient proof exists that the situation in Afghanistan continues to deteriorate, thus exposing Afghan civilians to increasing risks.<sup>88</sup>

In a press release from 3 November 2021<sup>89</sup>, the Minister in charge of Immigration and Asylum responded to the communication from the Luxembourg Refugee Council<sup>90</sup> of 27 October 2021, which criticized the abovementioned suspension of decisions on applications for international protection by Afghans. The Minister clarified that administrative decision-making concerning requests for international protection of Afghan nationals is not totally suspended and that the Ministry continues to rule on cases where the legal conditions for granting international protection are met, as well as on cases resulting in a decision of incompetence or inadmissibility. However, due to the lack of complete and reliable sources of information, the status of some decisions will remain pending until more comprehensive information on the situation on the ground in Afghanistan to assess the international protection needs will be available. This provides the applicants with additional time to submit supporting documentation for their cases and it allows the individual assessment of each case required by international refugee law. Finally, the Minister wishes to recall that a common European approach is being developed by the European Union Agency for Asylum (EUAA) (formerly European Asylum Support Office, EASO).<sup>91</sup>

## 4. LEGAL MIGRATION AND MOBILITY

### AT A GLANCE

- The **Law of 16 June 2021 amending the Immigration Law** introduced a more **favourable timeframe** of a minimum of three months of prior employment of a worker subject to an **intra-group transfer**. It further introduces **simplified administrative processes and legal provisions** regarding the stay of **trainees**.
- The aforementioned law **simplifies the administrative procedures and extends the time limit for BIPs to apply for family reunification** after the granting of their status from three to six months.
- The same law further **simplifies the application procedure for a residence permit** by abolishing the obligation to present a copy of the authorisation to stay in Luxembourg. In addition, it **provides clarifications on the issuance of registration certificates and residence cards**.
- While the **statistical trends** regarding the free movement of persons were overshadowed by the Covid-19 pandemic in 2020, 2021 saw a **return to figures comparable to pre-pandemic levels** in many areas.

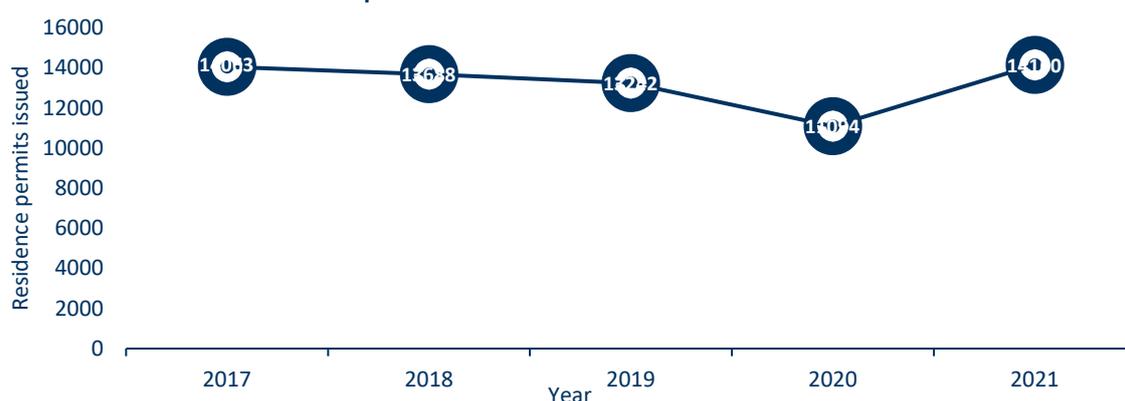
### 4.1. Statistical trends in legal migration<sup>92</sup>

While the development of the key figures for the free movement of persons in 2020 was overshadowed by the Covid-19 pandemic, the year 2021 marked a return to pre-2020 levels.<sup>93</sup>

#### 4.1.1. Issuance of residence permits

During 2021, the Directorate of Immigration of the Ministry of Foreign and European Affairs issued a total of 14 160 residence permits, including 6 447 first-time residence permits, 584 residence permits for long-term residents and 7 129 renewed residence permits. Set against the total number of residence permits issued in 2020 (11 094), this number increased by 27,6 % and even in comparison to 2019, prior to the outbreak of the Covid-19 pandemic (with a total of 13 242 issued residence permits), this represents an increase of 6,9%. Following the impact of the health crisis and the described decline in issued residence permits, the development in 2021 suggests that the numbers are back at or even above pre-pandemic levels (see Figure 3).<sup>94</sup>

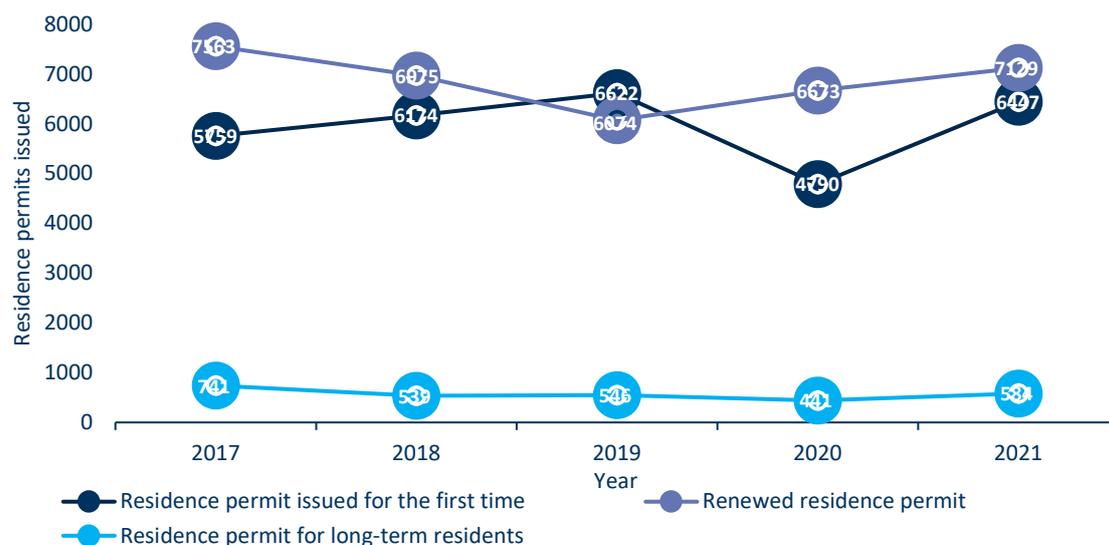
**Figure 3: Total number of residence permits issued 2017-2021.**



Source: Directorate of Immigration, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022.

The difference elaborated on above can particularly be ascribed to the 34,6% increase of first-time residence permits issued in 2021 in contrast to the previous year (see Figure 4).<sup>95</sup>

**Figure 4: Number of first residence permits, renewals and long-term residence permits issued 2017-2021.**



Source: Directorate of Immigration, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

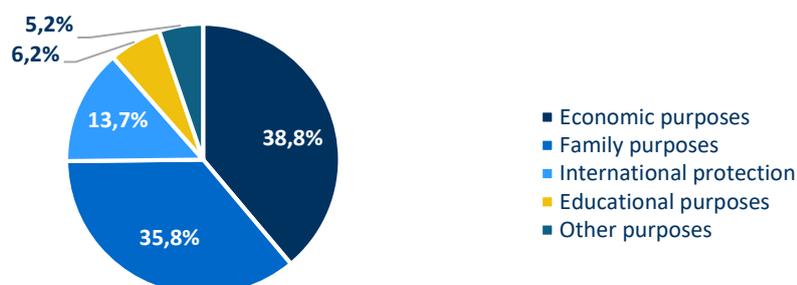
As in the previous years, the most prominent categories of first-time residence permits have remained unchanged. The category ‘family member’ represented 33,3% (2 145) of the total number of residence permits issued for the first time in 2021. This is followed by the category ‘salaried worker’ representing 22,7% of residence permits (1 461) and the category ‘international protection (including both, refugee status and subsidiary protection)’, with a share of 13,7% of residence permits (883). Together, these three groups make up more than two thirds (69,7%) of the total amount of first-time residence permits issued in 2021.<sup>96</sup>

The three most common nationalities for family member residence permits were Indian (401), Chinese (153) and Montenegrin (119). These three nationalities make up 31,4% of all the first issuances of “family member” residence permits in 2021. With regards to the first-time residence permits for salaried workers, the main three nationalities were Indian (214), Chinese (120) and Moroccan (87), amounting to 28,8% in this category. Finally, concerning international protection, the first three nationalities were Syrian (395), Eritrean (187) and Afghan (36), representing 85,1%.<sup>97</sup>

In addition to the residence permits issued in the categories listed above, the Directorate of Immigration attributed the ‘long-term resident’ permit (first issuance) to 584 individuals in 2021.<sup>98</sup> In contrast to 2020, when 441 permits were issued,<sup>99</sup> this marks a sharp increase of 32,4% and it also increased compared to 2019, when 546 permits were given out.<sup>100</sup> These permits were mainly issued to third-country nationals from China (111), India (99), Montenegro (42), Russia (36) and Cap Verde (23), which together make up 53,3% of the total number of long-term residence permits issued in 2021.<sup>101</sup>

Figure 5 further provides an overview of the main reasons for the issuance of residence permits in 2021 (see Table 6 for a detailed and comprehensive overview).

**Figure 5: Main purposes for residence permits issued in 2021.**



Note: The category “Other purposes” includes residence permits issued for a variety of private reasons (except for family or personal relationships) and residence permits issued for Au pairs. Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

For a comprehensive overview of the first-time residence permits issued from 2019 to 2021 broken down by category, please consult Table 6. This overview also comprises the respective changes between 2020 and 2021.

**Table 6: First residence permits issued 2019 - 2021 broken down by category of residence permit.**

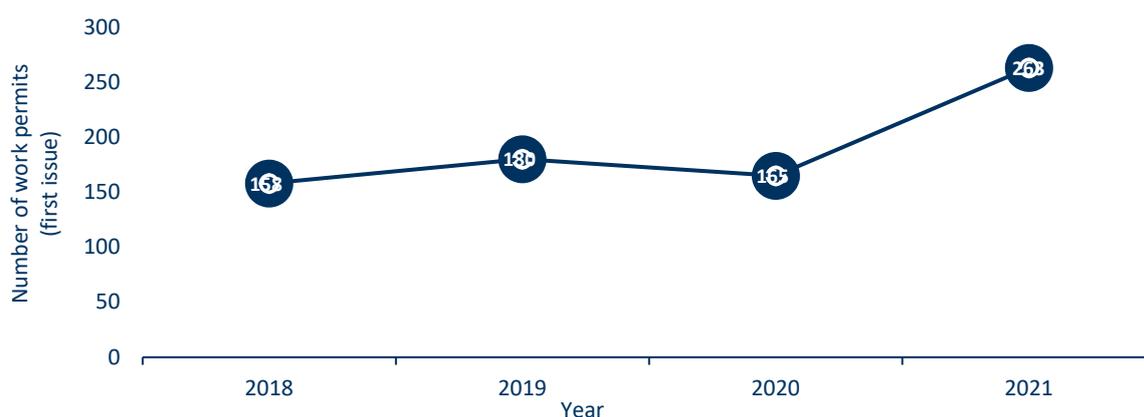
Category	2019	2020	2021	Variation (%) 2020-2021
<b>Economic purposes</b>				
European Blue Card	662	448	653	+45,8
Intra-corporate transfer – employee/trainee	15	12	(*)	-
Intra-corporate transfer – specialist/manager	206	73	153	+109,6
Posted worker	14	8	33	-
Researcher	79	73	106	+45,2
Salaried worker	1 546	1 205	1 461	+21,2
Self-employed	49	24	61	+154,2
Sportsperson or trainer	45	37	35	-5,4
<b>Educational purposes</b>				
Pupil	163	(*)	0	-
Student	419	224	358	+59,8
Trainee	48	29	35	+20,7
Volunteer	(*)	(*)	7	-
<b>Family purposes</b>				
Family member	2 094	1 486	2 145	+44,3
Private reasons – 78 (1) c (family or personal relationships)	185	101	160	+58,4
<b>Private reasons (except family or personal relationships)</b>				
Private reasons – 67 (4) (job search or business creation)	26	36	66	+83,3
Private reasons – 78 (1) a (sufficient resources)	100	61	66	+8,2
Private reasons – 78 (3) humanitarian reasons	28	24	36	+50,0
Private reasons – other	8	9	12	-
<b>International protection</b>				
International protection – Refugee status	727	742	755	+1,8
International protection – Subsidiary protection	38	33	128	+287,9
<b>Other purposes</b>				
Au pair	152	146	157	+7,5
Other <sup>102</sup>	18	19	20	-
<b>Total</b>	<b>6 622</b>	<b>4 790</b>	<b>6 447</b>	<b>+34,6</b>

*For reasons of data protection, figures below 5 are not listed separately. Instead they are marked with (\*) and included in the category "Other" for the respective year. Further, for reasons of statistical relevance, only the growth rates based on a starting value of at least 20 people are shown. Source: Directorate of Immigration 2020, 2021, 2022. © EMN Luxembourg 2022*

#### 4.1.2. Work permits issued to third-country nationals residing in another EU Member State

The number of work permits issued to third-country nationals residing in another EU Member State (first issuance) continues to increase. In 2021, 263 permits were issued, which represents a growth of 59,4% compared to 165 permits in 2020 (see Figure 6).<sup>103</sup>

**Figure 6: First issuance of work permits to third-country nationals residing in another EU Member State.**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

#### 4.1.3. Documents issued in relation to free movement of persons and family members of citizens of the EU or assimilated countries

The number of residence cards issued for family members of an EU citizen increased by 9,3% between 2020 and 2021, from 1 521 cards issued in 2020 to 1 663 cards issued in 2021. The number of permanent residence cards issued for family members of a citizen of the EU decreased by 13,7% in comparison to 2020, that is from 1 302 cards issued in 2020 to 1 123 cards issued in 2021 (see Table 7).<sup>104</sup>

**Table 7: Documents treated/issued to family members of citizens of the EU or assimilated countries without renewals (2019-2021).**

Type of document	2019	2020	2021	Variation (%) 2020/2021
Residence card for family member of an EU citizen	1 839	1 521	1 663	+9,3
Permanent residence card for family member of an EU citizen	1 206	1 302	1 123	-13,7
<b>Total</b>	<b>3 045</b>	<b>2 823</b>	<b>2 786</b>	<b>-1,3</b>

Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

In 2021, the Directorate of Immigration processed a total of 17 136 registration certificates (without renewals) compared to 14 396 in 2020 and 17 543 in 2019. This represents a sharp increase of 19,0% in comparison to 2020, which remains only slightly below the pre-pandemic level of 2019. In contrast, the issuance of permanent registration certificates further decreased by 1,4% from 2020 to 2019. In total, 4 043 permanent registration certificates were issued compared to 4 100 in the previous year in 2021 (see Table 8).<sup>105</sup>

**Table 8: Documents treated/issued in relation to free movement of persons broken down by document type (2019 - 2021).**

Type of document	2019	2020	2021	Variation (%) 2020/2021
Registration certificate	17 543	14 396	17 136	+19,0
Permanent residence certificate	5 769	4 100	4 043	-1,4

Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

#### 4.1.4. Stock data on third-country nationals in Luxembourg

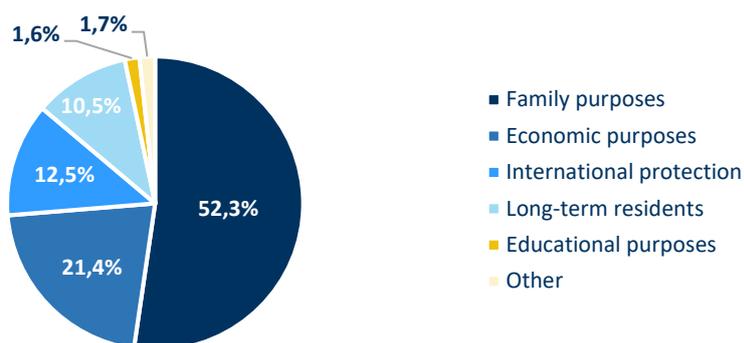
The reasons for third-country nationals to move to Luxembourg are manifold. The following table provides a statistical snapshot of the total number of third-country nationals holding a valid residence permit on 31 December 2021 and their reasons for residing in Luxembourg.<sup>106</sup> In line with the main categories of first residence permits issued in 2021, Table 9 and Figure 7 further highlight that migration for family purposes is by far the principal reason to migrate to Luxembourg (52,3%),<sup>107</sup> followed by economic purposes (21,4%).

**Table 9: Total of third-country nationals holding a valid residence permit as of 31.12.2021 broken down by category.**<sup>108</sup>

Purpose of migration	Category	Total
<b>Economic purposes</b>		
	European Blue Card	2 711
	Researcher	213
	Intra-corporate transfer (ICT) – employee/trainee	(*)
	ICT – specialist/manager	262
	Sportsperson or Trainer	49
	Posted Worker	31
	Self-employed	150
	Salaried Worker	6 740
	Community Service Provider or Worker for a Community Service Provider	6
<b>Total</b>		<b>10 162</b>
<b>Educational purposes</b>		
	Student (including NMCD Student)	775
	Trainee	8
	Volunteer	(*)
<b>Total</b>		<b>783</b>
<b>Family purposes</b>		
	Residence Card for a family member of an EU citizen	7 048
	Permanent Residence Card for a family member of an EU citizen	8 474
<b>Total</b>		<b>15 522</b>
	Family Member	8 848
	Private reasons – 78 (1) c (family or personal relationships)	474
<b>Total</b>		<b>9 322</b>
<b>International protection</b>		
	International Protection – Subsidiary protection	434
	International Protection – Refugee status	5 502
<b>Total</b>		<b>5 936</b>
<b>Long-Term Residents</b>		
<b>5 010</b>		
<b>Other purposes</b>		
	Au pair	97
	Investor	(*)
	Private reasons – 67 (4) (job search or business creation)	57
	Private reasons – 78 (1) a (sufficient resources)	136
	Private reasons – 78 (1) b (autonomous)	31
	Private reasons – 78 (3) (humanitarian reasons)	105
	Private reasons – 95 (victims of human trafficking)	(*)
	Private reasons – 131 (medical reasons)	(*)
	Private reasons – other	356
	Other (*)	9
<b>Total</b>		<b>791</b>
<b>Grand Total</b>		<b>47 526</b>

For reasons of data protection, figures below 5 are not listed separately. Instead they are marked with (\*) and included in the category "Other (\*)". Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

**Figure 7: Third-country nationals holding a valid residence permit on 31.12.2021 broken down by purpose**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

## 4.2. Migration for economic purposes

### 4.2.1. General overview

In 2021, the number of first residence permits issued for economic reasons increased overall by 32,8% when compared to 2020. Set against the pre-pandemic year 2019 however, this nevertheless still represents a slight decrease of 4,3%. Following the pandemic-driven decline in 2020, there was a rise across most categories of residence permits issued for economic motives.

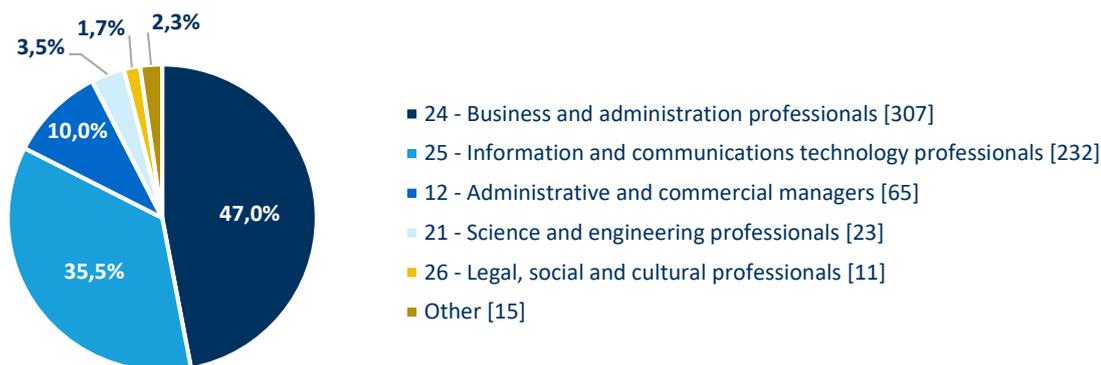
**Table 10: Residence permits issued for economic purposes, 2019-2021 (first deliveries).**

Category	2019	2020	2021	Variation (%) 2020/2021
European Blue Card	662	448	653	+45,8
Researcher	79	73	106	+45,2
ICT – employee/trainee	15	12	(*)	-
ICT – specialist/manager	206	73	153	+109,6
Mobile ICT – specialist/manager	(*)	(*)	0	-
Sportsperson or trainer	45	37	35	+5,4
Posted Worker	14	8	33	-
Self-employed	49	24	61	+154,2
Salaried Worker	1 546	1 205	1 461	+21,2
Community Service Provider	(*)	8	(*)	-
Worker for a Community Service Provider	(*)	0	0	-
<b>Total</b>	<b>2 621</b>	<b>1 889</b>	<b>2 508</b>	<b>+32,8</b>

For reasons of data protection, figures below 5 are not listed separately. Instead they are marked with (\*). Further, for reasons of statistical relevance, only the growth rates based on a starting value of at least 20 people are shown. Source: Directorate of Immigration, 2020, 2021, 2022. © EMN Luxembourg 2022

In 2021, 653 first-time European Blue Cards were issued to highly-skilled third-country nationals in Luxembourg. When breaking down the overall number of issued Blue Cards according to the categories of the International Standard Classification of Occupations (ISCO), the share of “Business and administration professionals” (47,0%), “Information and communications technology professionals” (35,5%), and “Administrative and commercial managers” (10,0%) stands out, amounting to 92,5% of the first deliveries. For a more comprehensive overview, see Figure 8.<sup>109</sup>

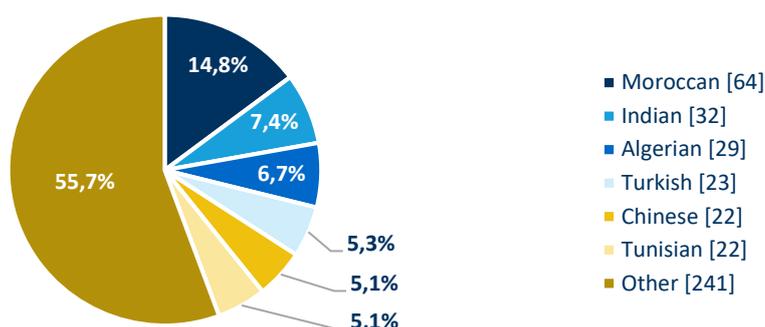
**Figure 8: European Blue cards first issued in 2021 by ISCO category.**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

In 2021, the Directorate of Immigration issued 433 authorisations to work (263 first-deliveries and 170 renewals) to third-country nationals residing in another EU Member State. This mainly concerns highly-qualified professionals belonging to the ISCO categories “Business and administration professionals” and “Information and communications technology professionals”.<sup>110</sup> Out of the 433 beneficiaries (including both, first issuance and renewals), 159 were women and 275 men. For an overview of the main nationalities of the beneficiaries, see Figure 9.<sup>111</sup>

**Figure 9: Authorisations to work issued to third-country nationals residing in another Member State, by main nationalities (2021).**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

## 4.2.2. Skilled workers

### 4.2.2.1. OECD Skills Strategy Framework

The Organisation for Economic Cooperation and Development (OECD) has created a Skills Strategy Framework. Within this project, the OECD collaborates with countries to assess their skills-challenges and -opportunities, identify priority areas for action, and to develop unique policy recommendations tailored to each country. The significance and topicality of this project is underlined by current issues, for instance by climate change and the economic recovery from the Covid-19 pandemic.<sup>112</sup>

On 9 June 2021, the Deputy Prime Minister, the Minister of Labour, Employment and Social and Solidarity Economy, together with the Minister of Education, Children and Youth and the Minister of Higher Education and Research, officially launched the major study "National Skills Strategy in Luxembourg". This study is co-financed by the aforementioned ministries and the European Commission and carried out by the OECD in cooperation with these ministries and the National Employment Agency (ADEM). After four months of research, data analysis and bilateral interviews, a conference-debate with focus groups took place on 27 October 2021. This event brought together 120 participants (such as representatives of ministries and public administrations, professional federations and chambers, trade unions and training organizations) who constructively discussed the four

priority areas of the study: (i) developing continuing vocational education and training adapted to the labour market, (ii) measures to promote lifelong learning and upskilling/reskilling, (iii) attraction and retention of talent; (iv) data governance for skills. The lessons learned from these exchanges will be analysed and followed by a second conference-debate in the first quarter of 2022. This will be an opportunity for participants to work on concrete solutions to address the identified challenges.<sup>113</sup>

#### 4.2.2.2. Average gross annual salary of highly qualified workers from third countries

As of 24 December 2021, the Ministerial Regulation of 15 December 2021<sup>114</sup>, which modifies the average gross annual salary for highly qualified workers from third countries<sup>115</sup>, came into force. In accordance with Article 2 of the Ministerial Regulation of 15 December 2021, the National Institute of Statistics and Economic Studies (STATEC) of the Grand Duchy of Luxembourg calculated the average gross annual salary. For the year 2020, this amounts to: €55 752. Hence, the salary threshold for blue card holders is an average gross annual salary of €83 628.<sup>116</sup> For jobs in professions belonging to groups 1 and 2 of the International Standard Classification of Occupations<sup>117</sup>, for which a particular need for workers from third countries is noted by the Government, the threshold for the minimum level of remuneration is set at €66 902.40.<sup>118</sup>

#### 4.2.3. Intra-corporate transfers (ICT)

##### *Modification of the timeframe for third-country workers who are subject to an intra-group transfer*

With respect to intra-corporate transfers, Article 6 of the Law of June 16 2021<sup>119</sup> amends Article 47(4) of the Immigration Law to introduce a more favourable timeframe of a minimum of three months of prior service of a worker subject to an intra-group transfer.<sup>120</sup> This deadline applies to all transferred workers.<sup>121</sup> It is also ensured that the person subject to an intragroup transfer has the skills required by the host entity.<sup>122</sup>

This law brings national legislation into conformity with Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.<sup>123</sup>

##### *Public reactions*

The revision of the condition of uninterrupted seniority acquired in the same group of companies in the context of an intra-group temporary transfer to three months has been welcomed by the Chamber of Commerce.<sup>124</sup>

#### 4.2.4. Researchers<sup>125</sup>

##### 4.2.4.1. Luxembourg's Plan for Recovery and Resilience

Luxembourg submitted its Plan for Recovery and Resilience (PRR) to the European Commission on 30 April 2021.<sup>126</sup> With a budget of €93 million, Luxembourg's PRR is structured around three pillars: "Social cohesion and resilience", "Green transition" and "Digitisation, Innovation and Governance". In particular the latter pillar is expected to have a strong potential to attract scholars.<sup>127</sup> This plan is part of the EU's "Next Generation EU" stimulus instrument and should help to successfully transition to a post-COVID-19 economy that is greener, more digital, more resilient, more socially cohesive and hence better equipped to face current and future challenges. At the same time, this supportive action demonstrates trans-European solidarity for overcoming the pandemic.<sup>128</sup>

#### 4.3. Migration for educational purposes

##### 4.3.1. General overview

In 2021, the number of first-time residence permits issued for educational reasons increased by 20,7% when compared to the previous year. Yet, when juxtaposed to 2019, prior to the outbreak of the Covid-19 pandemic, these figures are still lower by 36,7%. This is mainly due to the sharp decline in the category "Pupil": while 163 such residence permits were issued in 2019, less than five were issued in 2020 and none in 2021.

**Table 11: Residence permits issued for educational purposes, 2019-2021 (first deliveries).**

Category	2019	2020	2021	Variation (%) 2020/2021
Pupil	163	(*)	0	-
Student	419	224	358	+59,8
Trainee	48	29	35	+20,7
Volunteer	(*)	(*)	7	-
<b>Total</b>	<b>632</b>	<b>257</b>	<b>400</b>	<b>+55,6</b>

*For reasons of data protection, figures below 5 are not listed separately. Instead they are marked with (\*). Further, for reasons of statistical relevance, only the growth rates based on a starting value of at least 20 people are shown. Source: Directorate of Immigration, 2020, 2021, 2022. © EMN Luxembourg 2022*

#### 4.3.2. Trainees

##### 4.3.2.1. Modification of the entry conditions of third-country nationals for research, study, and training

Article 7 of the Law of 16 June 2021 amends Article 61 of the Immigration Law on the conditions of entry and residence of third-country nationals for trainees to simplify the administrative procedure and to bring national legislation into compliance with Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016.<sup>129</sup> A simplified legal provision has been introduced for the stay of trainees and their hosts as the amendment demands less prerequisites. Trainees now only have to present a higher education diploma within the two years preceding the date of their application or show that they are following a course of studies leading to “obtaining a higher education diploma”. Moreover, the administrative process for host entities of trainees has been simplified.<sup>130</sup>

##### *Public reactions*

The simplification of the formalities for the application of a residence permit for trainees has been welcomed by the Chamber of Commerce.<sup>131</sup>

#### 4.4. Migration for family reasons

##### 4.4.1. General overview

The total number of first-time residence permits for family reasons issued in 2021 increased by 15,4% when compared to 2020. However, these numbers are still 4,4% below the 2019-values. Together, the 2 786 residence cards, which were delivered to third-country national family members of EU-citizens and assimilated countries in 2021, account for 54,7% of all first residence permits issued for family reasons.

Of the 2 305 residence permits for family reunification of third-country nationals issued in 2021, 2 145 were issued in the ‘family member’ category, while 160 were issued in the category ‘private life – 78 (1) c (family or personal relationships)’. Overall, this represents an increase of 45,2% when compared to 2020, slightly surpassing the number of permits issued in these categories in 2019 as well.<sup>132</sup>

**Table 12: Residence permits/cards issued for family purposes, 2019-2021 (first deliveries).**

Category	2019	2020	2021	Variation (%) 2020/2021
Residence Card for a family member of an EU citizen	1 839	1 521	1 663	+9,3
Permanent Residence Card for a family member of an EU citizen	1 206	1 302	1 123	-13,7
Family Member of a third-country national	2 094	1 486	2 145	+44,3
Private reasons – 78 (1) c (family or personal relationships)	185	101	160	+58,4
<b>Total</b>	<b>5 324</b>	<b>4 410</b>	<b>5 091</b>	<b>+15,4</b>

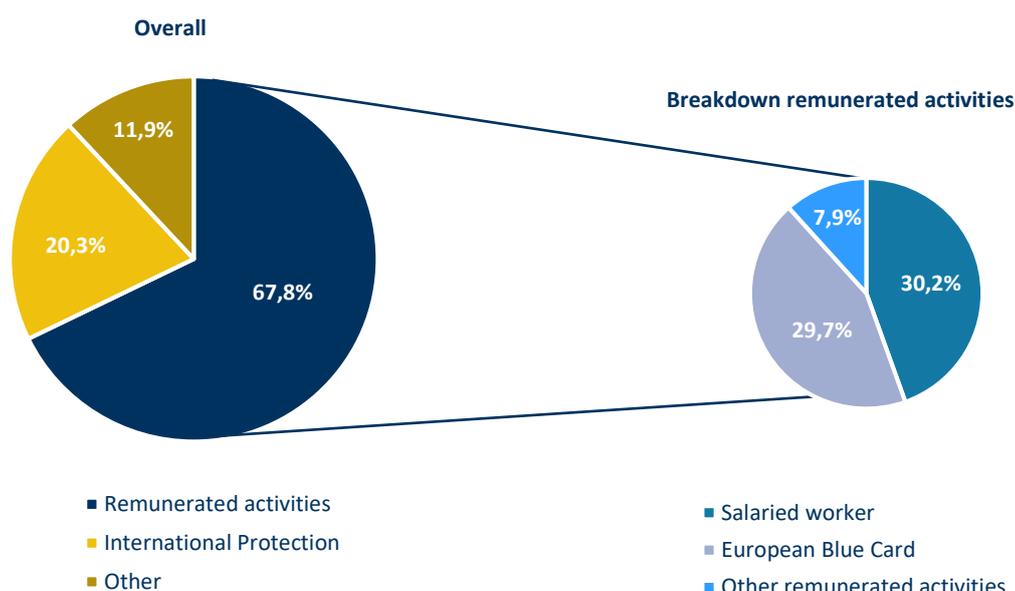
*Source: Directorate of Immigration, 2020, 2021, 2022. © EMN Luxembourg 2022*

The available data on issued temporary authorisations to stay for family reunification can be broken down further to provide an overview of the sponsors’ different residence permit categories (See Figure 10 and

Table 13). Similar to previous years, more than two-thirds (67,8%) of the sponsors held a residence permit linked to remunerated activities. Beneficiaries of international protection represented 20,3% of the sponsors for family reunification. Overall, a 46,5% increase of issued temporary authorisations to stay can be observed in 2021 compared to 2020 (and an increase of 13,8% when comparing 2021 and 2019).<sup>133</sup>

The number of temporary authorisations to stay continues to grow and each year exceeds the number of first residence permits issued in the year before: in 2021, 2 606 temporary authorisations to stay have been issued against 2 145 'family member' residence permits.<sup>134</sup> 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.

**Figure 10: Temporary authorisations to stay issued for purposes of family reunification broken down by sponsors' categories of residence permit in 2021.**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

**Table 13: Temporary authorisations to stay delivered for purposes of family reunification according to sponsors' categories of residence permit (2017-2021).**

Category of residence permit of sponsor	2017		2018		2019		2020		2021	
	Total	%								
International Protection	174	10,9	423	20,8	462	20,2	348	19,6	530	20,3
Remunerated Activities	1 225	76,9	1 404	69,3	1 553	67,8	1 239	69,6	1 767	67,8
Other	195	12,2	200	9,9	274	12,0	192	10,8	309	11,9
<b>Total</b>	<b>1 594</b>	<b>100,0</b>	<b>2 027</b>	<b>100,0</b>	<b>2 289</b>	<b>100,0</b>	<b>1 779</b>	<b>100,0</b>	<b>2 606</b>	<b>100,0</b>

Source: Directorate of Immigration 2022. © EMN Luxembourg 2022

#### 4.4.2. Application of beneficiaries of international protection for family reunification

The entry into force of the Law of 16 June 2021 amending the Immigration Law<sup>135</sup> on 5 July 2021 brought several important changes for third-country nationals in Luxembourg and their family members.

Article 9 of this law amends Article 69 (3) of the Immigration Law by extending the time period during which beneficiaries of international protection (BIPs) can apply for family reunification under more favourable conditions without having to provide evidence of adequate housing, sufficient resources to support themselves and family members and the requirement of health insurance for them from three to six months.<sup>136</sup>

Article 10 amends Article 73 of the Immigration Law by abrogating the obligation for family members of third-country nationals applying for family reunification to provide certified copies of travel documents. Now, a complete copy of the valid passport is sufficient.<sup>137</sup>

In this context, the Grand Ducal Regulation of 16 June 2021 further amended the amended Grand Ducal Regulation of 5 September 2008 implementing certain provisions relating to administrative formalities foreseen in the Immigration Law.<sup>138</sup>

Providing more favourable conditions for the application of BIPs for family reunification was already included in the coalition agreement. The modification gives BIPs more time to apply for family reunification to make it easier for them to collect the necessary documents as well as considering the potential constraints to contact family members who live outside of Luxembourg.<sup>139</sup>

#### 4.4.2.1. Public reactions

Overall, the Consultative Commission on Human Rights (CCDH, *Commission consultative des Droits de l'Homme*) does welcome all steps, which will lead to a simplification of the application process for family reunification. For example, the CCDH supports the abolishment of the requirement of certified copies of travel documents of family members of third country nationals for the application of family reunification as this simplifies the entire process substantially<sup>140</sup> – a point which is also supported by the Union of Luxembourg Cities and Communes.<sup>141</sup> The extension of the submission deadline for documents required for family reunification is generally supported by the CCDH as well. However, in light of the difficulties BIPs often face when trying to gather all necessary documents, for instance when their country of origin is at war, the Commission questions whether the new time frame of six months will be sufficient. They highlight that several other European Countries have no time limits for the submission of the application and that the guidelines for the application of Directive 2003/86/EC on the right to family reunification, do not recommend the application of a time limit.<sup>142</sup>

Related is the CCDH's remark on the lack of a coherent policy on when applications for family reunifications are considered complete. According to the information of the CCDH, in some cases, a complete file needs to contain all required documents, including translations, while in other cases it would have been sufficient to prove the existence of the family link or the identity of the person to be reunited and to bring back the missing documents even after the three-month deadline had passed. The CCDH highlights that many BIPs are unable to gather all documents from their country of origin and hence cannot submit a complete file and, above all, encounter difficulties in having all the necessary documents translated within the time limit imposed.

The CCDH proposes to treat each application individually and to consider the specific obstacles that might prevent BIPs from submitting a complete file on time, and it insists on a transparent decision-making process. The Commission reminds that it is the application rather than the completed file that needs to be submitted within the deadline.<sup>143</sup>

The passing of the above-described amendments to the Immigration Law intended to remove barriers for BIPs who wish to apply for family reunification, for instance by dropping the requirement of proving adequate housing. Yet, sometimes BIPs continue to have difficulties to reunite with their families.

A specific set of circumstances has been brought to the attention of Parliament in a Parliamentary Question on the difficulties some BIPs face when looking for housing for family-members who live and obtained international protection in other EU countries. Given the shortage of affordable housing in Luxembourg, it is common for BIPs to continue residing in an ONA-facility for an extended time. BIPs who want to reunite with their families need to move out of ONA-facilities. However, if BIPs cannot afford to move out of ONA-facilities and pay rent for an apartment, pay the price of homelessness to reunite with their families in Luxembourg.<sup>144</sup>

Since ONA only hosts BIPs whose status was granted in Luxembourg in its facilities, BIPs whose family members reside in different EU-countries cannot live with them in an ONA-facility and will not be granted a family member residence permit when the condition of an effective marital or family life is not met. In their reply, the Ministers in charge of Family and Integration and of Immigration and Asylum explained that if the other family member(s)

who reside in different EU-countries are BIPs as well, the option remains to move and join the(se) family member(s) there.<sup>145</sup>

In his reply to a follow-up question on 13 October 2021, the Minister of Foreign and European Affairs confirmed that ONA can only host BIPs whose status was granted in Luxembourg and further highlighted that the accommodation centres are almost operating at full capacity (over 93%), which makes it impossible to deviate from applicable laws and accept family members of BIPs whose status has been granted in other European countries.<sup>146</sup>

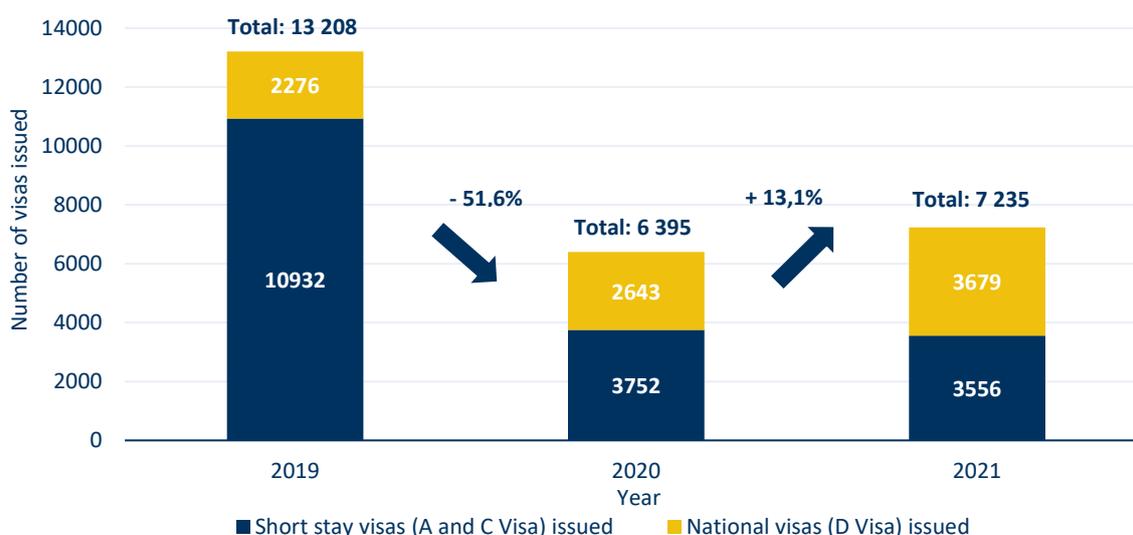
## 4.5. Information on routes to and conditions of legal migration

### 4.5.1. Visa policy

#### 4.5.1.1. General overview

Of the 7 235 visas issued by the authorities in 2021, 3 555 (49,1%) were short stay Schengen visas (C – stay of up to 90 days) and 3 679 (50,9%) were national visas (D). In addition, one airport transit visa (A) was issued in 2021.<sup>147</sup> The total number of issued visas is 13,1% higher than in 2020 but 45,2% lower when set against pre-pandemic 2019. This increase can be attributed to a growth of 39,2% of issued national visas (D) (+61,2% compared to 2019). At the same time, the issuance of short stay visas decreased by 5,2% compared to 2020 (-67,5% compared to 2019) (see also Figure 11).<sup>148</sup>

**Figure 11: Number of visas issued in Luxembourg 2019-2021.**



Source: EMN, 2020, 2021; MAEE 2022. © EMN Luxembourg 2022

#### 4.5.1.2. Sponsoring a third-country national

The Law of 16 June 2021 amending the Immigration Law<sup>149</sup> clarifies the conditions regarding the statement of financial support (*attestation de prise en charge d'un ressortissant d'un pays tiers*) and in particular the conditions the sponsor needs to fulfil.<sup>150</sup> The Law also specifies the place of residence of a Luxembourgish sponsor of a third-country national, the duration of the sponsorship, the minimum financial requirements for a sponsorship (consisting of stable, regular and sufficient income without recourse to the social assistance system), and until when costs advanced by the state need to be reimbursed.<sup>151</sup> Due to the amendments introduced by the Law, the Grand Ducal Regulation of 5 September 2008 on the certificate of sponsorship in favour of a foreigner, provided for in Article 4 of the law of 29 August 2008 on the free movement of persons and immigration, was also amended.<sup>152</sup>

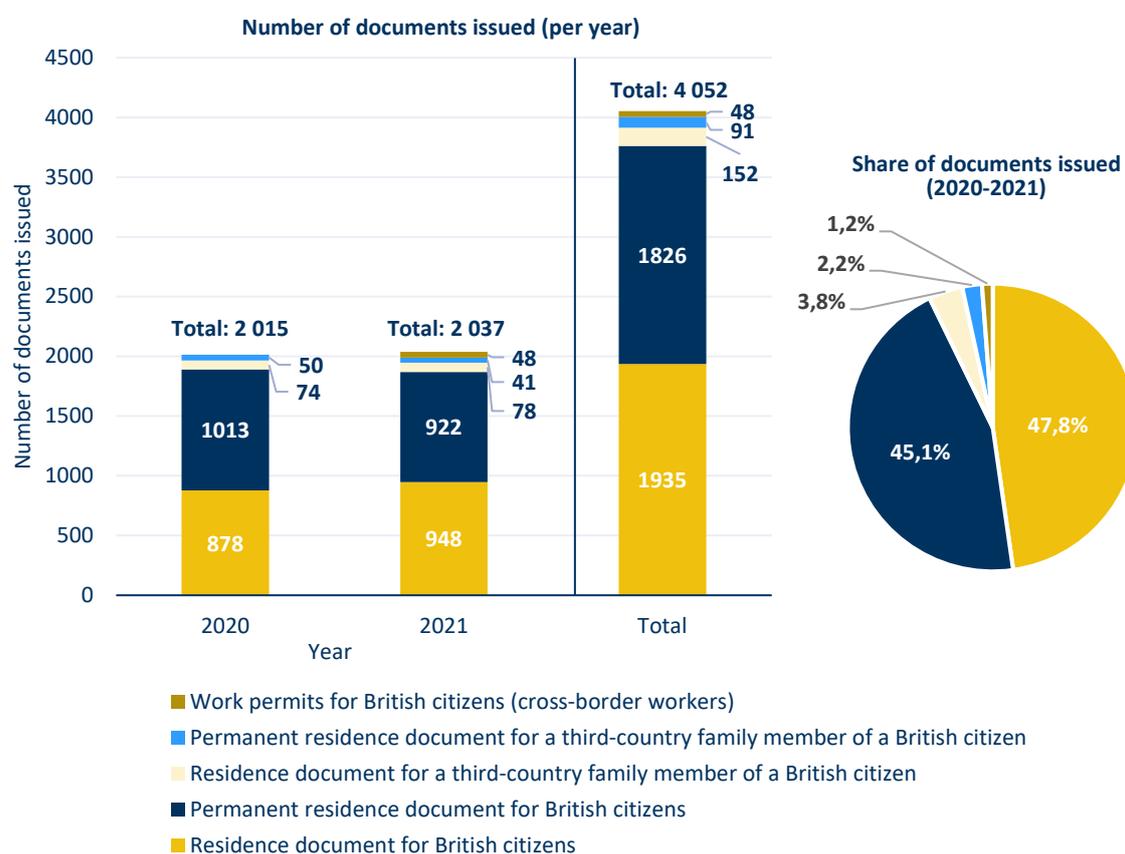
## 4.6. Brexit

### 4.6.1. Residency of British nationals in Luxembourg

With the withdrawal of the United Kingdom from the European Union, British nationals ceased to be citizens of the EU as of 1 February 2020, but they could still exercise their right to free movement until the end of the transition period on 31 December 2020. The Withdrawal Agreement assures that British nationals who are beneficiaries of this agreement, even though they have lost their European citizenship, can still reside in Luxembourg. This is also the case beyond the transition period. To continue residing in Luxembourg, British nationals needed to obtain a new residence document, which replaces their previous residence permit.<sup>153</sup>

The deadline for the application process for this document has been extended from 30 June 2021 to 31 December 2021.<sup>154</sup> This extension was given to make sure that all British citizens would be able to gather and submit their documents on time despite any challenges posed by the COVID-19 pandemic. Between 1 July 2020 and 31 December 2021, a total of 4 052 residence documents were issued to beneficiaries under the Withdrawal Agreement (2 015 in 2020 and 2 037 in 2021). Additionally, 48 work permits were issued to British citizens residing in a neighbouring country in 2021 (for a detailed overview see Figure 12).<sup>155</sup> To put these numbers into perspective, as of 1 January 2022, 4 104 British citizens were living in Luxembourg.<sup>156</sup>

**Figure 12: Documents issued in the context of Brexit 2020-2021**



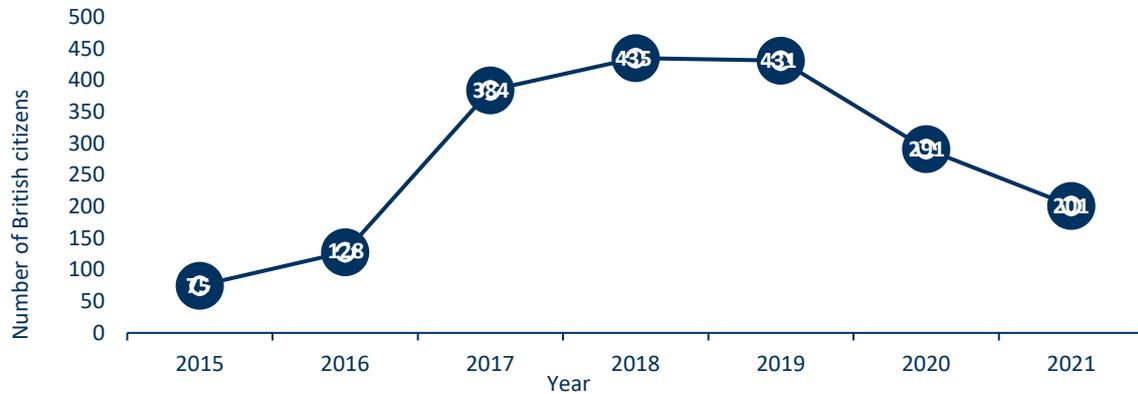
Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

### 4.6.2. Naturalisations

The legal uncertainties surrounding the rights of British citizens led to a peak in naturalisations since 2016. However, in 2021, the number of British citizens who became Luxembourgish citizens further decreased with a total of 201 acquisitions, compared to 431 in 2019 and 291 in 2020 (also see Figure 13).<sup>157</sup>

Similar to the previous years, almost half (92) of these naturalisations were based on the option that allows acquisition of the Luxembourgish nationality after 20 years of residence in Luxembourg. However, candidates still need take a total of 24-hours of Luxembourgish language lessons, but without the requirement to pass the Luxembourgish language exam.<sup>158</sup>

**Figure 13: Number of British citizens who acquired Luxembourg nationality procedurally (2015-2021).**



Source: Ministry of Justice, 2020, 2021, 2022. © EMN Luxembourg 2022

## 4.7. Additional significant developments in legal migration

### 4.7.1. Simplifying administrative procedures for third-country nationals: registration certificates and residence cards

The Law of 16 June 2021 amending the Immigration Law<sup>159</sup> has simplified several administrative processes for third-country nationals, such as the already described application process for family reunification (please refer to 4.6.2). In conjunction with the Grand Ducal Regulation of 16 June 2021,<sup>160</sup> additional simplifications on the application procedure for a residence permit have been introduced.

Article 2 of this law clarifies the modalities regarding the certificate of registration issued to EU citizens and their family members (in case they are EU citizens) with the intention to stay in Luxembourg for a period that is longer than three months.

Article 4 of this law sets out the process and requirements regarding the issuing of residence cards to third-country nationals who are family members of an EU citizen.<sup>161</sup>

The clarifications mentioned in Articles 2 and 4 are fixed by the Grand Ducal Regulation of 16 June 2021 that in turn references the provisions set out in the Regulation (EU) 2019/1157.<sup>162</sup>

Until now, residence cards for third-country nationals who are family members of an EU citizen were issued as secure paper documents. Since 1 June 2021, these residence cards are issued as smart cards which contain biometric data. During a transition period (until 3 August 2023) all residence cards will be replaced accordingly. This exchange will affect about 11 500 cards.<sup>163</sup>

Article 5 of this law amends Article 40, paragraph 2 of the Immigration Law by introducing a general administrative simplification applying to any type of migration, by abolishing the obligation to present a copy of the authorisation to stay when applying for a residence permit.<sup>164</sup>

The Grand Ducal Regulation of 16 June 2021 amending the amended Grand Ducal Regulation of 5 September 2008 further simplifies the administrative procedure by abolishing the need for a certified copy of the valid passport when applying for a residence permit. Now, a full copy of the document is sufficient.<sup>165</sup>

### *Public reactions*

The Association of Luxembourgish Cities and Municipalities, Syvicol, contributed technical points in their opinion on Bill 7682. They point out that while for EU citizens, the format of residence documents will not change, the data on the documents will have to be adapted. Some of these documents are currently issued by the local authorities. The adaptation therefore requires a change in the computer systems used by the latter. It is therefore important that the communes and the Intermunicipal Union for IT Management (Syndicat Intercommunal de Gestion Informatique, SIGI) are made aware of the necessary changes to the computer system as soon as possible.<sup>166</sup>

#### **4.7.2. Travel documents for foreigners**

In 2021, the Directorate of Immigration issued 90 first-time travel documents for foreigners and renewed 54 such documents – compared to 45 first-time deliveries and 42 renewals in 2020.<sup>167</sup>

Out of the total of 90 first-time deliveries in 2021, 20 were issued to Guinean nationals, 18 to Afghan nationals and 14 to Syrian nationals, accounting for overall 57,8%. Several factors explain the above-mentioned increase of first issuances and renewals: (i) travel documents were issued to Afghans and Syrians (mainly beneficiaries of subsidiary protection) who were not able to apply for a national passport at their respective consular authorities due to security reasons; (ii) since 2019, a number of Guineans obtained an authorisation to stay but could not obtain a national passport as it is only issued in the country of origin itself; (iii) the COVID-19 pandemic generally complicated the acquisition of national passports for certain third-country nationals whose countries of origin give out passports only on their territory.<sup>168</sup>

## 5. INTERNATIONAL PROTECTION

### AT A GLANCE

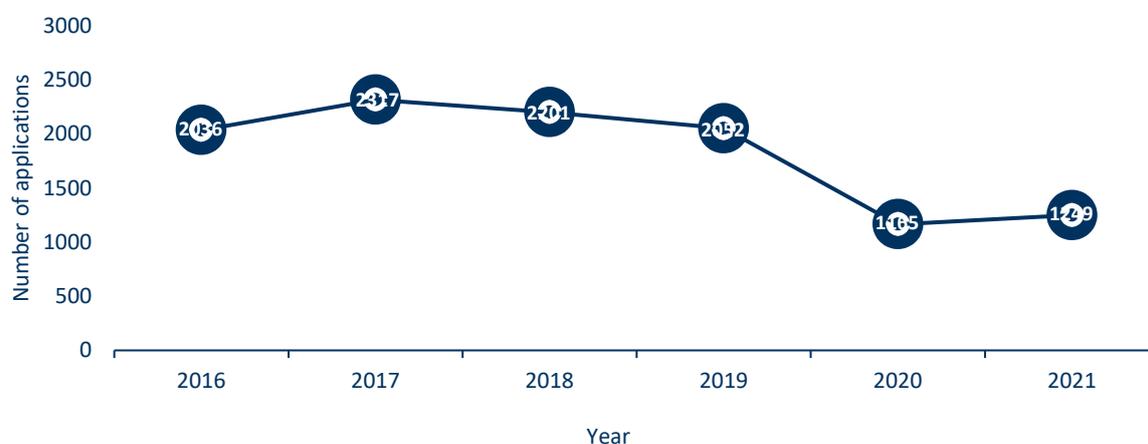
- The **Law of 16 June 2021 amending the Asylum Law modifies remedies available to AIPs**. It increases their effectiveness and guarantees maximum legal certainty **in the context of transfers under the Dublin Regulation**, as well as in the case of **decisions on the definitive discontinuation** of an application for international protection and of **decisions to withdraw international protection**.
- The same law also **expands the circle of police officers authorised** to carry out required measures and checks **for the submission of an application for international protection**.
- The **Law of 16 June 2021 amending the Immigration Law simplifies the administrative procedures and extends the time limit for BIPs to apply for family reunification** after the granting of their status from three to six months (see section 4.4.2).
- **1 249 applications for international protection were submitted** to the Directorate of Immigration in 2021.
- As of 1 January 2021, **the National Reception Office (ONA) changed its three-phase reception system to a two-phase system** composed of: 1) primary care facilities and 2) temporary accommodation facilities for AIPs.
- In 2021, the **housing situation for new arrivals to Luxembourg generally remained challenging**. At the end of the year, the **overall net occupancy rate of all accommodation facilities lay at 93,9%**.

### 5.1. Statistical Trends in international protection

#### 5.1.1. Applications for international protection

In 2021, the number of applications for international protection submitted to the Directorate of Immigration amounted to 1 249. This number represents a slight increase of 7,2% compared to 2020 (1 165). However, this number still falls short of the 2 052 registered applications in 2019, prior to the pandemic (see Figure 14).<sup>169</sup>

**Figure 14: Number of applications for international protection (2016-2021).**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

As in the previous year, the largest number of applicants in 2021 were Syrians (392), representing 31,4% of the total number of applications. The second largest number were Eritreans (255 [20,4%]), followed by Afghans (117 [9,4%]) and Iraqis (50 [4,0%]).<sup>170</sup> Like in 2020, none of the West Balkan countries appeared in the top ten nationalities of AIPs. Venezuela still figured among one of the most common countries of origin with 37 applications (3,0% of the total number of applications) (see Figure 15 and Table 14).

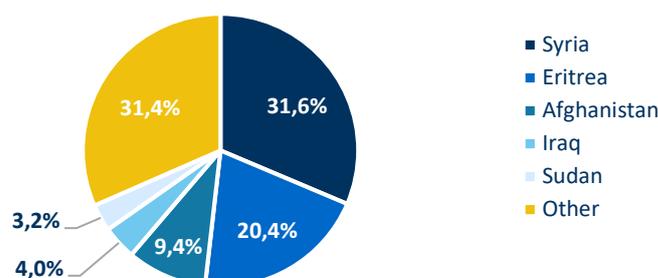
Following the Taliban take over in August 2021, the number of Afghan nationals who applied for international protection increased (by 23,1% from 95 in 2020 to 117 in 2021). This rise can mainly be attributed to the evacuations that were carried out to protect people with a particularly high risk of being persecuted as well as people with a link to the Grand Duchy of Luxembourg.<sup>171</sup>

**Table 14: Top 10 nationalities applying for international protection in 2021.**

Country of Nationality	Number of applications 2021	Share of applications in 2021 (%)
Syria	392	31,4
Eritrea	255	20,4
Afghanistan	117	9,4
Iraq	50	4,0
Sudan	40	3,2
Venezuela	37	3,0
Ethiopia	32	2,6
Cameroon	26	2,1
Algeria	26	2,1
Iran	27	2,0
Other	249	19,9
<b>Total</b>	<b>1 249</b>	<b>100,0</b>

Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

**Figure 15: Main nationalities of AIPs in 2021.**



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

### 5.1.2. Decisions on international protection applications

Interviews with AIPs could continue throughout 2021 in strict compliance with the existing health protocols. This allowed for smooth functioning of the procedures regarding applications for international protection and continuous decision-making processes. In order to minimise the number of in-person contacts on the premises of the Directorate of Immigration, it was decided to generally extend the validity of the registration certificate of the application for international protection that is issued to AIPs from one month to two or three months.<sup>172</sup>

In 2021, the Directorate of Immigration took 1 473 decisions on international protection. Looking at the years 2020 and 2019, this represents a decrease of 4,1% (1 536 decisions) and of 31,7 % (2 158 decisions), respectively (for an overview of the different types of decisions that were taken, see Figure 16).<sup>173</sup>

When juxtaposing the years 2020 and 2021, the following numbers stand out:

- The granting of international protection<sup>174</sup> increased from 49,8% to 61,0%.
- Refusals of international protection<sup>175</sup> decreased from 23,4% to 18,7%.
- The implicit withdrawal of applications decreased from 7,6% to 1,4%.
- The share of ineligible applications decreased from 4,7% to 3,9%. As in the previous year, the main reasons for ineligibility were the existence of a first country of asylum or a safe third-country of the applicant.

- The share of transfer/incompetence decisions slightly increased from 14,3% (219 decisions) to 15,1% (222 decisions). It is notable that in 2019, 626 such decisions were taken representing 29,0% of all decisions taken that year.
- In 2021, one revocation decision was taken compared to three such decisions in 2020.<sup>176</sup>

**Figure 16: Decisions on applications for international protection in 2021 broken down by category.**



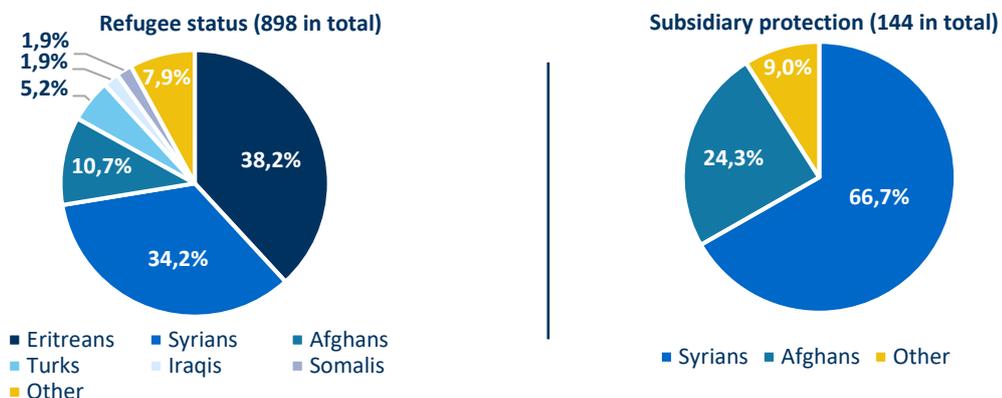
*For reasons of representability, the only revocation decision taken in 2021 does not appear in the chart. Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022*

In 2021, a total of 898 people were granted international protection in Luxembourg (including refugee status and subsidiary protection). More specifically, 754 people have received refugee status compared to 737 in 2020 (representing an increase of 2,3%). At the same time, 144 people received the status of subsidiary protection versus 28 people in 2020 (+414,3%).<sup>177</sup> The recognition rate of international protection, which is the relationship between positive decisions and the overall number of decisions taken (grants and refusals)<sup>178</sup> amounts to 73,0% for 2021, and for 2020 and 2019 to 64,0% and 57,1% respectively.<sup>179</sup>

In the following, the granted protection statuses are further broken down according to the main nationalities of the beneficiaries (for a graphical overview, see Figure 17). During 2021, 288 Eritreans were granted refugee status (38,2% of the total number of refugee statuses, against 56,9% in 2020), followed by Syrian nationals (258 or 34,2%, versus 24,3% in 2020) and Afghan nationals (81 or 10,7%, compared to 5,3% in 2020). Together, these three countries represent 83,1% of the total number of refugee statuses granted. They are followed by Turks (39 [5,2%]), Iraqis (14 [1,9%]) and Somalis (14 [1,9%]). Further, 144 subsidiary protection statuses were granted in 2021, mainly to Syrians (96 [66,7%]) and Afghans (35 [24,3%]).<sup>180</sup>

In total, 275 refusals were issued in 2021, of which 197 (71,6%) were concluded under the standard procedure and 78 (28,4%) in the context of an accelerated procedure. The proportion of refusals under the standard procedure decreased by 35,8% in relation to 2020 (from 307 to 197), whereas the proportion of accelerated procedures increased by 47,2% (from 53 to 78). The number of ultra-accelerated procedures (comprised in the total number of accelerated procedures) decreased from 15 in 2020 to only 6 in 2021.<sup>181</sup>

**Figure 17: Decisions to grant refugee status and subsidiary protection in 2021, by main nationalities.**



*Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022*

### **5.1.3. Dublin III procedure**

The amount of incompetence decisions remained relatively stable in 2020 (219 decisions) and 2021 (222 decisions), while 625 such decisions were taken in 2019.<sup>182</sup> 122 people were transferred to other countries in the context of Dublin (of which 74 AIPs and 48 persons in an irregular situation), compared to 113 in 2020 and 330 people in 2019. Overall, these numbers are much lower than before the pandemic due to the sanitary restrictions. 54 people were transferred to Luxembourg from other Member States against 80 in 2020 and 90 in 2019. Out of these 54 people, 9 were transferred from Greece for family reasons.<sup>183</sup>

Similar to the previous year, in 2021, the number of Dublin transfers stayed clearly below pre-pandemic levels. However, as opposed to 2020, no Member State suspended the execution of Dublin transfers.<sup>184</sup>

## **5.2. Legislative developments and processes**

### **5.2.1. Asylum Law and modification of remedies**

The Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection (Asylum Law) introduced several amendments such as amending the remedies available to AIPs against certain decisions. It also increases their effectiveness and guarantees maximum legal certainty in the context of transfers under the Dublin Regulation, as well as in the case of final decisions to close proceedings on an application for international protection and of decisions to withdraw international protection.

The Law of 16 June 2021 amending the Asylum Law modifies several appeal procedures. Regarding a transfer decision in the context of the Dublin Regulation, Article 4 of this law guarantees the effectiveness of appeals by applicants for international protection by allowing an appeal on reversal with suspensive effect against a Dublin transfer. It further reduces the deadline for the First Instance Administrative Court to take a decision from two months to one month.<sup>185</sup>

The modification related to the Dublin procedure is based on a commitment made in the 2018-2023 Coalition Agreement: “With regard to transfers under the Dublin Regulation, a legislative amendment will be made to the remedies in order to improve their effectiveness while ensuring maximum legal certainty for applicants for international protection.”<sup>186</sup>

This law also introduces legal remedies in the case of final decisions to close proceedings on an application for international protection and decisions to withdraw international protection.<sup>187</sup>

Importantly, by amending article 36 of the Law of 18 December 2015, Article 5 of the Law of 16 June further grants all of the abovementioned appeals suspensive effect, which means that the Minister shall allow the applicant to remain on the territory while the decision of the court is pending.<sup>188</sup>

#### *Public reactions*

In their opinion on the Law of 16 June 2021 amending the Asylum Law, the Luxembourg Refugee Council expressed concern over tighter deadlines for juridical decisions on appeals in the case of Dublin transfers. The LFR fears that it cannot be ruled out that the quality of juridical decisions might suffer.

The automatic suspensive effect of the appeal is however accepted without reservation by the LFR. As this “positive step forward” should offer protection from the consequences of a possible and potentially illegal transfer of litigants. In addition, this would take off the time pressure on judges and lawyers so that they can concentrate on the merits of the cases.<sup>189</sup>

### **5.2.2. Changes to identification processes**

#### *Granting police officers competencies to identify AIPs*

Article 1 of the Law of 16 June 2021 amending the Asylum Law<sup>190</sup> grants police officers (within the framework of the application of Regulation (EU) No 603/2013 on the creation of Eurodac<sup>191</sup>) the competencies to compare and take fingerprints and photographs of AIPs for the effective application of the Dublin Regulation. Any member

of the Grand Ducal Police is now able to carry out any verification necessary to establish the identity and the travel itinerary of the applicant for international protection. Previously, only the judicial police service was able to carry out these checks. This change led to consistency with Article 100 (3) of the Immigration Law, which was amended by Article 12 of the Law of 16 June 2021 amending the Immigration Law.

### *Public reactions*

The extension of the competencies of police officers has sparked several comments reaching from technical problems with the implementation to questions asking for additional clarifications and specifications in the law. The Chamber of Civil Servants and Public Employees notes that an extension of certain powers of the entire police force, in particular the taking of fingerprints and photographs, should be accompanied by the provision of the necessary equipment. However, as the chamber emphasized, this is not provided for in the draft law under this heading. For instance, the two EURODAC scanners in Luxembourg, located at Luxembourg Airport and at the Directorate of Immigration, operate in a secure network, which is why it is not possible to simply install other EURODAC scanners somewhere else in Luxembourg. Further, fingerprinting in this context requires specialised know-how and an understanding of the specific situation of the concerned person. The same applies to the taking of photographs. The financial statement of this bill, however, does not foresee any additional expenditures for additional scanners or training of police officers.<sup>192</sup>

The Luxembourg Refugee Council and the Consultative Commission on Human Rights point out that it needs to be further clarified what kind of verifications the Police may conduct and how. Both stakeholders raise concerns that the search of objects is not limited to identity documents but also includes all of the AIP's personal belongings, including electronic devices. Yet, this digital search is not provided for in the above-mentioned law. It is therefore important to not only legislate the facilitation of administrative practices by widening the circle of officials who can carry out searches, but to also increase the protection of the fundamental rights of individuals, particularly with regard to their right to privacy. The potentially resulting privacy issues prompt the CCDH to question the necessity, proportionality and effectiveness of such a measure and whether it may conflict with Article 8 of the European Convention on Human Rights.<sup>193</sup>

Similar concerns and requests for additional details were voiced in a Parliamentary Question posed by the party "Déi Lénk" in April 2021.<sup>194</sup> In their reply, the Ministers in charge of Asylum and of Internal Security, specified that searches of AIPs' electronic devices are not systematic and only carried out in cases where the interview reveals serious doubts based on the identity of the applicant, in particular when the applicant lacks any identity document. The Ministers provided additional statistical information as well. Between April 26, 2021 and May 20, 2021, 121 AIPs presented themselves, and in 22 cases the AIPs' belongings were searched. In this group of 22, 20 people had a smartphone, which was viewed. In 16 cases, elements relevant to the identification of the person or the route taken were discovered. The ministers noted that password-protected devices cannot be viewed without the AIP unlocking it. They underlined that the purpose of these searches is the verification of the AIPs' claims, which can be of significance for a possible Dublin procedure, and that this goal has often been successfully reached as e.g. plane tickets, passport photos, a video of their boat trip, and messages from an alleged smuggler could be discovered.<sup>195</sup>

### **5.2.3. Additional legislative developments**

In addition to the previously presented changes to the Dublin III procedure stemming from the passed Asylum Law<sup>196</sup>, an administrative arrangement in the framework of Article 36 of the Dublin Regulation has been signed by the Benelux countries on 26 October 2021. This arrangement enables the Benelux countries to accelerate and facilitate the take charge and take back procedures of applicants for international protection.<sup>197</sup>

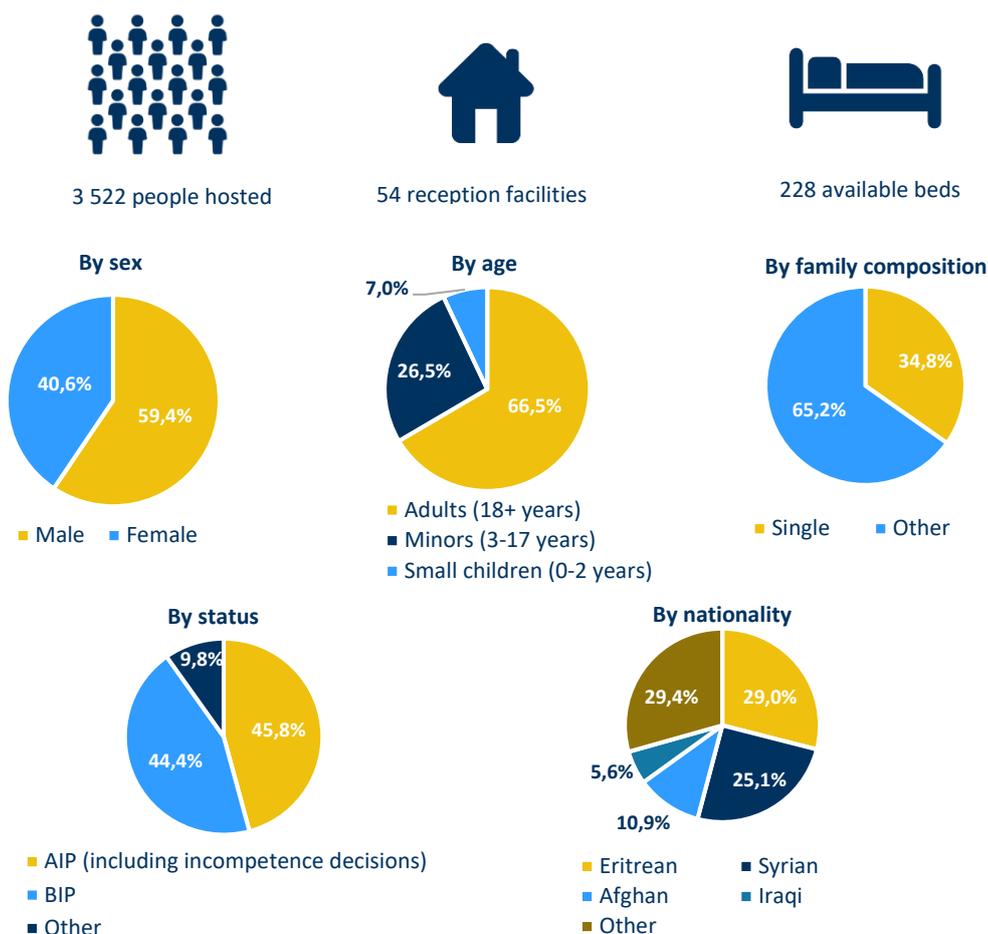
## 5.3. Reception and support measures

### 5.3.1. Reception system

#### 5.3.1.1. Statistical trends

Figure 18 illustrates a demographic snapshot of the population hosted in Luxembourgish reception facilities as of the end of 2021.

**Figure 18: Demographic snapshot of the population hosted in reception facilities (End of December 2021).**



Source: ONA, 2022. © EMN Luxembourg 2022

As of the end of December 2021, a total of 3 522 people were hosted by ONA in overall 54 accommodation facilities (25 directly managed by the ONA, 15 by the Luxembourgish Red Cross and 14 by Caritas Luxembourg based on collaboration agreements with the ONA). The total number of beds amounted to 4 168 (for an overview of the evolution between 2015 and 2021, see Figure 19).<sup>198</sup>

**Figure 19: Evolution of number of beds and people hosted in accommodation facilities (2015-2021).**



Source: ONA, 2022. © EMN Luxembourg 2022

### 5.3.1.2. Organisational changes in the National Reception System

As of 1 January 2021, the National Reception Office changed its three-phase system to a two-phase system:

1) Primary Care Facilities, which are further divide into three types of structures:

- the Initial Reception Facility (*Dispositif de primo-accueil* - DPA) by the Direction of Health to monitor potential COVID-19 infections amongst new arrivals,
- the First Reception Centre (*Centre de primo-accueil* - CPA), and
- the Provisional Reception Facility (*Centre d'accueil provisoire* - CAP) which are short-term accommodations.

This reception phase serves in particular to identify specific needs (medical, psychological, educational, etc.) and possible vulnerabilities to support new arrivals in the best way possible. After several weeks, applicants are transferred to the second phase of the new system.<sup>199</sup>

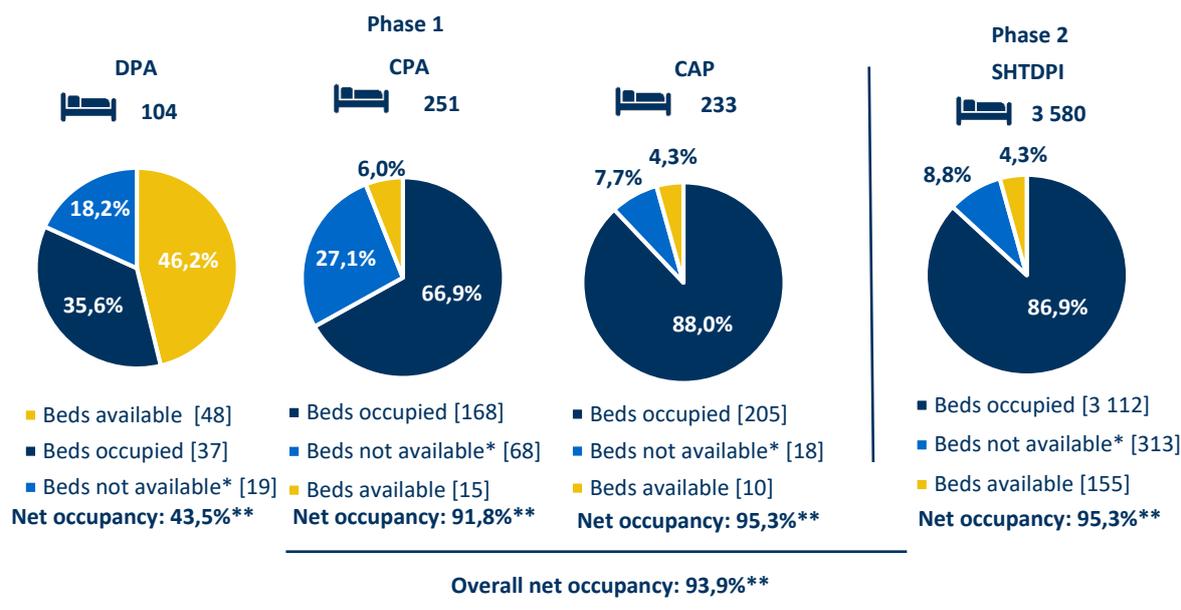
2) Temporary Reception Facilities for AIPs (*Structure d'hébergement temporaire pour Demandeurs de Protection Internationale* - SHTDPI), where they stay until their application for international protection has been processed.<sup>200</sup>

As of 31 December 2021, 156 staff were working at the ONA. An IT overhaul at the ONA has been launched to help staff to keep up with their work tasks and to optimise the digitalisation of workflows.<sup>201</sup>

### 5.3.1.3. Capacity of the reception system

In 2021, the housing situation for newly arrived AIPs in Luxembourg generally remained challenging. At the end of the year, the overall net occupancy rate<sup>202</sup> of all accommodation facilities amounted to 93,9% (95,3% in SHTDPIs and 84.9% in the primary care facilities) or 3,522 people in 54 accommodation facilities (with a total of 4,168 beds). Throughout the year, the occupancy rate stayed highly elevated and close to its maximum capacity. This is mainly due to a higher number of family reunifications and the ongoing difficulties of beneficiaries of international protection to enter the private housing market in Luxembourg. As of 31 December 2022, BIPs represented 44,4% of the population housed in reception facilities although these structures are in principal reserved for AIPs (also see Figure 19).<sup>203</sup> Figure 20 further provides a more detailed overview of the occupation rates of the facilities broken down with regards to the respective reception phase and the above-mentioned types of structures.

**Figure 20: Occupation rate of reception facilities according to phase and type (December 2021)**



\* For instance, beds located in a room assigned to another family or rooms under renovation.

\*\* The ONA calculates the net occupancy rate by dividing the number of occupied beds by the sum of occupied and available beds to provide a more realistic overview of the existing capacities.

Source: ONA, 2022. © EMN Luxembourg 2022

### Call to municipalities

The capacities of the reception facilities remain very limited, especially with regards to the difficulties of BIPs to find accommodation outside of these structures. In May 2021, the Minister of Immigration and Asylum reached out again to include municipalities in Luxembourg in the search of locations for the development and construction of new accommodation structures for AIPs. The Minister highlighted that financial and administrative aid is available to municipalities that receive AIPs or BIPs.<sup>204</sup>

### Opening and closure of reception facilities for AIPs

Several new housing facilities in both phases of the reception system were opened by the National Reception Office in 2021:

**Primary Care Facilities:** in January, the new CPA with a total 251 beds was opened in Luxembourg City. As the structure quickly reached its limit, the ONA further opened a CAP in Mersch (with a total of 233 beds) to ease the pressure on the CPA.<sup>205</sup>

**Temporary Reception Facilities for AIPs:** two structures were opened in the course of 2021. In April, a new reception centre for AIPs opened in Bascharage. It has a capacity of 66 beds and is managed by the Luxembourgish Red Cross. The centre only accommodates families. On 30 March 2021, an information session for the residents of Bascharage was organized. The meeting took place in the presence of the Mayor of Bascharage and a representative of the Luxembourg Red Cross, as well as several other partners of the ministry. On this occasion, the Minister in charge of Immigration and Asylum informed Bascharage's residents of the specific modalities of the new structure and answered their questions and thanked the solidarity efforts shown by municipal actors to provide a dignified welcome for newcomers.<sup>206</sup>

In April 2021, the ONA also opened a new accommodation structure for AIPs (mainly families) in Gonderange (belonging to the Municipality of Junglinster) which is managed by Caritas Luxembourg. Initially, it was planned to extend the capacity of 50 beds in a first phase to 80 beds in a second phase.<sup>207</sup> As of the end of 2021, the capacity of the facility amounted to 100 beds.<sup>208</sup> An information session was organized for the local residents as well. The Minister of Immigration and Asylum participated to inform the public on the modalities of opening the

new reception structure and to answer the residents' questions. In this context, the Minister applauded the solidarity demonstrated by citizens. Indeed, many residents inquired about the different ways in which they could contribute to the establishment of a dignified reception, in particular with regard to the integration of new residents into local life and Luxembourg's society.<sup>209</sup>

Furthermore, an emergency structure with a capacity of 233 beds has been set up and kept empty in the eventuality of an emergency (e.g. if a structure needs to be evacuated or closed due to COVID-19, flooding or any other emergency).<sup>210</sup> However, over the course of the year, four accommodation facilities holding a total capacity of 200 beds were closed due to the end of their lease.<sup>211</sup> Overall, the ONA has several ongoing projects to increase the number of accommodation facilities and beds in the next years as a means to support municipal solidarity efforts and to provide AIPs with an appropriate reception.<sup>212</sup>

### **5.3.2. Additional developments**

#### *Pilot projects*

The ONA is currently working on the conceptualisation of a pilot project on autonomation ("Dispositif d'autonomisation primo-accueil"). This project intends to create a socio-educational programme for AIPs on community life, consumer awareness, family life, physical and mental health. Different didactic and pedagogical methods are being developed to ensure improved transmission of information.<sup>213</sup>

Moreover, the ONA currently runs several additional pilot projects in temporary accommodation facilities, which shall be briefly introduced below:

- "Projet de vie": Pilot project aiming at providing individual support and enhancing the autonomy of residents housed in accommodation structures and support them against isolation, monotony and dependence.
- "Cash for food pilot project": This pilot project works towards increasing the financial autonomy of the project's beneficiaries. Beneficiaries' receive their food and hygiene allowances in cash, which increases their purchasing power and their freedom to choose certain products and suppliers. Participants' increased autonomy shall help with preparing them for an autonomous and independent life in society.
- "Comprehensive Digital Health and Hygiene (CDHH) Toolkit": This project is funded by European Asylum, Migration and Integration Fund (AMIF) and implemented by an external partner, namely the Excellence Foundation for Integration and Development (EFID). The project aims at creating videos and workshops dedicated to improving community life, reducing conflicts and raising awareness on the following topics: cleaning, substance abuse, waste management, food hygiene, damp and mould growth prevention, pest prevention and domestic violence.<sup>214</sup>

With regards to Applicants for International Protection, there was no development or change in relation to the access to healthcare in 2021, as they all have access to basic healthcare (including mental health care), before and after their affiliation to the National Health Fund (CNS).<sup>215</sup> Most of the developments in this area are related to the COVID-19 pandemic, which is discussed in chapter 2.

### **5.4. Vulnerabilities**

In Luxembourg, definition and assessment of vulnerability<sup>216</sup> are stipulated by the amended Law of 18 December 2015 on international protection and temporary protection (Asylum Law)<sup>217</sup> and the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection (Reception Law).<sup>218</sup> According to the Reception Law, vulnerable persons are defined as minors, unaccompanied minors, disabled persons, the elderly, pregnant women, single parents with minor children, victims of human trafficking, severely ill persons, persons with mental disorders, and victims of torture, rape and of other severe forms of psychological, physical or sexual violence, such as victims of female genital mutilation.<sup>219</sup> In line with the Asylum Law, applicants for international protection may receive special procedural guarantees because of their age, sex,

sexual orientation or sexual identity, handicap, serious illness, mental disorders, or because they are victims of torture, rape or other serious forms of psychological, physical or sexual violence (i.e. genital mutilation), or because they are unaccompanied minors.<sup>220</sup> On 29 January 2021, the Minister of Justice stated that Luxembourg has taken the decision to reform its national legislation to adapt to United Nations' standards and strengthen the autonomy of vulnerable adults.<sup>221</sup>

#### 5.4.1.1. Finalisation of tool to detect vulnerabilities

In Luxembourg, a vulnerability project manager has been recruited to initiate a project on detecting different vulnerabilities. Since 2020, the vulnerability project manager is assigned to the Health Unit within the ONA and has the mission to contribute to and promote better care and appropriate accommodation for vulnerable people and/or people in precarious health situations. In this context, an analysis of the screening methods used to identify existing or potential vulnerabilities among applicants for international protection has been carried out, in collaboration with field actors.<sup>222</sup> A tool to detect vulnerabilities is currently being finalised. Once completed, it will be applied in a pilot phase. An evaluation will enable the tool to be adapted according to the needs identified.<sup>223</sup>

#### 5.4.1.2. Victim support procedure of the National Reception Office

Internal guidelines containing provisions on the detection and support of third-country nationals who are presumed victims of human trafficking (VHTs), including minors, were set up. These guidelines were created by the ONA to provide more efficient detection and support of VHTs.<sup>224</sup>

## 5.5. Relocation and resettlement

### 5.5.1. Relocations

Luxembourg continued throughout the pandemic to receive applicants for international protection who arrived in Europe via the Mediterranean. Since the end of 2019, these voluntary relocations are part of the temporary disembarkation mechanism for people rescued in the Mediterranean. Since 2018, Luxembourg has received more than 100 persons especially from Greece, Italy and Malta.<sup>225</sup>

#### *Malta Declaration*

During 2021 several relocations took place under the ad hoc mechanism coordinated by the European Commission following search and rescue operations (Malta Declaration). In this context, Luxembourg relocated eight persons (Eritrean and Sudanese) from Malta in 2021.<sup>226</sup> Further commitments in 2021 (for another 19 people) were pending at the time of writing.<sup>227</sup>

#### *Relocations from Greece*

On 7 January 2021, four unaccompanied minors (UAMs), originally from Afghanistan and Burundi, were welcomed to Luxembourg from the Moria Camp in Greece. With this relocation Luxembourg's engagements with the European Union made in on 15 April 2020 to relocate a total of 25 refugees, including 16 unaccompanied minors are fulfilled (please refer to the LU EMN ARM 2020<sup>228</sup> for further information on this commitment).<sup>229</sup>

### 5.5.2. Resettlement

In general, the Covid-19 pandemic has severely disrupted resettlement activities from third countries. However, in the framework of the EU resettlement and humanitarian admission programme launched for 2021 and 2022, 15 Member States pledged to resettle 60 000 people. Luxembourg committed to welcome 50 people.<sup>230</sup>

Most of the incidents related to resettlement in 2021 occurred with respect to the situation in Afghanistan and subsequent evacuations. They are elaborated on in a separate chapter (3).

## 6. MINORS IN MIGRATION

### AT A GLANCE

- In the **school year 2020/21**, the overall share of **non-Luxembourgish pupils** was 45,1% in fundamental (primary) education, 28,5% in classic secondary education, 46,0% in general secondary education, and 43,6% in vocational courses.
- As of July 2021, there were **21 specialised reception classes** for 201 migrant children **in fundamental education**. At **secondary school level**, there were **133 Reception and Insertion classes** (*Classes d'accueils* and *Classes d'insertion*) for 1 718 migrant pupils.
- **A new School Integration and Reception Service (SIA) is currently in the planning phase**, including the creation of a new legal basis. It will replace the Department for the schooling of foreign children of the Ministry of Education, Children and Youth.
- In September 2021 the **fifth public international school opened** in Mersch, thus further diversifying Luxembourg's school system.
- In 2021, **56 Unaccompanied Minors applied for international protection** in Luxembourg
- The **Law of 16 June 2021 amending the Asylum Law** determines that it is the **family affairs judge** (and no longer the guardianship judge) **who appoints the ad hoc administrator** for assisting and representing the unaccompanied minor.
- On 30 April 2021, the **members of the Consultative Commission on the Evaluation of the best interest of Unaccompanied Minors in return decisions were appointed** by ministerial decree.

### 6.1. 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,<sup>231</sup> existing measures for children/pupils who do not speak the official languages of Luxembourg, or who did not finish their education are the same for all, independent of their status or country of origin.<sup>232</sup> To further illustrate, when the pandemic required children to learn through distance education, schools have provided all students with the necessary computer equipment to continue their learning. Hence, pupils in reception facilities benefited in the same way as all resident pupils from these provisions. Complementary to the supplied hardware, ONA guarantees a Wi-Fi connection in all reception facilities, allowing students to maintain their link with school and continue their education.<sup>233</sup>

#### 6.1.1. Statistical trends

Luxembourg's increasingly heterogeneous population is reflected in the composition of the country's pupil demographics. In the school year 2020/21, the overall share of non-Luxembourgish pupils was 45,1% in fundamental (primary) education, 28,5% in classic secondary education, 46,0% in general secondary education and 43,6% in vocational courses applying the official programme provided by the Ministry of Education, Children and Youth.<sup>234</sup> The share of pupils in secondary education whose first language spoken at home is not Luxembourgish amounted to 61,0% for the school year 2020/21. When looking at previous years, this rate remained relatively stable (60,1% in 2019/2020 and 58,4% in 2018/2019).<sup>235</sup> In fundamental education, this applied to 66,8% of the pupils compared to 66,3% in 2019/2020 and 65,6 % in 2018/2019.<sup>236</sup>

The existence of a significant educational offer by private and international schools, which do not apply the official national curriculum must be taken into consideration. According to the estimates made by the Ministry of Education, Children and Youth for the 2021/2022 school year, the number of pupils who attend private schools that do not apply the national curriculum<sup>237</sup> amounts to 12 446, representing 11,4% of total enrolments in fundamental and secondary education in Luxembourg (108 547 pupils). These figures are similar to previous years (11,6% during the 2020/2021 school year). Most of these pupils (6 015 or 48,5 %) are enrolled in private European schools that do not teach the national curriculum. It should also be noted that according to the

2021/2022 projections, 6 118 of the 12 411 pupils, or 49,3%, are enrolled in fundamental education (pre-school and elementary school) and 6 293 (50,7%) in secondary education. Additionally, 4 625 pupils are estimated to follow international programmes in public schools (including primary and secondary schools).<sup>238</sup>

The Department for the Schooling of 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 Pupils (CASNA) which is attached to the SECAM.<sup>239</sup> Between September 2021 and September 2022, the CASNA welcomed 1 256 families for consultations, which represents an increase of 27,8% in contrast to the previous year (983 families). This also slightly surpasses the pre-pandemic level of the school year 2018/19 with 1 223 consultations.<sup>240</sup>

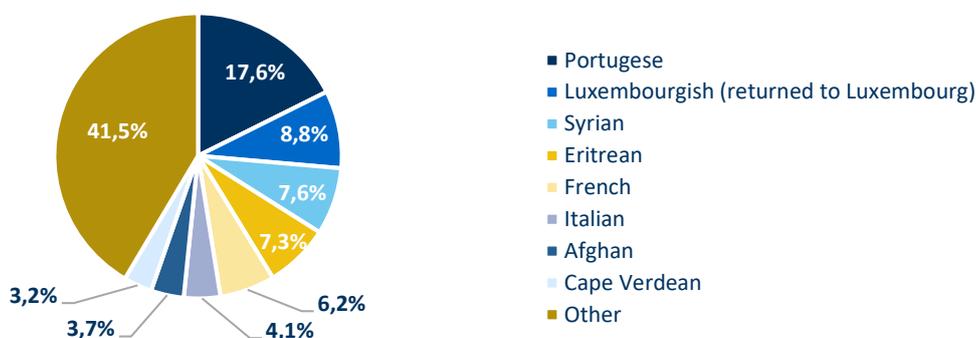
As in previous years, Portuguese pupils constituted by far the largest group of newly arrived pupils received by the CASNA with a share of 17,6%. This figure represents an increase of 3,0% compared to the 2019/20 school year. They remain far ahead of Luxembourgers who returned to Luxembourg (8,8%), French (6,2%), Syrians (7,6%), Eritreans (7,3%) and Italians (4,1%). With regards to third-country nationals, the share of Syrians and Eritreans slightly increased in contrast to the previous year whilst the share of Afghans decreased from 6,2% to only 3,7%. The proportion of Cape Verdeans remained relatively stable. 214 out of the 1 256 candidates were aged 18 to 24 years,<sup>241</sup> amongst which 155 were AIPs enrolled in the Accompanied Integration Pathway (PIA) (for an overview of the most frequent nationalities of newly arrived pupils received by CASNA, see Table 15 and Figure 21).<sup>242</sup>

**Table 15: Most frequent nationalities of newly arrived pupils received by the CASNA (2017/18-2020/21).**

Main Nationalities	2017/18	2018/19	2019/20	2020/21
<b>Third-country nationals</b>				
Syrian	8,2%	5,7%	6,2%	7,6%
Eritrean	10,0%	9,3%	6,2%	7,3%
Afghan	2,5%	4,5%	6,2%	3,7%
Cape Verdean	1,8%	2,9%	3,3%	3,2%
<b>EU and Luxembourgish nationals</b>				
Portuguese	19,0%	17,9%	14,6%	17,6%
Luxembourgish (returned to Luxembourg)	8,1%	7,6%	10,3%	8,8%
French	6,4%	6,0%	7,0%	6,2%
Italian	5,9%	5,1%	5,8%	4,1%

Source: Ministry of Education, Children and Youth, 2021, 2022. © EMN Luxembourg 2022

**Figure 21: Most frequent nationalities of newly arrived pupils received by the CASNA (2020/21).**



Source: Ministry of Education, Children and Youth, 2022. © EMN Luxembourg 2022

## 6.1.2. Schooling of newly arrived pupils

### 6.1.2.1. Specialised state reception classes

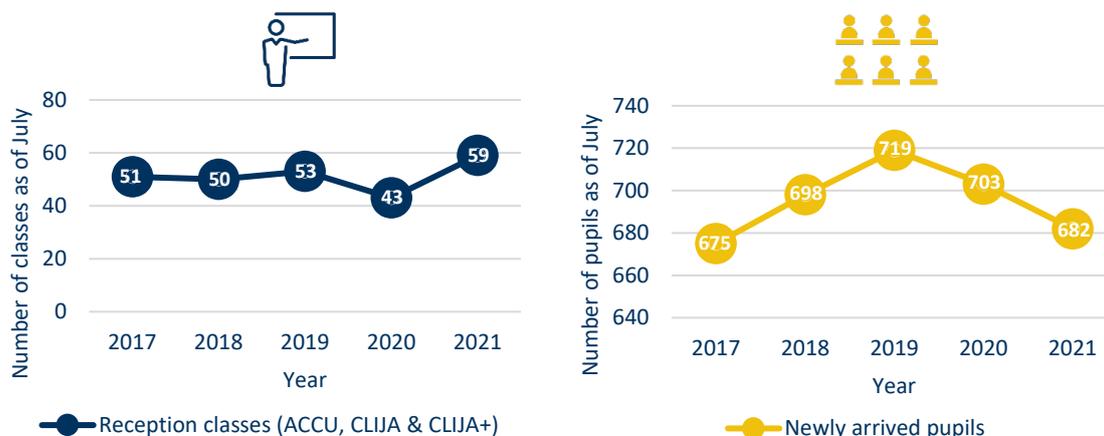
As of July 2021, there were 21 specialised state reception classes for 201 migrant children in fundamental education. At secondary school level there were overall 133 Reception (*Classes d'accueil*) and Insertion classes (*Classes d'insertion*) for a total of 1 718 migrant pupils.<sup>243</sup>

#### *Developments regarding reception classes (ACCU, CLIJA & CLIJA+)*

Large numbers of foreign students arrived to Luxembourg during spring 2021. Not all students (in the 12 to 15 years age group) could attend school directly as there was a lack of available places in high schools. After finding suitable premises, SECAM opened new classes in April, which were initially not foreseen by national planning. Since many candidates had been waiting for placement in a CLIJA+ class for several months, SECAM took the initiative to offer them French classes (2 classes with 10 candidates each), which began in May 2021. All pupils attending these courses were directed to classes corresponding to their grade level for the 2021/22 school year by the CASNA.<sup>244</sup>

As of July 2021, the number of Reception classes for newly arrived pupils amounted to 59 (including Welcome classes, or ACCU, Integration classes for young adults aged 16 to 17 years, or CLIJA, and Integration classes for young adults aged 18 to 24 years, or CLIJA+), compared to 43 classes in July 2020. In accordance with the legislation on the reception of newly arrived pupils, these classes are set up according to the current needs. The number of the classes therefore varies from term to term (for a general overview of the evolution of the number of ACCU, CLIJA and CLIJA+ classes, see Figure 22).<sup>245</sup>

**Figure 22: Reception classes (ACCU, CLIJA & CLIJA+) and number of newly arrived pupils in these classes (2017-2021).**



Source: Ministry of Education, Children and Youth, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

### 6.1.2.2. Reforming the reception of newly arrived pupils: towards better school integration

#### *Alphabetisation project*

The school year 2020/21 saw the implementation of a new alphabetisation project in the framework of the Multi-Annual National Action Plan for Integration (PAN or Integration PAN). This allowed for the realisation of language courses taking place five days per week for pupils who neither know the Latin alphabet nor the Luxembourgish school languages. Until July 2021, 21 pupils benefited from this offer.<sup>246</sup>

#### *New School Integration and Reception Service*

A new School Integration and Reception Service (SIA) is currently in the planning phase, including the creation of a new legal basis. It will replace the Department for the schooling of foreign children of the Ministry of Education, Children and Youth. The SIA will provide holistic support for pupils: The pupils' competences,

aspirations, and life plans will be considered in the decision on their orientation, in addition to their language capacity/acquisition. The SIA shall help students to enhance their personal background by assuring that social or cultural backgrounds will only positively contribute to their academic performance. The goal is to systematize and improve the reception and guidance procedures for foreign students aged 6 to 24 years.<sup>247</sup>

### 6.1.3. Continuing diversification of Luxembourgish public school system

In recognition of an increasingly heterogenous resident population in Luxembourg, the Ministry of Education, Children and Youth, in their National Report on Education, emphasizes the importance that the Luxembourgish school system matches this demographic diversification accordingly. The public education system is undergoing continuous diversification, which entails the introduction, continuation, and the monitoring of several measures such as multilingual education (since 2017), the opening of additional international schools, the introduction of free after-school care, as well as the extension of compulsory education to 18 years of age.<sup>248</sup> Some of these measures shall be explored in greater detail below.

#### 6.1.3.1. Opening of a fifth public European school in Mersch for the school year 2021/22

On 16 March 2021, the Ministry of Education, Children and Youth Communication announced the opening of a fifth public European school in Luxembourg. The new Mersch Anne Beffort International School (EIMAB) functions as an accredited European school and offers its pupils an education based on the curricula and promotion criteria of the "classical" European schools of the European Union entirely free of charge.<sup>249</sup> The EIMAB opened in September 2021 for the new school year 2021/22.<sup>250</sup>

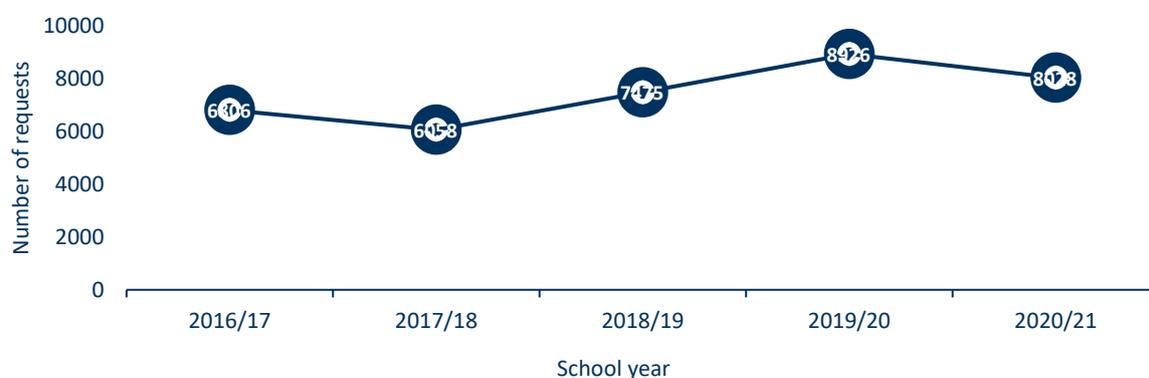
#### 6.1.3.2. DAES international / access to higher education diploma

As of the school year 2021/22, the National School for Adults (Ecole Nationale pour Adultes - ENAD) is offering the international Access to Higher Education Diploma (*Diplôme d'accès aux études supérieures* - DAES), an English-speaking program for adults who have not been able to achieve the level of studies or the diploma necessary for their studies at university. DAES is recognised as being equivalent to a Luxembourgish secondary school leaving diploma and it provides access to the labour market and to higher education/university studies. To qualify for this programme, sufficient language English and French skills are required.<sup>251</sup>

#### 6.1.3.3. Intercultural mediation

As in the previous year, in 2021, the SECAM counted 84 intercultural mediators (12 hired on permanent contracts and 72 freelancers), together speaking a total of 39 different languages. Overall, 8 028 requests for intercultural mediations were recorded during the school year 2020/21. This represents a decrease of 10,1% in comparison to the previous school year triggered by the COVID-19 pandemic (see Figure 23). The top five languages in demand were Arabic (1 862), Portuguese (1 402), Bosnian-Croatian-Montenegrin-Serbian (1 249), Tigrinya (426) and Persian/Farsi (754).<sup>252</sup>

**Figure 23: Requests for intercultural mediations (school years 2016/17-2020/21).**



Source: Ministry of Education, Children and Youth, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

## 6.2. Physical and mental health

### *Psychological support in case of forced marriage*

A working group consisting of experts from the Ministry of Education, Children and Youth, the Ministry of Health, the Ministry of Family Affairs, Integration and the Greater Region, the Ministry of Equality between Women and Men as well as stakeholders from civil society who deal with gender and violence issues has been launched on the subject of forced marriage of minors. One of the main measures of the Ministry of Education against the sexual abuse of minors is prevention: raising awareness of professionals in the social and educational sector, who could be confronted with this topic. Included in this preventative approach is also the contact with and the provision of information to parents to establish a direct link to the main target group. For this purpose, the Institute of National Education Formation (IFEN) offers various trainings.<sup>253</sup>

## 6.3. Unaccompanied Minors

### 6.3.1. Statistical trends

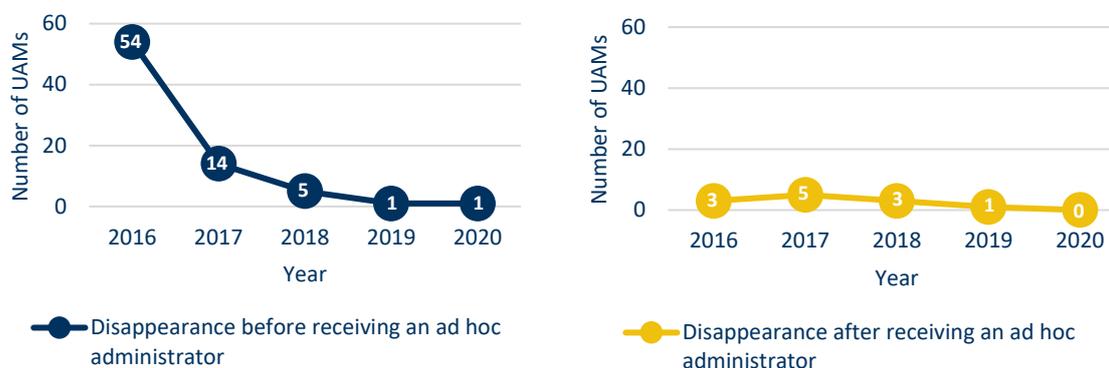
In 2021, 56 UAMs introduced an application for international protection in Luxembourg, this number is slightly higher than the number of applications received in 2020 (47 UAM).<sup>254</sup> Among these were four unaccompanied minors, originally from Afghanistan and Burundi, who were relocated from the Moria Camp in Greece on 7 January 2021.<sup>255</sup> Out of the total number of 56 UAMs who introduced an application for international protection, seven were girls and 49 were boys, aged between nine and 17.<sup>256</sup>

Back in 2020, applicants mainly originated from Afghanistan, followed by Syria. In comparison, during 2021, although Afghanistan (14) stayed the main country of origin, the second largest number of UAMs was from Eritrea (12), then followed by Syria (11).<sup>257</sup>

Of the 43 decisions made in 2021, 25 resulted in the refugee status and one in subsidiary protection. Not all UAMs who received a decision had submitted their application in 2021 (some applied before), and some UAMs who introduced an application in 2021 are still waiting for an answer.<sup>258</sup>

The Minister in charge of Immigration and Asylum has reported in May 2021 that overall less UAMs go missing. One of the main reasons for this development is that as of 2017, the Directorate of Immigration has made significant efforts to not register young people who are of full age as minors. This encouraging development can be broken down by UAMs who disappear before they are assigned an ad hoc administrator, that is before they are in the asylum process, and after they have an ad hoc administrator (see Figure 24).<sup>259</sup>

**Figure 24: Disappearances of UAMs in Luxembourg, 2016-2020.**



Source: Ministry of Foreign and European Affairs 2021. © EMN Luxembourg 2022

### **6.3.2. Legislative developments**

#### **6.3.2.1. Competences of the family affairs judge on decisions on the legal administration and guardianship of minors**

The Law of 27 June 2018 establishing the family affairs judge reforming divorce and parental authority created a new judge who has in his competence "decisions on the legal administration of minors and those relating to the guardianship of minors".<sup>260</sup> The Law of 16 June 2021 amending the Asylum Law provides that it is the family affairs judge (and no longer the guardianship judge) who appoints the ad hoc administrator<sup>261</sup> responsible for assisting and representing the unaccompanied minor. However, the appointment of the guardian remains a competence of the guardianship judge.<sup>262</sup>

#### **6.3.2.2. Assignment of an ad hoc administrator to unaccompanied minors**

The delay for assigning an ad hoc administrator to UAMs has been shortened. Unaccompanied minors are now provided faster with a registration certificate of their application for international protection.<sup>263</sup>

#### **6.3.2.3. Public reactions**

The autumn of 2021 saw the final juridical decisions on two separately filed appeals against the refusal of granting international protection to two UAMs from Albania and Afghanistan, respectively. In both cases, the judges ruled that the evidence presented by both UAMs, was not convincing enough to grant international protection. Nevertheless, they were permitted to stay in Luxembourg until their 18<sup>th</sup> birthday – on the basis of an opinion of the Consultative Commission for the evaluation of the best interest of the child. In the ruling on the claim brought forward by the UAM from Albania, the judge considered Albania as a safe country of origin and thus could not follow the UAM's claims that s/he would be in danger upon her/his return.<sup>264</sup> In the case of the UAM from Afghanistan, the judge underlined that only being from Afghanistan one does not qualify automatically for international protection and her/his appeal against the ministerial decision of refusing international protection was dismissed.<sup>265</sup>

In their opinion on Bill 7681, the LFR highlighted that extra efforts must be made in order to preserve the effectiveness of procedural guarantees provided to UAMs. According to the LFR, unfortunately, it is common for UAMs to be already questioned e.g. about their reasons for their application for international protection, before they have received their ad hoc administrator. The LFR points out that this practice is illegal and contrary to the best interests of the child.

According to the LFR, who has noted that it is often almost impossible to correct gathered personal data when an unaccompanied minor who has just arrived in Luxembourg after a long migratory journey is presented to the Directorate of Immigration. In order to improve the rights of UAMs however, it is essential that the personal data of an UAM should only be considered as validated by the minor following the submission of their application by their ad hoc administrator.

The LFR reminds that many minors may not be familiar with the Gregorian Calendar or may not know their exact date of birth for cultural reasons. Since it is necessary to provide a complete birthday, some might make up an arbitrary birthdate, not knowing that this could lead to problems later on.<sup>266</sup>

### **6.3.3. Additional developments**

#### **6.3.3.1. Ad-hoc relocations**

On 7 January 2021, four unaccompanied minors, originally from Afghanistan and Burundi, were welcomed to Luxembourg from the Moria Camp in Greece. With this relocation, Luxembourg's commitments made in on 15 April 2020 to relocate a total of 25 refugees, including 16 unaccompanied minors are fulfilled.<sup>267</sup>

#### **6.3.3.2. Consultative Commission on the Evaluation of the best interest of Unaccompanied Minors**

The Consultative Commission on the Evaluation of the best interest of Unaccompanied Minors in return decisions (UAM commission) continued its work in 2021.<sup>268</sup> On 30 April 2021, the members of the UAM

commission were appointed by ministerial decree.<sup>269</sup> It is further foreseen to add a civil society member to the Commission.<sup>270</sup>

### 6.3.3.3. Project for unaccompanied minors

The close cooperation between officials from ONA and the National Office for Children at the Ministry of Education, Children and Youth (ONE) has made it possible to set up a first-time reception structure for unaccompanied minors. The opening of the structure is planned for June 2022.<sup>271</sup>

### 6.3.3.4. Impact of the Haqbin-Case

The Afghan national Zubair Haqbin, who arrived in Belgium in 2015 as an unaccompanied minor, was unlawfully subjected to sanctions consisting of withdrawal of accommodation and material assistance. The so-called Haqbin-Case highlighted that Article 20 (4) of the Directive 2013/33/EU does not define the concept of sanctions. The Court of Justice of the European Union (CJEU) has interpreted that Member States may determine these but without violating asylum seekers' fundamental rights (paragraph 41).<sup>272</sup>

In Luxembourg, the Haqbin-Case led to the tacit abrogation of article 22 (1) b) of the amended Law of 18 December 2015 on the application for international protection and temporary protection.<sup>273</sup> Concerning the reception centres, it has to be stressed that the transfer of the disruptive person is often not effective as a disciplinary measure. The impossibility to evict aggressive or threatening persons limits the possibilities to protect the other occupants and centre staff from aggressive behaviour, threats or physical aggression, often over prolonged periods of time. The solution depicted by the CJEU with the goal of finding, feasible and effective ways of handling of aggressive and threatening behaviour of UAMs in reception facilities, appears to be – while sound on a theoretical basis – impractical.<sup>274</sup>

## 6.4. Public Reactions

The CCDH, the Ombudsman for children and youngsters (Ombudsman fir Kanner a Jugendlecher, OKaJu), and the UN Committee on the Rights of the Child (CRC) have examined and reported on the situation of migrant children in Luxembourg during the last year. On 21 June 2021 the CRC published its concluding observations on the combined fifth and sixth periodic reports of Luxembourg. While the CRC welcomes several measures, which Luxembourg has undertaken to improve the situation of children in Luxembourg in general and also of migrant children in particular, the CRC has also voiced several concerns and given recommendations. The OKaJu agrees with the CRC's report. Together, these three stakeholders provide an analysis and discussion of the situation of migrant children and teenagers in Luxembourg, which is summarized in this section.

The OKaJu supports the CRC's recommendation that Luxembourg should strengthen the authority responsible of the determination and application of the best interest of the child in asylum and migration-related procedures, including in the "Dublin" cases.<sup>275</sup>

### *Consultative Commission on the Evaluation of the best interest of Unaccompanied Minors*

In their "Concluding observations on the combined fifth and sixth periodic reports of Luxembourg", the CRC is concerned that this commission is not independent or neutral as it is composed of actors who are responsible for carrying out returns and recommends that the Consultative Commission on the Evaluation of the best interest of Unaccompanied Minors "becomes an independent and multidisciplinary decision-making body, which includes representatives of non-governmental organizations and competent bodies responsible for unaccompanied migrant children, and ensures that such children have access to effective appeal mechanisms."<sup>276</sup> The OKaJU supports this recommendation.<sup>277</sup>

### *Appointment of ad hoc administrator and guardian*

In their latest report on trafficking in human beings, the national rapporteur CCDH discussed the process of appointing an ad hoc administrator and guardian to UAMs (please also refer to sections 6.3.2.1 and 6.3.2.2). The CCDH notes that the guardian and ad hoc administrator seem to be appointed fairly quickly, after a few weeks

at most. However, the report recommends that the procedure for the appointment of the ad hoc administrator should be clarified. While the family affairs judge appoints the ad-hoc administrator, the Ministry of Foreign and European Affairs is the one that is competent to request the appointment to the family affairs judge. This can have important repercussions on the situation of the minor: if the Ministry has doubts about the age of the minor, it will first request a medical expertise (please see below) and will only refer the matter to the judge after having established that the person is a minor.

The CCDH points out that minors aged 17 and a half are never assigned ad hoc administrators. These persons, however, are assigned a guardian, as well as a lawyer. So, each young person between 17 and a half and 18 years of age is accompanied by an adult. Nevertheless, the CCDH considers it crucial to appoint both a guardian and an ad hoc administrator for any UAM, as soon as possible and without making any distinction based on the age of the minor. Because of their relationship of trust with the UAM, his or her representatives can play an important role in the detection of Victims of Human Trafficking.<sup>278</sup>

In the CCDH's observations of October 2020 for the CRC report, the CCDH emphasizes that "the minor may be accompanied by a trusted person of his choice". Hence, as far as gaining a better understanding of the UAM's file is concerned, the UAM her/himself as well as the ad hoc administrator should be able to invite anyone who they think can contribute to it.<sup>279</sup>

#### *Appropriate and effective identification of (unaccompanied) minors*

The CRC is concerned that in Luxembourg, Article 20 (4) of the Asylum Law allows the use of medical tests, including bone tests, which have been found to be unreliable for carrying out age assessments of asylum-seeking persons. The CRC urges Luxembourg to develop a standard protocol on age-determination methods that is multidisciplinary, reliable, respectful of children's rights, and used only in cases of serious doubt about the claimed age, that Luxembourg should apply the principle of the benefit of the doubt in case of persistent uncertainty, and that it should consider documentary or other forms of evidence available and ensure access to effective appeal mechanisms.<sup>280</sup> The OKaJu approves this recommendation of the CRC and recommends that the Directorate of Immigration of the Ministry of Foreign and European Affairs and the ONA develop procedures to detect vulnerable persons as soon as possible. OKaJu underlines that it is also important to sufficiently train the people who are in charge of the reception.<sup>281</sup>

#### *Human trafficking*

The CRC recommends that Luxembourg should strengthen its efforts to fight prostitution and the trafficking in human beings and to ensure that prevention also targets children in vulnerable and marginalised situations, including asylum-seeking and refugee children, as well as children affected by migration situations.<sup>282</sup>

#### *Placement of children: Detention, Foster families and other non-custodial solutions*

The CRC is concerned that Luxembourgish legislation allows for the placement of children in detention under certain conditions and in specific situations, and that the maximum duration of detention of families with children has been increased from three to seven days.<sup>283</sup> The CRC and the OKaJu ask Luxembourg to ensure non-custodial solutions, including foster care and accommodation in specialised open reception centres, for unaccompanied children or for children with their families, to continue to work with great caution in terms of removals targeting families with children in school.<sup>284</sup>

According to the CRC, it appears that in Luxembourg unaccompanied children change accommodation once or twice, sometimes being placed together with adults, before being accommodated in a specialized reception centre for unaccompanied children, sometimes without the prior consent of the child. The CRC recommends to provide the resources necessary to prevent unaccompanied children from being placed in centres together with adults, and to limit the number of transfers for each child to a minimum.<sup>285</sup>

### *Reception*

The CCDH highlights the concern of the Directorate of Immigration about a recent phenomenon of the abandonment of young children (generally between 5 and 6 years old) in front of the Directorate of Immigration. It is still not clear who is competent to take care of these children. The rapporteur regrets that no progress has been made in recent years and believes that awareness of this phenomenon must be raised and that the necessary actors and measures to take care of these children must be identified quickly, while tackling the roots of the phenomenon.<sup>286</sup>

The CRC states that in Luxembourg, there appears to be a lack of a system in place to provide adequate care for unaccompanied children who do not apply for international protection. The CRC and the CCDH advise that Luxembourg should establish a special status for the benefit of unaccompanied children who do not apply for international protection, including by providing them with long-term solutions.<sup>287</sup>

### *Education*

The CRC further recommends that Luxembourg should continue investing the necessary resources to improve and/or expand schooling facilities and opportunities to ensure the right of all children, including children of migrant workers and asylum-seeking and refugee children, to ensure access to quality education.<sup>288</sup>

### *Child poverty*

The CRC observes that overall child poverty is growing in Luxembourg, in particular in single-parent households and among children of immigrant parents, children without residence permits and children of parents affected by unemployment and/or with a low level of education. The CRC recommends that Luxembourg should renew its commitment to end child poverty, including through a national plan of action and by addressing the root causes of such poverty. Further, Luxembourg should employ targeted measures and provide adequate financial support and free and accessible services without discrimination, and Luxembourg should take all measures necessary to ensure that children receive adequate support and attention in the aftermath of the COVID-19 pandemic in order to reduce its negative socioeconomic consequences on children.<sup>289</sup>

## 7. INTEGRATION AND INCLUSION

### AT A GLANCE

- The Ministry of Family Affairs, Integration and the Greater Region has launched **the Pact of living together**, which replaces the Communal Integration Plan.
- **A new Orientation Centre in Luxembourg City**, which is open to anyone **seeking educational and vocational guidance**, opened in April 2021.
- **Basic instruction and language integration courses have been developed specifically for AIPs and BIPs** who do not speak any of Luxembourg's official languages by the Adult Education Service (SFA).
- **Bill 7877** proposes to **revise the current electoral law for foreigners**, in particular significant for TCNs is the abolishment of the 5-years residence clause.
- The new **PAN 2022 call for projects on citizen participation in general and political participation in particular** with respect to the upcoming communal elections in 2023 has been launched from November 2021 to January 2022.
- In 2021, **1 234 Welcome and Integration Contracts were signed** by nationals from 109 countries.
- Throughout 2021, **several meetings of the GRESIL-group on integration issues at the local level took place** in online and hybrid settings.
- Two significant studies have been published: An **in-depth study on racism in Luxembourg** conducted by LISER and CEFIS, and a **study on integration in Luxembourg by the OECD**.

This chapter describes Luxembourg's developments in the field of integration in 2021. Many of these developments spring from the fact that Luxembourg actively seeks to respond to the dynamics of its integration processes by re-assessing several of its integration procedures.

The Ministry of Integration at the Ministry of Family Affairs, Integration and the Greater Region launched the Pact of Living Together (*Pakt vum Zesummeliewen* - PvZ). This new integration plan, which was introduced at the beginning of 2021, replaces the Communal Integration Plan (*Plan communal intégration* - PCI) to create a more dynamic and multi-year integration process on the municipal level. The main differences lie in the emphasis on political commitment, the creation of an inventory to identify the needs of residents, the development of residents' workshops for the implementation of the integration actions, and the evaluation of the completed work to improve planning of the next steps. Moreover, two integration advisers have been recruited to support the implementation of the PvZ in the municipalities.

The comprehensive consultation process on the reform of the Law of 16 December 2008 on the reception and integration of foreigners (Integration Law) continued during 2021. Stakeholders from civil society, social partners and the municipalities participated in several consultations.

2021 also saw several new developments in the area of adult education. A new Orientation Centre in Luxembourg City opened its doors in April 2021 to anyone seeking educational and vocational guidance. Further, basic instruction and language integration courses have been developed by the Adult Education Service (SFA) of the Ministry of Education, Children and Youth. These courses are tailored to AIPs and BIPs who do not speak at least one of Luxembourg's three official languages.

Multiple new developments have been initiated in 2021. Amongst them are the planned extension of the Luxembourgish health care system to include vulnerable population groups as well as the introduction of Bill 7877, which proposes to revise the current Electoral Law regarding foreigners.

### 7.1. Legislative Developments

#### 7.1.1. Civic and political participation

##### 7.1.1.1. Bill 7877 amending the Electoral Law of 18 February 2003

In 1994, Luxembourg obtained an exemption from the European Directive laying down the modalities for the participation of EU citizens residing in another Member State to participate in municipal elections. More

specifically, this exemption allows Member States whose proportion of non-national Union citizens residents of voting age exceeds 20% to reserve the active and passive right to vote for eligible persons who reside in that Member State for a minimum period which may not exceed the duration equal to a mandate of the municipal council. At present, Luxembourg is the only country in the EU which applies a 5-year residence period to nationals of another Member State.<sup>290</sup>

The fact that almost 50% of all residents of Luxembourg are foreign, which makes it the European Country with the highest proportion of foreign nationals in the European Union, and that their political participation is not proportional to their share of the resident population, has led to several Parliamentary Questions throughout the year. Already in spring, a first inquiry on whether and how to increase political participation of non-Luxembourgers has been made. However, at this point in time studies were still ongoing and nothing significant could be reported.<sup>291</sup> Several months later on 2 September 2021, however, Bill 7877 has been introduced to parliament. This bill foresees the abolishment of the 5-year residency clause on active and passive voting rights for EU- and non-EU citizens residing in Luxembourg. It is proposed to reduce the date of closure for the registration on the electoral list before the elections for non-Luxembourg citizens to register on the municipal electoral rolls from 87 days to 55 days. The changes put forward by this bill shall help to increase political participation of the steadily growing number of non-Luxembourgish residents and they are also seen as strengthening democratic processes and supporting integration measures.<sup>292</sup>

On 23 November 2021, Parliamentary Question 5285 inquired how the target audience of the aforementioned law, non-Luxembourgish residents, will be informed.<sup>293</sup> The Minister of Family and Integration replied to this question on 16 December 2021 and listed several ways on how the dissemination of information and the raising awareness of voter participation will take place. Several programmes, such as the projects in the context of the Multi-Annual Integration Plan (PAN) on political participation, financial support for municipalities or associations in the field of political participation, the orientation day of the Welcome and Integration Contract (CAI), or the awareness campaign "I can vote" will serve this purpose.<sup>294</sup> Further, the 2022 call for projects, for the implementation of the PAN was launched in 2021 under the theme "Living together: get involved and participate locally" (*Zesummeliewen: lokal engagéieren a matmaachen*).<sup>295</sup>

#### 7.1.1.2. Public reactions

At the time of writing, Bill 7877 had already been reviewed by several stakeholders, such as the Chamber for civil servants and public employees, the National Council for Foreigners (CNE) and the Association of Luxembourgish Cities and Municipalities (Syvicol). The CNE and Syvicol are in favour of the proposed changes. In particular the termination of the 5-year-residence clause is perceived as a large integrational step as this clause is seen as one of the main obstacles on the path of integration.

Syvicol has brought forward two main issues. They demand a clarification of the term "certificate documenting legal residence" as this does not currently exist. They further explain that a residence certificate, in any case, will not be able to serve as proof of legal stay, as it can only be issued to persons registered in the main register of natural persons and not to legally resident persons on the waiting register (*registre d'attente*). Such clarification should also be in the spirit of this bill, which intends to simplify and clarify administrative procedures in order to encourage potential non-Luxembourgers to register to vote, while setting clear conditions. However, Syvicol indicates that article 9 of the bill introduces the right for any citizen to request a written copy of the provisional electoral lists from the municipality up to and including the 47<sup>th</sup> day before the day of the elections. Since these lists contain sensitive information, the syndicate is concerned over potential data breaches and recommends to only allow the consultation of the lists at the municipality.<sup>296</sup>

The National Council for Foreigners (CNE) advises the government to set up training courses for municipal employees who are in direct contact with newly arrived foreign nationals to help them with the registration on the electoral roll. The municipal employees should pro-actively contact foreign nationals to offer them to register right when they register with their municipality after their move to Luxembourg. The CNE emphasised the significance of the communal level in everyone's daily live and the resulting importance of being able to vote

in municipal elections. Ultimately, exercising one's right to vote is a significant building block in the integration process.<sup>297</sup>

On the contrary, the Chamber of Civil Servants and Public Employees criticises that the legislator was acting out of political intent when he was going far beyond the European directive on the right to vote, which only concerns EU citizens, by abolishing the residence requirement for third-country nationals as well. The Chambers is doubtful that political participation could be increased through changes to the legislative framework and campaigns to raise awareness of voter registration in the face of general disinterest in politics and participation in the electoral process. Rather, measures to promote social integration and combat social inequalities could be used to encourage broader participation.<sup>298</sup>

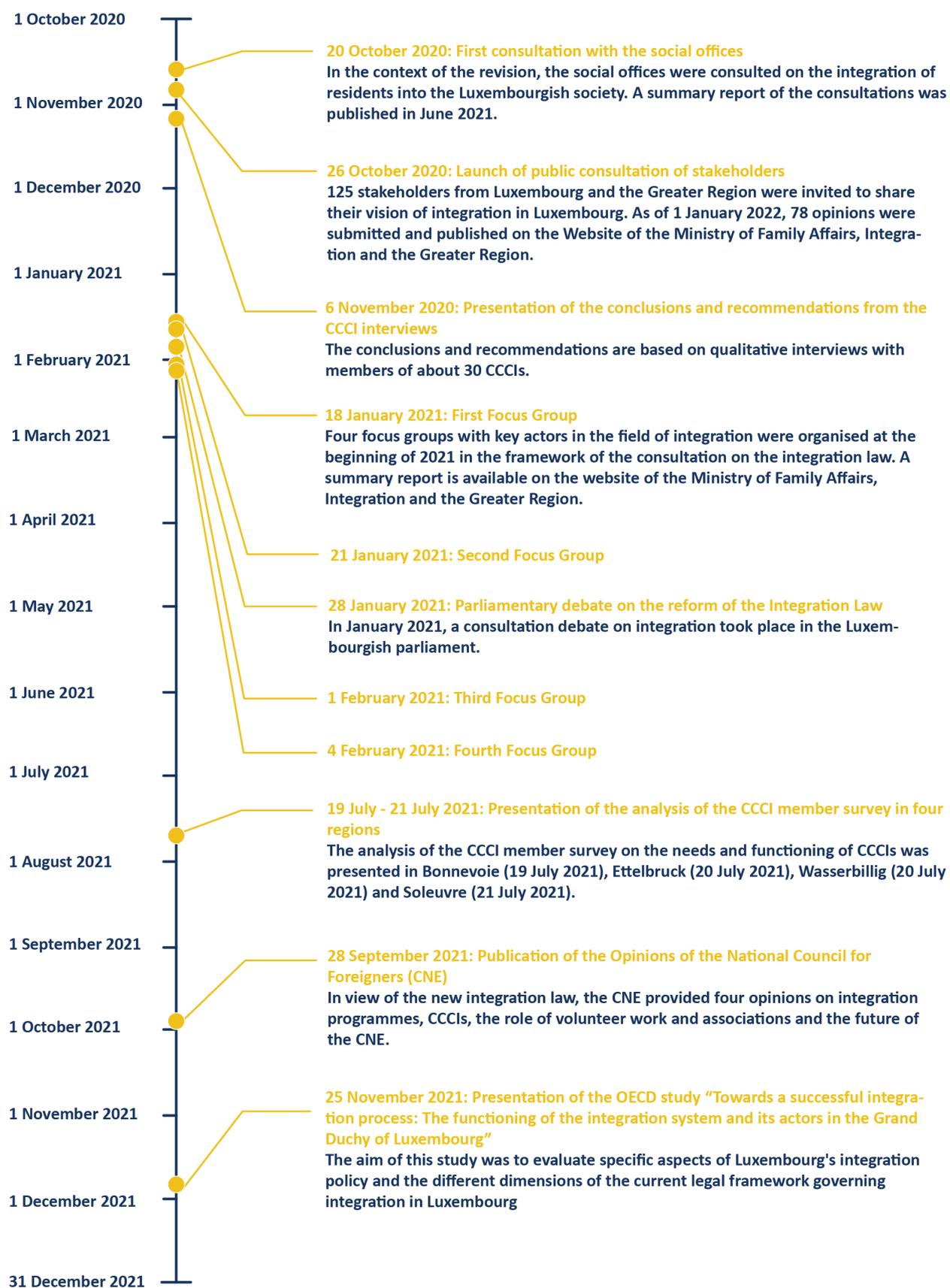
### **7.1.2. Continuing consultations on the reform of the Integration Law of 16 December 2008**

The process of rethinking and redesigning the policy of living together at the national level belongs to the review of the Integration Law of 16 December 2008. This process, which has already been initiated in 2020 (please refer to section 7.1.3 in the LU EMN ARM 2020), is also part of the current coalition agreement. Two major advancements were made in 2021:

Firstly, a public consultation took place and 78 opinions of different stakeholders were submitted and published on the website of the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region.<sup>299</sup> In addition, four focus groups were organised in January and February 2021 and the social offices were consulted on the integration of residents into Luxembourg society. In the focus groups, several working definitions for the term "integration" were fleshed out and the alternative wording "living together" (instead of "integration") has been put together to emphasise a sense of mutual commitment. Further, the groups expressed that the reformed Integration Law should design a framework for living together to support everyone's mutual (integration) commitments while considering the different facets of life in Luxembourg and the important role of municipalities. It has been highlighted that conversations and exchanges of manifold stakeholders, from interministerial dialogues to the inclusion of children and youth, NGOs, trade unions, and businesses, are necessary to arrive at a comprehensive law, which will meet current and future expectations and challenges.<sup>300</sup> Furthermore, four regional consultations with the Municipal Advisory Committees on Integration (CCCI) took place and a study analysing the functioning and the needs of the CCCIs was conducted.<sup>301</sup>

Figure 25 provides a more detailed overview of main developments in the context of the reform process of the Integration Law during 2020 and 2021.

Figure 25: Reform of Integration Law: Main developments.



Source: Ministry of Family Affairs, Integration and the Greater Region, 2022 © EMN Luxembourg 2022.

Secondly, the Department of Integration at the Ministry of Family Affairs, Integration and the Greater Region, together with experts from the OECD, presented the latest OECD study on integration in Luxembourg on 25 November 2021. The aim of this study was to evaluate specific aspects of Luxembourg's integration policy and the different dimensions of the current legal framework governing integration in Luxembourg, including several key actors in integration policy and their expertise and field experience. Thereby, the study analyses existing instruments in an international context and formulates concrete policy recommendations for the revision of the 2008 law.<sup>302</sup> Several of the ten main recommendations listed in the OECD-study (see below) have already been partially addressed by the Department of Integration (listed under the recommendations in italics).

1. Rethinking the Welcome and Integration Contract and the Accompanied Integration Pathway (PIA) and targeting measures to the most "vulnerable" immigrants.<sup>303</sup>  
*Based on the assumption that people's needs are not determined by their status, several initiatives have already started: the modules of the CAI and PIA will be even more tailored to individual needs, their breadth will expand and they will be available at more locations (they are already available online). Steps to ultimately consolidate the two programs into one Living Together program that does not explicitly distinguish between refugees and other immigrants have already been taken.*<sup>304</sup>
2. Strengthening the learning of languages spoken in Luxembourg.<sup>305</sup>  
*For example, the PAN 2021 call for projects included a workstream specifically dedicated to language learning and practice, the SFA (as a privileged partner of the Department of Integration) has also set up several linguistic integration courses.*<sup>306</sup>
3. Improving the coordination of actions.<sup>307</sup>  
*To gain and include more practice-based expertise from the field, the inter-ministerial committee on integration was expanded in late 2020/early 2021 to include civil society.*<sup>308</sup>
4. Rethinking regionalisation of the integration policies.<sup>309</sup>  
*This is implemented in particular by the new "Pakt vum Zesummeliewen" (currently 18 signatory communes and more to follow in 2022).  
The 2022-call for PAN projects was launched in 2021 under the theme "Zesummeliewen: lokal engagéieren a matmaachen" (Living together: get involved and participate locally)  
In 2021, two integration advisors have been employed and at the beginning of 2022, two additional advisors will be recruited. Integration advisors are responsible for accompanying the communes that have signed the Pact in order to ensure follow-up and to assure the sharing of good practices between municipalities.*<sup>310</sup>
5. Improving social cohesion.<sup>311</sup>  
*The PAN 2021 call for projects has defined a specific axis for the fight against discrimination and a study on racism in Luxembourg has been conducted in 2021.<sup>312</sup> The results of this study were presented in March 2022.*<sup>313</sup>
6. Strengthening the integration of young migrants and children of migrants.<sup>314</sup>  
*Several school support programmes for immigrant children are being developed and anti-discrimination training is provided.*<sup>315</sup>
7. Creating legal and technical conditions for secure sharing of integration data.<sup>316</sup>  
*The General Inspectorate of Social Security (IGSS) has developed a secure micro-data platform that allows anonymous aggregation of certain data sources for analytic purposes. This platform has already been used by the Integration Department for its study on racism.*<sup>317</sup>
8. Developing statistics on the migration pathway.<sup>318</sup>
9. Evaluating integration programmes and acknowledging good practices.<sup>319</sup>  
*The regular evaluation of services (orientation day and civic courses) by participants allows to continuously adapt these to their needs. Evaluation forms for AIPs are set up in 4 languages: French, English, Arabic and Farsi.*

*The Integration Department works with several external associations to define common standards in integration policy and to also ensure their monitoring at the local level. For instance, the integration department currently funds two AMIF projects aimed at better evaluating the impact of community life on integration. In addition, experiences are already shared through the Local Integration Exchange and Support Group (Groupe d'échange et de soutien en matière d'intégration au niveau local - GRESIL).<sup>320</sup>*

10. Improving the measurement of key aspects of integration.<sup>321</sup>

## **7.2. Living Together Pact replaces Communal Integration Pact**

Until the end of 2020, the PCI was the action plan on defining and implementing integration policy. After this plan had undergone a revision process, it has been replaced by the "Living together Pact" (*Pakt vum Zesummeliewen* - PvZ) at the beginning of 2021 to create a more dynamic and multi-year integration process.

The new PvZ differs from the previous PCI in five ways:

1. The signing of a political commitment called "Living Together Pact" between the Ministry and municipalities.
2. Creating an inventory of the identified needs of the signing municipality.
3. Citizen workshops developing actions promoting integration
4. The implementation of actions promoting integration.
5. The evaluation of the work carried out and the planning of the next steps.

In the beginning of 2021, two integration counsellors have been employed to offer enhanced support to municipalities and the Municipal Advisory Committee on Integration with regards to setting up and implementing the new Living together Pact. Their mission is to support municipalities that have signed a PvZ and to ensure the sharing of good practices between municipalities. For the beginning of 2022, the recruitment of two additional integration counsellors is envisioned.<sup>322</sup>

The implementation of the new Pact will be closely supported by a dedicated team from the Ministry of Family, Integration and the Greater Region, Syvicol, the two integration advisers and the contracted partners, ASTI and CEFIS, who will provide their expertise. Additional partners, in particular local actors, will be actively involved in the implementation of 'living together' in their municipality as well.<sup>323</sup>

In 2021, 18 municipalities<sup>324</sup> have already signed the new Pact in 2021 and several other municipalities are planned to follow in 2022.<sup>325</sup>

To increase the visibility of this initiative, the Ministry of Family Affairs, Integration and the Greater Region issued a brochure in four languages for the participating municipalities and the different stages can also be found on the Ministry's website.<sup>326</sup> A logo of the "Pakt vum Zesummeliewen" has also been created and is used by the signatory municipalities.<sup>327</sup>

## **7.3. Multi-Annual National Action Plan for Integration (PAN)**

The Department of Integration at the Ministry of Family Affairs, Integration and the Greater Region continued to implement the Integration PAN<sup>328</sup> in 2021 to ensure access to integration measures for AIPs and all other non-Luxembourgish residents.<sup>329</sup> The Interministerial Committee on Integration develops and monitors the implementation of the PAN under the coordination of the Department of Integration. This committee is responsible for coordinating, pooling, creating and exchanging synergies to achieve a cross-sectional and sustainable integration policy. To better meet this target, this Committee widened its breadth and was expanded in late 2020/early 2021 to include civil society.<sup>330</sup> It now includes a wide range of stakeholders.<sup>331</sup> The committee met four times as an extended committee with invited representatives of civil society. To maintain continuity, the regular exchanges between ministerial representatives and civil society will continue in 2022.<sup>332</sup>

In 2021, the work of the Interministerial Committee on Integration has focused on the selection of successful PAN-projects under the 2021 call for projects and on the preparation of the 2022 PAN call for projects.<sup>333</sup>

### 7.3.1. PAN-projects selected in 2021

The 2021 PAN call for projects focused on two pillars: diversity and the fight against discriminations and, the learning and practicing of languages (please refer to the LU EMN ARM 2020 for more information).<sup>334</sup> The Interministerial Committee on Integration selected ten successful projects, which will be funded between 1 July 2021 and 31 December 2022. Seven projects were chosen under the first pillar and three under the second. The Department of Integration supports these PAN projects with an overall budget of €860 000.<sup>335</sup>

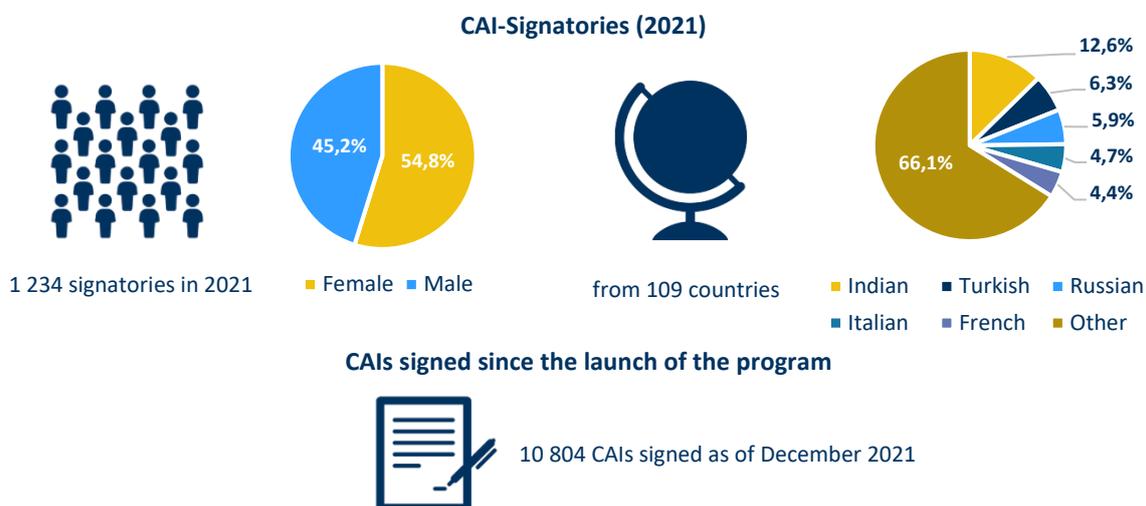
### 7.3.2. New PAN-projects call 2022

The topic of the new call for projects in 2022 “Living together: get involved and participate locally” (*Zesummeliewen: lokal engagéieren a matmaachen*) on citizen participation in general and political participation in particular has been launched from November 2021 to January 2022. One of the pillars focuses on projects with the aim to sensibilise foreign residents in Luxembourg regarding the right and the conditions to vote, in particular in light of the upcoming municipal elections. Further, the aim is to promote political participation and the inscription on the electoral lists. Two online information sessions for interested project leaders were organised in November 2021.<sup>336</sup> Given the experienced importance of digital solutions during the pandemic, the 2021 and 2022-calls highlight digitalisation as a selection criterion.<sup>337</sup>

### 7.3.3. Welcome and Integration Contract (CAI)

The Welcome and Integration Contract (*Contrat d'accueil et d'intégration* - CAI) can be entered by any foreigner who is least 16 years old, who legally resides in and wishes to settle permanently in Luxembourg.<sup>338</sup> CAI-signatories receive support in the form of vouchers for language-classes, civic education courses, an orientation day to discover Luxembourg, its languages, customs and institutions etc. CAI-services have been continuously modernised and digitised.<sup>339</sup>

Figure 26: Overview: Signatories of the Welcome and Integration Contract 2021.



Source: Ministry of Family Affairs, Integration and the Greater Region, 2022. © EMN Luxembourg 2022

In 2021, 1 234 contracts were signed by nationals from 109 countries (54,8% female and 45,2% male). The top nationalities of the signatories were Indian (12,6%), Turkish (6,3%), Russian (5,9%), Italian (4,7%) and French (4,4%). From the start of the program to the end of December 2021, a total of 10 804 Welcome and Integration Contracts have been signed. In 2021, 1751 discount-vouchers were issued, of which 1021 were for Luxembourgish courses. Due to the pandemic, only 82 civic courses for 677 participants took place in 2021.<sup>340</sup>

Signatories who have fulfilled their contract, receive a certificate as proof of their commitment to integration. Fulfilment of the contract is taken into consideration - under certain conditions - when obtaining long-term residence status and for acquiring Luxembourgish nationality by option.<sup>341</sup>

The digitisation of several aspects of the CAI, which began as a consequence of the COVID-19 pandemic in 2020, proceeded to include administrative procedures, making appointments online, information videos in different languages, an online civic education course, as well as two virtual orientation days. While more and more content is offered online, the Integration Department still makes efforts to provide offline face-to-face options to include people who do not have the necessary computer equipment or know-how.<sup>342</sup>

#### **7.3.4. Accompanied Integration Pathway (PIA)**

The PIA, which is carried out in close cooperation by the Ministry of Family Affairs, Integration and the Greater Region and the Ministry of Education, Children and Youth, aims to integrate AIPs and (resettled) BIPs in the first few weeks after their arrival in Luxembourg. It is based on the principle that successful integration rests especially on two elements: Information sessions on everyday life in Luxembourg and linguistic integration courses.<sup>343</sup> The linguistic integration in the framework of the PIA is currently divided into two phases (Linguistic Integration (IL) I and II):

- IL I: During an individual guidance session, the language skills and educational background of the future learners are analysed in order to direct them towards the courses corresponding to their language level. People are then enrolled in a literacy course or in a French language integration course.<sup>344</sup>
- IL II: The linguistic integration courses include at least 120 hours of literacy or French as an integration language (FLI) courses, the aim of which is to reach an A1 level in French. It is organised as blended learning: face-to-face courses, remote courses and "language practice" workshops, combined in a course of overall 11 hours per week. Depending on learners' needs, the courses can last between 120 and 480 hours.<sup>345</sup>

According to the Adult Education Service of the Ministry of Education, Children and Youth – which provides the language training component of the PIA – 3 164 AIPs and BIPs followed the courses between September 2020 and September 2021 compared to 2 542 in the previous year, which represents an increase of 24,5%. The number of people who were registered in IL I courses increased by 38,3% from 677 in the previous year to 936. Additionally, 2 228 AIPs and BIPs were enrolled in IL II courses, compared to 1 865 in the past year, representing an increase of 19,5%. Out of these 2 228 people, 884 were assigned to literacy classes and 1 344 to French courses. In the school year 2020/21, a total of 1 906 certificates were issued in the context of linguistic integration.<sup>346</sup>

In 2021, the PIA was further developed by tailoring it more specifically to AIPs and BIPs.<sup>347</sup> The Department of Integration organizes information sessions on life in Luxembourg (*Séances d'information sur la vie au Luxembourg* - SIV-PIA) in sets of 2x3 hours for recently arrived applicants for international protection and for resettled beneficiaries of international protection aged 18 to 65. In 2021, 282 people participated, among which 130 women (46%) and 152 men (54%).<sup>348</sup>

In early 2021, a "training of trainers" was organized by the Integration Department. It allowed for the training of six independent experts for training services. In October 2021, the Department also requested the Luxembourg Institute of Socio-Economic Research (LISER) to conduct a review of the training, information sessions and workshops organized in Luxembourg for AIPs and BIPs.<sup>349</sup> This evaluation will entail a qualitative analysis of the existing training and information offer, including an analysis of the content of the offer and of the perceptions of the stakeholders and managers of these sessions.<sup>350</sup>

#### **7.4. European AMIF Fund**

The general objective of the European Asylum, Migration and Integration Fund (AMIF), created in 2014, is to contribute to the efficient management of migration flows and to the implementation, reinforcement and

development of the common asylum and immigration policy, in full respect of the rights and principles enshrined in the Charter of Fundamental Rights of the European Union. Luxembourg's national programme for the period 2014-2020 consists of €15.7 million for the implementation of actions in the field of asylum, migration, integration and return. The funded projects will run until the end of 2022.<sup>351</sup>

In July 2021 the new Asylum, Migration, and Integration Fund with a budget of €9,98 billion has been approved by the European Parliament.<sup>352</sup> In December 2021, a first version of the new national AMIF programme, which foresees a budget of €21.7 million was submitted to the European Commission. Approximately 30% of this budget are dedicated to the implementation of actions in the field of integration of third-country nationals.<sup>353</sup>

#### *Studies retained from the 2020 AMIF call*

In 2020, two studies were selected in the framework of a call for projects launched by the Department of Integration and the National Reception Office. One study on “Participation in community life and integration of third-country nationals in Luxembourg” is conducted by the LISER. The second study called “Identification and integration of nationals into the life of the country for better resilience and participation” is conducted by EcoTransFaire (please refer to the LU EMN ARM 2020 for more information).<sup>354</sup> These studies are carried out between 1 January 2021 and 30 June 2022. In 2021, several follow-up visits and meetings were organised by the Integration Department to ensure the smooth running of the projects and the quality of the (preliminary) results achieved.<sup>355</sup>

## **7.5. Health**

The most significant development in the area of health in 2021 affects the access to health care for vulnerable persons who are not covered by the social security system, including certain foreign residents. Luxembourg has compulsory and voluntary public health insurance. Hence, health care in Luxembourg covers many residents, but some residents remain excluded. Covering every resident, however, is the goal of the Government, as already stated in the Coalition Agreement (2018 – 2023) and it is also one of the UN's Sustainable Development Goals (Target 3.8).<sup>356</sup> To ensure that everyone residing in Luxembourg is covered by health care, it has decided to lower administrative thresholds as much as possible to provide an unbureaucratic and simple system. Civil society organisations were included in the consultations. The COVID-19 pandemic has slowed down this project but it was re-launched during the first semester of 2021.<sup>357</sup>

On 27 October 2021, the Ministry of Health and the Ministry of Social Security, in cooperation with the NGO Ronnen Dësch, presented the project in a press conference. It is planned that Luxembourg's universal health care shall extend the currently existing health care system (rather than creating a second one and risking that people in the second system could feel stigmatised). It will be financed by the Ministry of Health. Efforts are made to include vulnerable people by reducing administrative procedures to an absolute minimum and by reaching out to vulnerable population groups through cooperation with NGOs and other associations who are in contact with these persons. The entitlement to universal health care will start after three months of stay on the territory. This project is foreseen to be implemented in 2022 and evaluated at the end of 2022.<sup>358</sup>

## **7.6. Inclusion of the elderly**

The link between integration and Inclusion in Luxembourg's policies is particularly visible when looking at the country's policies on active ageing. The integration and inclusion of ageing residents is supported by a variety of stakeholders, such as the “Maison des Associations”. This association carries out intercultural projects for migrants aged 60+ to promote their integration into society. In addition, the service GERO Kompetenzzentrum für den Alter (previously RBS-Center für Altersfragen) recruited an intercultural officer who is a key figure in the integration and inclusion efforts in the field of active ageing. The intercultural officer aims to improve information and awareness of older people with a migratory background within the group of elderly people at large. During 2021, he has engaged in and organized a multitude of activities. For instance, he sets up pilot projects to promote diversity, contributes articles on intercultural projects for the geroAKTIV magazine (publication for seniors in Luxembourg). In 2021, the intercultural officer also organised awareness-raising

training courses on the approach to intercultural diversity for professionals in the sector and three conferences on Long-Term Care Insurance in Portuguese, French and Luxembourgish, which attracted an intercultural audience. Networking with different stakeholders is an important objective of the intercultural officer, too. In addition to providing methodological support to the Senior Citizens Clubs, he has worked with, amongst others, ASTI for the project "eng Sprooch online praktizéieren", and the association Intemporelle for the cross-border project "Radio métissage" which brings together seniors from different countries (France and Luxembourg) for radio broadcasts. Together with different actors from the field of active ageing and volunteers, he developed the "Kultura" game. This intercultural game promotes the exchange between cultures and will be presented at the Festival of Migrations in 2022.<sup>359</sup>

## **7.7. Involvement of multi-stakeholders**

The Department of Integration continues to work closely with many associations and NGOs that promote integration in Luxembourg by entering a convention or collaboration agreement with them to carry out activities in favour of integration.<sup>360</sup>

In the framework of the conventions/collaboration agreements with ASTI, CLAE, CEFIS and Caritas, the Ministry for Family, Integration and the Greater Region financed, amongst others, the following activities: the accompaniment of municipalities in the context of the PvZ, direct oral translation, the Migrant Information Desk, a citizens' reception area, the promotion of new citizen paradigms, the support for the implementation of municipal integration plans, a study on racism and discrimination, the structuring of basic information on life in Luxembourg. In view of the exceptional situation caused by the pandemic, the Department of Integration has decided to deviate from the usual procedure for granting subsidies to associations. Applications for subsidies no longer have to be submitted six weeks before the start of the project. Any association that carried out a project that promotes intercultural living during the months of October, November or December 2021 could apply for a grant.<sup>361</sup>

### *Local Integration Exchange and Support Group (GRESIL)*

Born out of the strong interest and need of Luxembourg's municipalities to network on integration and social cohesion, GRESIL<sup>362</sup> provides a platform for municipalities to gather, exchange, synergize, inform, train and support integration issues at the local level. The steering committee, consisting of the Department of Integration, Syvicol and the two NGOs ASTI and CEFIS, organises GRESIL-events to give municipalities the opportunity to exchange with one another.<sup>363</sup>

Following two virtual editions on 27 January 2021 (topic: "The key to successful digital communication for communities and residents. A tool kit for lively and effective virtual networking"<sup>364</sup>) and 30 June 2021 (topic: "Municipalities and associations, how can we shape our living together?"<sup>365</sup>), a first hybrid meeting (topic: "Third places –meeting points for an enjoyable living together to promote living together in our municipalities through meeting places and exchanges") took place on 17 November 2021. During this hybrid meeting, political leaders, municipal representatives and agents as well as members of the municipal integration advisory commissions met face-to-face and via videoconference. Altogether, 140 people participated in the event representing 50 municipalities.<sup>366</sup>

## **7.8. Adult education and employment**

### **7.8.1. General support focusing on professional integration**

The National Office for Social Inclusion (ONIS) of the Ministry of Family, Integration and the Greater Region supported several projects on the stabilisation of individuals in need, in particular beneficiaries of social inclusion income (REVIS – Revenu d'Inclusion Sociale) and their professional and social support throughout 2021. Some of the projects, which already began in previous years, were extended (as a result of issues caused by the pandemic), such as ASTI's "Connections4work" (work-related French language training), FED's "CIAO"-project (strengthening autonomy of immigration women in Luxembourg and to promote integration), Touchpoints'

“Sleeves up” (information on how to become self-employed and/or opening one’s own business), the ABBL-Foundation’s Zuumer Academy (financial literacy), and the “Pierre et Partage” workshops of the Jardins des Possibles (French language training), originally a PAN-project, which was newly introduced in 2021.<sup>367</sup>

A new Orientation Centre in Luxembourg City (*Maison d’Orientation*) which is open to everyone seeking educational and vocational guidance, opened in April 2021. This new centre regroups public services active in the field of educational and professional orientation of the Ministry of Education, Children and Youth, the Ministry of Higher Education and Research and the Ministry of Labour, Employment and the Social and Solidarity Economy, to offer individualised specialist advice on training and professions, school career; higher education, adult education; youth information – including the possibility of a first interview without an appointment and anonymous.<sup>368</sup>

### **7.8.2. Vocational classes**

In light of the continuously changing profiles of incoming students,<sup>369</sup> a new CLIJA, offered by the National Centre for Continuous Vocational Training (*Centre national de formation professionnelle continue* – CNFPC) has been created in 2021. This class is intended for newly arrived students aged 18-24 years, who are not able to not join a vocational capacity certificate apprenticeship (*Certificat de capacité professionnelle* – CCP), but who are motivated and ready to train to continue on the path of vocational training. This class offers young people prospects for the future, through a mixture of theoretical courses and practical workshops.<sup>370</sup>

From the start of the 2020/21 school year, an additional type of CLIJA class is provided by the Hotel and Tourism School Luxembourg (*École d’Hôtellerie et de Tourisme du Luxembourg*). This CLIJA class is made to help newly arrived students with finding a job in the hotel and catering sector. By learning e.g. the use of jargon, students will leave school with the assurance of having acquired, in addition to the basics of their profession, competence in inter-relational exchanges.<sup>371</sup>

### **7.8.3. Language classes and practice**

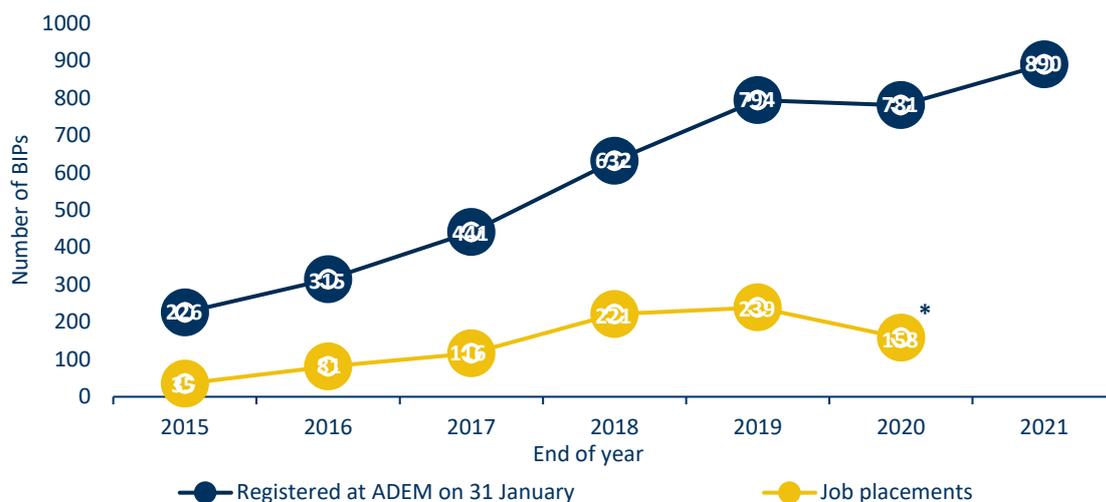
The Adult Education Service has developed basic instruction and language integration courses. This educational material, which includes videos and which has been specifically developed for these courses, enables adult students to consolidate their learning outside of class. Further, the SFA has reorganized their free basic instruction and linguistic integration offer to provide a more diversified pedagogical approach, which includes a preparatory path from linguistic integration to secondary education for adults. These courses are tailored to AIPs and BIPs who do not speak any of Luxembourg’s three official languages. The SFA is also present at the Orientation Centre to advise and guide adults in terms of training and qualification and to direct them to services for e.g. diploma recognition and recognition of skills.<sup>372</sup>

Furthermore, in 2021 exchanges on everyday language practices between the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region and the Ministry of Education, Children and Youth took place together with the civil society organisation ASTI which developed an app-based matching system for tandem language learning.<sup>373</sup>

### **7.8.4. Access to employment for BIPs**

In view of Luxembourg’s integration efforts, a Parliamentary Question tried to better understand, to what extent BIPs enrolled as job seekers at ADEM successfully integrate into the job market.<sup>374</sup> The question also concerns the number of BIPs in accommodation structures of the ONA. and the response to the question lead to a one-time compilation of data on the employment of BIPs (since 2015). As the graph below indicates, despite the integration measures taking place, the success rate for BIPs in finding employment appears to be moderate.<sup>375</sup>

**Figure 27: Unemployment registrations and successful job search and/or placements of BIPs (2015-2020).**



\*The reply to Parliamentary Question 4006 only provided data on job placements until November 2020.

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## 7.9. Fight against racism and discrimination

The Luxembourgish Government supported the fight against racism and discrimination and helped raising awareness of these issues in multiple ways and at various scales during 2021. One of the most central instruments was the 2021 PAN call for projects, which focused on diversity and the fight against discriminations as one of its two pillars (please refer to the LU EMN ARM 2020<sup>376</sup> and section 7.3 for more information). Seven selected projects are funded under this pillar between 1 July 2021 and 31 December 2022.<sup>377</sup>

### 7.9.1. Studies related to the fight against racism and racial discrimination

At the initiative of the Chamber of Deputies, the Department of Integration, together with LISER and CEFIS, has completed an in-depth study on racism in Luxembourg. The goal was to capture racism quantitatively and qualitatively in several areas of social life such as employment, housing, access to health care, education and social networks. A mixed methods approach combining a quantitative and a qualitative component was used. The quantitative component consisted of a survey targeting a representative sample of the resident population and its minorities and led to about 3 000 responses. The qualitative component consisted of 139 qualitative semi-structured interviews with different experts and stakeholders from a range of societal fields.<sup>378</sup> A selection of the key results of this study is summarised below:

- General observations:
  - Level of awareness of racism and discrimination seems to be higher than in the past.
  - 33,9% of residents (44,3% of Luxembourgers) feel that racism has increased in recent years.
  - On average, ca. 15% of the residents stated that they were often or very often racially discriminated against.
  - There is no single understanding of racism. Most administrative structures have little or no internal discussions on the subject and deal with the problems that arise without any real strategy or specific training. Some structures, such as social or advocacy associations for racialised groups, have developed a deeper, sometimes intellectual or practical understanding of the phenomena.
  - Feeling of a relative absence of racism reigns among interviewed experts inside public institutions who see miscommunication and misunderstandings as reasons for what they consider as perceived racial discrimination.
- Forms of racism and racial discrimination:
  - Open racism in public appears to have declined and been replaced by more subtle forms

- Racist discrimination is perceived as very or fairly widespread when looking for a job (44,5% of residents) or housing (50%), on social networks (43%), in the workplace (34,6%), during a police check (32,6%) and in education (26,3%).
- Individual traits that trigger discrimination: skin colour (48,3%), lack of knowledge of the Luxembourgish language (48,8%), presumed origin (40,4%) and distinctive cultural signs (47,6%).
- In multilingual Luxembourg, language remains a socio-cultural marker of belonging, like the more visible phenotypes, and may lead to domination, segregation, discrimination in the labour market, in the housing market or at school.
- Countering racial discrimination:
  - ⅔ of alleged victims of racial discrimination do not file a complaint or do not report the acts as they think that it would not make a difference, and/or that reporting would be too complicated or costly (in monetary or informational terms), or that it would lead to retaliation.
  - Disparities between legal frameworks and the difficulty of understanding anti-discrimination law were highlighted. Some shortcomings of the legal framework were noted, including the lack of an aggravated offence (in case of hate motives) for ordinary offences, which would strengthen the dissuasive character of the law.
  - 50,3% of residents think that current identification and sanctioning of discriminatory practices are insufficient.
  - Development of anti-discrimination awareness campaigns on diversity and of concrete initiatives promoting diversity and interculturality should be prioritised.
- Data on racial discrimination:
  - Availability of data on racism and discrimination is low.
  - Criteria for recording and qualifying situations are not sufficiently clear.
  - Data is often neither collected, nor disaggregated, nor broken down by type of discrimination or by legal category, which indirectly contributes to the invisibility of racism and makes it impossible to measure the extent of the phenomena.
  - Lack of harmonisation and a certain fragmentation of data.
- The phenomena of racism and discrimination are largely invisible as there are only few outings and the strategy of victims often entails to keep silent and to filter. Moreover, incidents are difficult to prove and only little data exists.<sup>379</sup>

In 2021, the Ministry of Family Affairs, Integration and the Greater Region further met with FRA regarding a new edition of the “Being Black in the EU” study.<sup>380</sup>

The annual report by the organisation Research and information on anti-Semitism in Luxembourg (*Recherche et information sur l’antisémitisme au Luxembourg* - RIAL), which has been published at the end of June 2021, notes that the number of anti-Semitic incidents at varying levels of severity (i.e. from hate speech to physical attacks) is constantly increasing in Luxembourg: from 26 incidents in 2018, to 47 for the year 2019 and then to 64 incidents in 2020.<sup>381</sup> Against this background, the Ministers in charge of Foreign and European Affairs, of State, of National Education, Children and Youth, and of Justice were asked in a Parliamentary Question on how to counter the growing anti-Semitism in Luxembourg.<sup>382</sup> In their reply, the ministers stated that in the course of the agreement signed in January of 2021 with the Jewish Community of Luxembourg, the World Jewish Restitution Organization, and the Luxembourg Foundation for the Memory of the Shoah, on Luxembourg’s settling of Holocaust-era heirless and communal property claims, the Government has also purchased the monastery of Cinqfontaines. In cooperation with the Israeli Consistory and the Fondation luxembourgeoise pour la Mémoire de la Shoah, this monastery will become the "Centre for Citizenship Education and Remembrance of Shoah Victims" in 2022. The site will serve as a Holocaust research memorial, educational, and commemorative center to preserve the memory of the Shoah for future generations.<sup>383</sup> The symbolic handing over of the keys took place on 17 March 2022. Several workshops will take place in April and May 2022, followed by an open house in October; a dedicated website is planned to go online in summer of 2022. In light of the

current developments, the monastery will temporarily host refugees from the war in Ukraine. This will have an impact on the activities of the centre, but this act of humanism puts the very values that the centre intends to defend and transmit into action.<sup>384</sup>

### **7.9.2. Educational awareness campaigns against “Hate Speech”**

With children and youth constantly increasing their time spent online, their exposure to “Hate Speech” increases as well. Several school projects in elementary and high schools as well as the subject “Digital Sciences”, based on the Media Compass (*Medienkompass*), have begun in the school year of 2021/22. These projects aim at raising awareness for “Hate Speech” by providing more comprehensive understanding and tools to protect themselves in the context of the digital realm by e.g. introducing coding and algorithms.<sup>385</sup>

### **7.9.3. Diversity Charter Lëtzebuerg**

The Diversity Charter Lëtzebuerg is a national voluntary commitment open to any entity in Luxembourg that wishes to go above and beyond the legal obligations to promote and support diversity. The Charter is facilitated by IMS-Luxembourg (Inspiring More Sustainability), a network of Luxembourgish companies involved in Corporate Social Responsibility. More than 200 organizations and companies from public, private as well as voluntary sectors have already signed the national charter.<sup>386</sup> At the 11<sup>th</sup> official signing session of the Diversity Charter Lëtzebuerg, on 30 September 2021, the Minister for Family Affairs and Integration, and IMS Luxembourg president welcomed 26 new signatory companies to the Diversity Network.<sup>387</sup>

## **7.10. Digitalisation**

### *Digitalisation and integration*

The COVID-19 pandemic has accelerated and kick-started manifold digitalisation-processes in all areas. The field of integration in Luxembourg is no exception to this general trend. Throughout 2021, the Department of Integration digitised its exchanges with its partners by organizing online meetings and events. The PAN-2022 call highlights digitalisation and the importance of digital solutions in the context of the pandemic. More specifically, the Department of Integration organised online follow-up meetings for agreements and projects, information sessions for calls for projects, and project launches (AMIF 2020, PAN 2021 and 2022), interdepartmental committee meetings, two GRESIL events in digital and one GRESIL event in hybrid format (for additional information please refer see section 7.7), project presentations to partners and to the communes were mostly in digital format, two digital Orientation Days for the Reception and Integration Contract, promotion of integration projects through videos on the MFAMIGR Youtube channel, and it digitized services for the Welcome and Integration Contract, e.g. making appointments, information sessions, and the registration for courses and services related to the CAI.<sup>388</sup>

### *National Action Plan for Digital Inclusion*

On 22 November 2021, the Minister Delegate for Digitalisation presented the National Action Plan for Digital Inclusion to Syvicol. The plan was adopted by the Government Council on 24 September 2021.<sup>389</sup> The plan has the following five objectives: facilitating access to digital tools, fostering development of digital skills, counteracting regional differences in digital offerings, raising awareness for online security and online information management, motivating people to use digital technology. These objectives also target migrants who do not have access to digital technology or do not have the basic digital skills to access it as well as AIPs and BIPs who lack the means to access digital technology.<sup>390</sup>

## 8. ACCESS TO CITIZENSHIP

### AT A GLANCE

- The **Law of 30 July 2021 amending the Nationality Law** extends the time limit to apply for recovery of Luxembourgish nationality until 31 December 2022 in the context of mobility problems generated by the Covid-19 pandemic.
- In 2021, **6 801 persons acquired Luxembourg nationality by procedural means**. 880 acquisitions were based on naturalisation, 4 558 on the option procedure and 1 363 on the recovery procedure.

For the year 2021, there were not many developments with respect to access to citizenship with the exception of the Law of 30 July 2021 amending the Law of 8 March 2017 on Luxembourgish Nationality. This law extends the time limit to apply for recovery of Luxembourgish nationality until 31 December 2022 in the context of mobility problems generated by the Covid-19 pandemic.<sup>391</sup>

### 8.1. Statistical Trends

#### 8.1.1. Acquisitions of nationality

Depending on one's individual situation and the resulting eligibility, there are different ways to obtain or to acquire Luxembourgish nationality. It can either be obtained by simple operation of law<sup>392</sup> or it can be acquired via procedural means in different ways.<sup>393</sup> In the latter case, applicants can acquire Luxembourgish nationality by naturalisation<sup>394</sup>, by option<sup>395</sup>, or by recovery.<sup>396</sup>

In 2021, 6 801 persons acquired Luxembourg nationality by procedural means, representing a decrease of 27,5% when compared to 2020 (9 387 acquisitions).<sup>397</sup> These numbers include all procedural acquisitions of nationality by residents and non-residents, thus covering naturalisations, recoveries of nationality and acquisition of nationality by option. What has to be added to this figure are 827 people that became Luxembourgish citizens on the basis of first generation *ius soli*<sup>398</sup> as well as 169 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*).<sup>399</sup> Considering these acquisitions, a total of 7 797 people is reached.

**Figure 28: Procedural acquisitions of the Luxembourgish nationality (2016-2021).**



Source: Ministry of Justice, 2017, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

Among the 6 801 acquisitions by procedural means, 880<sup>400</sup> were based on naturalisation (12,9%), 4 558 on the option procedure (67,0%) and 1 363 on the recovery procedure (20,0%).<sup>401</sup> When compared to 2020, acquisitions based on naturalization increased by 4,0% and those based on the ten specific options stipulated in the amended Law of 8 March 2017 on Luxembourgish nationality (hereinafter Nationality Law)<sup>402</sup> increased by 9,6%. In contrast, acquisitions based on recovery sharply decreased by 68,9%.<sup>403</sup> The decrease compared to the previous year can be mainly explained with the approaching end of the recovery procedure based on article 89 of the Nationality Law<sup>404</sup> and travel restrictions linked to the COVID-19 pandemic. Many candidates in the

recovery procedure residing abroad were unable to organise their travels to the Grand Duchy of Luxembourg – in particular from third countries – to formally sign the declaration to reclaim the Luxembourgish nationality before the civil registrar. This mainly concerned candidates from Brazil and the United States of America. The deadline for signing the declaration has been extended until 31 December 2022.<sup>405</sup>

In 2021, 4 933 acquisitions of nationality via procedural means (72,5 %) concerned residents of Luxembourg, while 1 868 nationalities (27,5%) were acquired by individuals residing abroad. The share of acquisitions by individuals residing abroad sharply decreased compared to 2020 (when the share stood at 50,6 %). This can be explained with the above-described decline in acquisitions in the context of the recovery procedure.<sup>406</sup>

With regard to acquisitions by option, individuals who have resided in Luxembourg for at least 20 years by far constituted the largest group (1 454 acquisitions), followed by persons at least 12 years of age who were born in Luxembourg (1 067 acquisitions) and by adults who have completed at least seven years of schooling in Luxembourg (743).<sup>407</sup> As illustrated in Table 16, the year 2021 saw a clear decrease with regards to the share of third-country nationals acquiring the Luxembourgish nationality (29,0%) in contrast to the two previous years (42,4%). Besides the general decrease of nationality acquisitions by third-country nationals, this can be mainly attributed to the sharp decrease of acquisitions by Brazilians, which will be described in further detail below.

**Table 16: Acquisitions of nationality by EU citizens and third-country nationals (2016-2020).**

Acquisitions of nationality	2017		2018		2019		2020		2021	
	Total	%	Total	%	Total	%	Total	%	Total	%
EU citizens	6 945	76,9	7 939	66,8	6 596	57,6	5 408	57,6	4 826	71,0
Third-country nationals	2 085	23,1	3 938	33,2	4 855	42,4	3 979	42,4	1 975	29,0
<b>Total</b>	<b>9 030</b>	<b>100,0</b>	<b>11 877</b>	<b>100,0</b>	<b>11 451</b>	<b>100,0</b>	<b>9 387</b>	<b>100,0</b>	<b>6 801</b>	<b>100,0</b>

Source: Ministry of Justice, 2022, STATEC, 2022. © EMN Luxembourg 2022

#### *Sharp decrease of nationality acquisitions by Brazilians*

While Brazilians figured among the top third-country nationalities in the context of naturalisations in recent years, the number acquiring Luxembourgish nationality decreased sharply by 92,4% between 2020 and 2021 from 1 799 to only 137, after a peak of 2 117 acquisitions in 2019. Therefore, in 2021, Brazilians only account for 6,9% of all acquisitions by third-country nationals. Out of these 137 acquisitions, 90 (65,7%) relate to Brazilian nationals who can prove that they have a direct Luxembourgish ancestor who was alive on 1 January 1900 (recovery procedure based on Article 89 of the Luxembourgish Nationality Law).<sup>408</sup> Moreover, 67,2% of these acquisitions concern Brazilians who do not reside in Luxembourg (92 out of 137 acquisitions). Compared to the previous years – and in line with the general development regarding the recovery procedure in 2021 – this represents a sharp decline in acquisitions of Brazilians who do not reside in Luxembourg (these shares stood at 98,0% in 2020 and 97,5% in 2019).<sup>409</sup>

**Table 17: Top 10 third-country nationals acquiring Luxembourgish nationality (2021).**

First nationality	Acquisitions of nationality
British	201
Montenegrin	198
Syrian	142
American	139
Brazilian	137
Cape Verdean	128
Russian	126
Serbian	83
Indian	68
Iraqi	62
<b>Total top-10 nationalities</b>	<b>1 284</b>
<b>Other third-country nationals</b>	<b>691</b>
<b>Total acquisitions of nationality of third-country nationals</b>	<b>1 975</b>

Source: Ministry of Justice 2022, STATEC, 2021. © EMN Luxembourg 2022

As in the previous years, significant disparities can 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 2021.

The acquisitions by French, Belgian, American, and Brazilian nationals mainly concerned non-residents, while an overwhelming majority of residential cases can be counted among Portuguese, German, Italian, British, Montenegrin, Syrian, Cape Verdean and Russian nationals (see Table 18).

**Table 18: First nationalities acquiring Luxembourgish nationality by residence, total and share (2021).**

First nationality	Residence in Luxembourg	Residence abroad	Total acquisitions	Share of residents having acquired Luxembourgish nationality (%)
French	671	1 033	1 704	39,4
Portuguese	1 126	15	1 141	98,7
Belgian	345	499	844	40,9
German	228	61	289	78,9
Italian	273	10	283	96,5
British	186	15	201	92,5
Montenegrin	198	0	198	100,0
Syrian	142	0	142	100,0
American	43	96	139	30,9
Brazilian	45	92	137	32,8
Cape Verdean	117	11	128	91,4
Russian	123	3	126	97,6

Source: Ministry of Justice, 2022, STATEC, 2022. © EMN Luxembourg 2022

### 8.1.2. Luxembourgish language test and civic integration courses for the acquisition of Luxembourgish nationality

In 2021, 3 142 candidates registered for the Luxembourgish language test (*Sproochentest*). This represents an important increase of 32,0% when compared to 2020 (with 2 380 candidates). This development can be explained with procedural changes regarding the execution of the exams. The overall success rate was 63%.<sup>410</sup>

With respect to the Civic integration courses for the acquisition of Luxembourgish nationality (Vivre ensemble au Grand-Duché de Luxembourg)<sup>411</sup> offered in 2021, the SFA issued 2 151 certificates for people who participated in civic courses and 661 certificates for people who took the exam for a total of 2 812 certificates. This represents a sharp increase of 71,6% in comparison to the previous year – even slightly surpassing the pre-pandemic level of 2019 with a total of 2 528 issued certificates.<sup>412</sup>

## **8.2. Legislative developments**

On 15 June 2021, Bill 7844 was introduced to Parliament to amend the amended Law of 8 March 2017 on Luxembourgish Nationality (hereinafter Nationality Law). The Law of 30 July 2021 entered into force on 22 August.<sup>413</sup> 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 2021”. A declaration received after this date would be deemed inadmissible. Due to mobility-issues caused by the COVID-19 pandemic, the Luxembourg authorities decided to extend the time limit for subscribing to the declaration of recovery before the registrar until 31 December 2022 by amending Article 89 (1) 2 of the amended Law of 8 March 2017. For the large majority of cases, this change affects persons that are not legally residing in Luxembourg, but reside abroad.<sup>414</sup>

## 9. Borders and Schengen

### AT A GLANCE

- **Bill 7881 on the exchange of information relating to third-country nationals** was introduced into parliament in order to **improve the way, in which Member States exchange information on convictions of third-country nationals.**
- The **implementation of the new security and border information exchange systems** continued in 2021.

Most developments within the field of borders and Schengen were progressions of already existing projects and collaborations. However, 2021 did see two new legislative developments, namely the introduction to Parliament of Bill 7881 on the exchange of information relating to nationals of countries outside the European Union as well as the passing of Bill 7682, which amends the Immigration Law.

### 9.1. Legislative developments

On 10 September 2021, Bill 7881 on the exchange of information relating to nationals of countries outside the European Union as well as the European Criminal Records Information System (ECRIS) was introduced to parliament.<sup>415</sup> Until now, most of the information exchanged concerns citizens of the Union European Union only, because the system currently in place does not allow efficient processing of data relating to third-country nationals. In order to improve the way, in which Member States exchange information on convictions of third-country nationals, the European Criminal Records Information System had to be reformed at the European Union level and will now include a centralized database, which contains information on convictions of third-country nationals and stateless persons (referred to as “ECRIS-TCN”). This system will make it possible to search for entries in the criminal records of third-country nationals against whom court decisions have been issued by the criminal courts of the European Union.<sup>416</sup>

### 9.2. External borders

#### 9.2.1. Entry-Exit System pilot projects

The implementation of the new security and border information exchange systems continued in 2021. Luxembourg has gained several insights from one of the Entry-Exit System (EES) pilot projects at land borders developed by the European Border and Coast Guard Agency (Frontex), and has maintained a continuous communication with eu-LISA. Representatives from Luxembourg have been actively participating in the working meetings of the EES Advisory Group.<sup>417</sup>

At the national level, the Directorate of Immigration, in close cooperation with the Grand Ducal Police and the State Information Technology Centre (CTIE), is coordinating the implementation of the European Travel Information and Authorisation System (ETIAS) and the EES. Both systems apply to third-country nationals wishing to enter the Schengen area for a short stay.<sup>418</sup> Refurbishment works at the airport related to the instalment of the pre-enrolment equipment (self-service systems) are actively ongoing. National authorities have contacted the airlines registered in Luxembourg in order to inform them about their obligations resulting from the implementation of EES/ETIAS. In line with the revised planning (entry into operation postponed to September 2022), Luxembourg should be ready for the test phase planned at the European level. These efforts serve the implementation of Regulation (EU) 2017/2226.<sup>419</sup>

#### 9.2.2. Cooperation (ETIAS)

Representatives from Luxembourg have been actively participating in the ETIAS-related working meetings at the European level, most notably the ETIAS Advisory Group and the Setting Up the ETIAS National Units-meeting. At the national level, following an extensive consultation process, the implementation of a collaborative operational model was validated by all impacted stakeholders/national administrations in February 2021. In close collaboration with all impacted stakeholders/national administrations involved, Luxembourg has finalised

the ETIAS National Unit organizational chart and draft user profiles, together with process modelling and the definition of a Business Continuity Plan/Disaster Recovery Plan. Luxembourg has been following the presentations of the ETIAS mock-ups and has been working closely with all impacted stakeholders on preparing a tender procedure for the development of a national solution for the ETIAS watchlist. In line with the revised planning (entry into operation postponed to May 2023), Luxembourg should be ready for the test phase planned at the European level.<sup>420</sup>

### **9.2.3. Integrated Border Management strategy**

Following the thematic Schengen evaluation, Luxembourg's Integrated Border Management (IBM) strategy has been updated. The IBM steering committee also met in 2021 to update the action plan. Works on the elaboration of a national capability development plan have actively started. These efforts serve the implementation of Regulation (EU) 2019/1896.<sup>421</sup>

### **9.2.4. Frontex**

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 ongoing health crisis. Luxembourg contributed one agent on long-term secondment and 10 short-term secondments in 2021.<sup>422</sup> In 2021, Luxembourg has also continued to strengthen Frontex' aerial surveillance capacities through the provision of a helicopter. For 2022, Luxembourg plans on contributing three staff on long-term secondment and 21 short-term secondments.<sup>423</sup>

## **9.3. Schengen**

On 14 December 2021, the European Commission proposed an update on the regulation regarding the Schengen Border Code. Reflecting on recent events, this proposal intends to coordinate the actions of all Member States and to support them shall a crisis or a shared threat arise so that borders can stay open as long as possible.<sup>424</sup> Luxembourg will closely monitor the works and developments related to the European Commission's proposal.<sup>425</sup>

In parallel, Luxembourg is being evaluated in 2021 and 2022 under the Schengen evaluation and monitoring mechanism, which monitors the implementation of the Schengen acquis. A first evaluation visit covering four policy fields (return and readmission policy, external border management, police cooperation and Schengen Information System/SIRENE) took place from 28 November until 3 December 2021. This visit constituted a pilot project, grouping the four abovementioned policy fields in one single evaluation.<sup>426</sup>

## 10. VICTIMS OF HUMAN TRAFFICKING (VHT)

### AT A GLANCE

- The **Law of 16 June of 2021 amending the Immigration Law** clarifies that **residence permits issued to VHTs are renewable throughout the judicial proceedings, each time for six months.**
- In 2021, **developments in the areas of support for VHTs as well as identification of VHTs** mainly consisted of **solidifying and extending existing projects and cooperations.**

### 10.1. Statistical trends

In his recent (third) report, the CCDH as the national rapporteur on trafficking in human beings stated that based on preliminary 2021-data, the trends observed for the years 2019 and 2020 are also confirmed for the year 2021. The number of cases of human trafficking for the purpose of labour exploitation is constantly increasing. This mainly concerns the construction sector and the HORECA sector. To satisfy the high demand following the end of the lockdowns, the construction sector increasingly resorted to undeclared work. The number of cases of sexual exploitation seems to be much lower for 2021.<sup>427</sup>

In 2021, 14 third-country nationals were identified as victims of human trafficking in Luxembourg, of which three were females and 11 males. Further, 18 persons were presumed to be VHTs (two females and 16 males).<sup>428</sup> In 2020, five male third-country national were identified as VHTs and 5 persons were presumed to be VHTs, of which two were women and three were men.<sup>429</sup>

Similar to previous years, labour exploitation represented by far the largest category of victims of human trafficking. In 2021, 11 men and two women were identified as victims of labour exploitation and 17 of the presumed VHTs (16 men and one woman) were also classified in this category. Additionally, one woman was identified as a victim of sexual exploitation and one woman was presumed to be a victim of sexual exploitation. As in 2020, all the individuals identified as and presumed to be victims of human trafficking were over the age of 18. In 2021, they primarily originated from Ukraine, Nepal and China.<sup>430</sup> During the previous year, the main countries of origin were Portugal, Pakistan and China.<sup>431</sup>

In 2021, five reflection periods were granted. Further, three requests for a residence permit were lodged and three such permits were granted. Moreover, 19 people were arrested or otherwise involved in criminal proceedings related to human trafficking.<sup>432</sup> One person was convicted in 2021.<sup>433</sup> In 2020, five individuals were arrested or involved in criminal proceedings and two were convicted.<sup>434</sup>

### 10.2. Legislative developments

Article 11 of the Law of 16 June of 2021<sup>435</sup> amends Article 95 (2) of the Immigration Law to assist and protect VHTs. More specifically, this Article clarifies that residence permits issued to VHTs are renewable each time for six months throughout the judicial proceedings.<sup>436</sup>

### 10.3. Strategic policy developments

#### *EU strategies against organized crime and human trafficking*

In February 2021, the European Commission published a roadmap in relation to a communication on the EU strategy on fighting organized crime (2021-2025) and another communication on the EU strategy against human trafficking (2021-2025). Using the roadmap as a basis, a large consultation with Member States' national experts on strengthening prevention and identification processes of VHTs took place in 2021.

In Luxembourg, the CCDH actively contributed to the EU strategies against human trafficking and organized crime. The implementation of these strategies will entail discussions on legislative changes at the EU level, which will include the concerned administrations and ministries of Luxembourg. At this point in time however, it is still

too early to determine the impact these changes will have for the Grand Ducal Police and other governmental institutions in preventing and identifying victims of human trafficking.<sup>437</sup>

## **10.4. Additional developments**

In 2021, developments in the areas of support for VHTs as well as identification of VHTs mainly consisted of solidifying and extending existing projects and cooperations as the following examples illustrate.

### **10.4.1. Support and assistance services**

#### *New awareness raising campaign*

Caritas has organised an awareness raising campaign for asylum seekers on human trafficking. InfoTraite (for additional information please refer to the LU EMN ARM 2020, section 6.1.4), the common assistance space for VHTs, intervened twice in 2021 in this respect (2 hours of awareness session).<sup>438</sup>

### **10.4.2. Identification of victims**

#### *Trainings and awareness raising*

Several in-person trainings on the identification of third-country nationals who are presumed victims of human trafficking, including minors, take place every year. In general, the Government provides three types of trainings: (i) general training for public servants (border control, labour inspectors, police etc.) who are part of the Luxembourgish taskforce; (ii) 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 (iii) specific trainings on demand (e.g. for NGOs).<sup>439</sup>

In 2021, training and sensitisation sessions were conducted for the Luxembourgish Red Cross, the National Reception Office, inspectors of the Inspectorate of Labour and Mines (ITM), the Refugee Service of the Directorate of Immigration, and other national stakeholders and victim support services.<sup>440</sup>

In addition to the internal guidelines by ONA on the detection and support of TCNs who are presumed victims of human trafficking mentioned in section 5.4, meetings of the Monitoring Committee on Trafficking in Human Beings and meetings of an ad-hoc committee on specific issues took place in 2021.<sup>441</sup>

## **10.5. Cooperation with different countries**

### **10.5.1. Enhanced cooperation between the Benelux-Countries**

This cooperation<sup>442</sup> focusses on improving protection of the victims and on facilitating the work of the actors in the field.<sup>443</sup> Belgium, the Netherlands and Luxembourg cooperate by sharing of knowledge, experience and expertise to step up multidisciplinary cross-border cooperation.<sup>444</sup> This may also include the placement and monitoring of (presumed) victims in a reception facility abroad (i.e. Belgium) by the Luxembourgish Judicial Police together with the assistance services – if the needs for their protection and security so require.<sup>445</sup> An information brochure, intended for professionals in the Benelux countries on trafficking in human beings in each of the three countries, the organisations working on trafficking in human beings and on how countries organise the reception and assistance of victims, has been published in 2021. The Benelux also organised an expert meeting on prostitution and trafficking in human beings, focusing on raising awareness among clients on these issues and on the role of websites and social networks in the context of sexual exploitation and they included the fight against trafficking in human beings in their joint multiannual action plan.<sup>446</sup> In 2021, the Benelux countries continued discussions (which started in 2019 under the Luxembourgish presidency of the Benelux) on assistance for third-country nationals, which are detected in one of their countries but which have been exploited in another country.<sup>447</sup>

### **10.5.2. Co-financed prevention campaigns in third countries**

The Ministry of Foreign and European Affairs (MAEE) finances two regional projects of the Non-Governmental Development Organisation (NGDO) “End Child Pornography and Trafficking of Children for Sexual Purposes” (ECPAT) against sex-trafficking from 2020 to 2022. The areas of intervention of the NGO are in prevention, protection and rehabilitation/reintegration. The first regional project is taking place in Mali, Niger, Burkina and Nigeria for a total amount of €1,075,000 (80% co-financed by the MAEE). The second regional project is located in India, Nepal and Bangladesh for a total amount of €750,000 (80% co-financed by the MAEE).<sup>448</sup>

### **10.6. Public reactions**

The case of presumed labour exploitation sparked complaints by five NGOs, ASTI<sup>449</sup>, CID Fraen an Gender<sup>450</sup>, CLAE<sup>451</sup>, Finkapé – Réseau Afro-Descendant Luxembourg<sup>452</sup>, and Time for Equality<sup>453</sup>. In a joint press release, they publicly complained that in Luxembourg victims of exploitation and violence in an irregular situation are not protected by the law as victims of human trafficking are. The NGOs demanded from the Minister in charge of Immigration and Asylum to suspend the return order of this victim of labour exploitation<sup>454</sup> and they also involved the Ministers of Equality between Women and Men and of Internal Security to demand a procedure to protect all victims of exploitation and abuse regardless of their residence status – which would also follow the latest recommendations of the European Union Agency for Fundamental Rights (FRA) on the protection of the rights of exploited migrant workers.<sup>455</sup>

In his reply, the Minister in charge of Immigration and Asylum stated that the decision on the return of the presumed victim of labour exploitation has been taken based on the information available at that point in time. The Minister, however, announced that he is open for an exchange with the associations regarding the case in question.<sup>456</sup>

## 11. IRREGULAR MIGRATION, DETENTION, AND RETURN

### AT A GLANCE

- The Government Council approved **Bill 7954 proposing to amend the Immigration Law with respect to the removal of third country nationals who illegally reside in Luxembourg.**
- The Directorate of Immigration participated in Frontex' RECAMAS-project.
- The **return programme of the International Organisation for Migration (IOM) has been adapted to ensure that beneficiaries are well aware of the order to leave the territory and of the possibility to access a full reintegration support.**
- **An application protocol on the readmission agreement of illegally staying persons between the Benelux Countries and Bosnia and Herzegovina entered into force.**

The year 2021 brought limited changes in this area. On the legislative side, Bill 7954 on the removal of third country nationals who illegally reside in Luxembourg shall be mentioned. A cooperation of the Directorate of Immigration with Frontex, as well as a change in the return programme of the International Organisation for Migration (IOM) complete this list. With respect to irregular immigration, the need for additional cooperation of Luxembourg with the Benelux Countries was voiced and an application protocol on the readmission of illegally staying persons between the Benelux countries and Bosnia and Herzegovina entered into force. Changes in the area of detention were related to specific COVID-19 measures only.

### 11.1. Irregular migration

#### 11.1.1. General developments

The year 2021 saw no new developments aimed at preventing irregular stay and combatting facilitation of irregular stay except for Bill 7954 on the removal of third country nationals who illegally reside in Luxembourg (please refer to section 11.2.2.1) However, ad hoc regularisations based on humanitarian grounds did occur. The Directorate of Immigration working group in charge of assessing the situation of irregular migrants met several times with NGOs from the migration field – a process, which was foreseen in the government coalition agreement. The NGOs brought forward 32 cases, corresponding to 61 people. 25 cases, corresponding to 50 people, resulted in regularisation.<sup>457</sup>

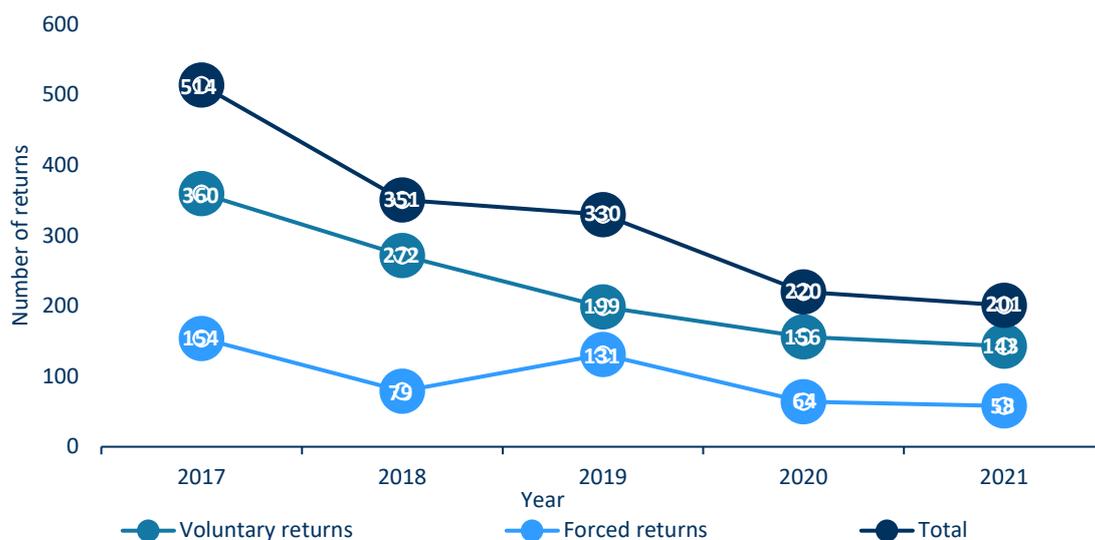
In the context of identifying and monitoring irregular migration routes, intra-Schengen flights from Greece have been closely monitored in 2021 in order to reduce irregular migration and trafficking in human beings on this route.<sup>458</sup>

### 11.2. Return

#### 11.2.1. Statistical trends

During 2021, 201 individuals were returned to their country of origin or to a different Member State, which corresponds to a decrease in total returns by 19 individuals or 8,6% in 2020. Among these, 143 people returned voluntarily (71,1%), while 58 underwent a forced return<sup>459</sup> (28,9%). More specifically, in 2020 156 returns were voluntary (70,9%) and 64 (29,1%) were forced, which means that the number of voluntary returns decreased by 8,3% and the number of forced returns by 9,4%.<sup>460</sup> The decrease in returns between 2019 and 2020, which was essentially linked to the pandemic due to a limited number of available flights and travel restrictions put in place worldwide, continued in the year 2021.<sup>461</sup>

**Figure 29: Number of returns broken down by type (2017-2021).**



Source: Directorate of Immigration, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

The majority of individuals opting for a voluntary return originated from the West Balkans (66), Iraq (13), Brasil (9) and Venezuela (9). Out of the total of 143 voluntary returns, 79 individuals were supported by the voluntary return programme of the IOM, which is in place since 2009. As in previous years, the Directorate of Immigration attributed the overall decrease in voluntary returns to the changing profile of AIPs (with less individuals fleeing from safe countries of origin), leading to more positive decisions.<sup>462</sup>

While a continuous decrease of returns specifically to the West Balkans can be observed between 2017 and 2020, (including a decrease in the share the total amount of returns), this trend does not continue in 2021 (see Table 19). In 2021, the total amount of returns to the West Balkans increased from 73 (2020) to 100 returns or by 37,0%. The amount of voluntary returns increased by 32,0% from 50 to 66 and the amount of forced returns rose by 47,8% from 23 to 34 in 2021 and 2020 respectively.<sup>463</sup>

Further, since the visa liberalisation with Ukraine and Georgia entered into force 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 from 13 to 25 between 2017 and 2018. In 2019 and 2020, these numbers decreased with regards to Georgia (42 in 2019 and 6 in 2020) and for Ukrainians (25 in 2019 and 6 in 2020).<sup>464</sup> In 2021, the overall number of returns to Ukraine and Georgia remained at a low level, with less than five reported returnees from Ukraine and 12 from Georgia.<sup>465</sup>

**Table 19: Number and proportion of returns towards the West Balkans (2017-2021).**

Year	Voluntary returns			Forced returns			Total returns		
	N° West Balkans	N° Total	% West Balkans	N° West Balkans	N° Total:	% West Balkans	N° West Balkans	N° Total	% West Balkans
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
2021	66	143	46,2	34	58	58,6	100	201	49,8

Source: Directorate of Immigration, 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

In 2021, the number of returned irregular migrants who had not introduced an application for international protection amounted to 101 or 50,2% of all returns, while in 2020 this category of persons formed 59,1% of all returns. 49,8% of the returnees (100 persons) went through the international protection procedure; this is the case for 80, or 55,9%, of those returned voluntarily and 20, or 34,5%, of those returned through a forced return (see Table 20).<sup>466</sup>

**Table 20: Number of returned persons according to type of return and migratory situation (2017-2021).**

Year	2017	2018	2019	2020	2021
<b>Voluntary returns</b>	<b>360</b>	<b>272</b>	<b>199</b>	<b>156</b>	<b>143</b>
AIP	126	25	128	19	20
AIP rejected	198	154	n/a	46	60
migrants in an irregular situation	36	93	71	91	63
<b>Forced returns</b>	<b>154</b>	<b>79</b>	<b>131</b>	<b>64</b>	<b>58</b>
AIP rejected	97	29	63	25	20
migrants in an irregular situation	57	50	68	39	38
<b>Total</b>	<b>514</b>	<b>351</b>	<b>330</b>	<b>220</b>	<b>201</b>

Source: Directorate of Immigration 2018, 2019, 2020, 2021, 2022. © EMN Luxembourg 2022

As in previous years, commercial flights were the most common means of forced returns. A national charter flight further returned seven people to Albania and five to Kosovo. The Albanian authorities also organized a charter flight to return one additional person from Luxembourg. Two charter flights that were organised by Spain further allowed the return of one person to the Dominican Republic, three to Albania and five to Georgia.<sup>467</sup>

In 2021, 22 individuals benefitted from a suspension of removal for medical reasons (*sursis à l'éloignement*) while 58 benefitted from a postponement of removal (*report à l'éloignement*).<sup>468</sup>

## 11.2.2. Legislative and other regulatory or administrative developments

### 11.2.2.1. Bill 7954 on the removal of third-country nationals

On 26 November 2021, the Government Council approved a bill proposing to amend the Immigration Law. This bill aims to structure the different categories of removal measures in a clear and coherent way in order to improve how illegal stays of third-country nationals on Luxembourgish territory are handled.<sup>469</sup> On 19 January 2022 this bill amending the Law of 29 August 2008 on the free movement of persons and immigration has been introduced to Parliament as Bill 7954.<sup>470</sup> It proposes to achieve this by:

- creating a general definition of the term "removal" (*éloignement*)
- modifying the detention regime to reflect changes in the categories of removal measures and to provide a framework for the detention of Union citizens and their family members who have been ordered to leave the country
- ending the controversy on the application of the decisions of prohibition of entry into the territory of the Schengen Area by explicitly and clearly stating in the law when the Minister of Immigration must imperatively attach an entry ban on a return decision issued to an illegally staying third-country national
- introducing an additional national entry ban to remedy the increasing number of illegal stays by third-country nationals who have been granted the right of residence in another Member State and those who return to Luxembourg after having been transferred to another Member State in application of the Dublin Regulation, a situation which is exacerbated by the problem of organized crime
- drafting a broader definition of the notion of "imperative reasons of public security" in the context of the assessment of the appropriateness of a removal decision against an EU-citizen
- providing clarifications concerning the issuing of an authorisation to stay for private reasons.<sup>471</sup>

### 11.2.2.2. RECAMAS gap analysis

In March 2021, the Directorate of Immigration participated in Frontex' return case management system (RECAMAS) project, which is an online platform for Member States and Frontex to communicate and plan return operations.<sup>472</sup> The Directorate of Immigration's participation consisted of carrying out a gap analysis to identify

possible shortcomings in the national return case management system and to propose measures for improvement. This analysis was carried out with the participation of all actors involved in return management. The results were communicated to the Luxembourgish authorities in August 2021.<sup>473</sup>

### 11.2.2.3. Change in IOM's voluntary return programme of 2021

As part of the promotion of voluntary return, the Directorate of Immigration continued in 2021 the Assisted Voluntary Return and Reintegration Programme with the assistance of the International Organisation for Migration. This programme is running since 2009 and is co-financed by the Asylum, Migration and Integration Fund (AMIF) since 2014. In 2021, 79 people received support through this programme. It should be noted that access to this programme is conditional and that aid depends on the country of origin of the person who opted for a voluntary return.<sup>474</sup> In 2021, the conditions under which access to the voluntary return programme of the IOM is granted have been changed. The change in the original text has been italicised:

*"A third-country national who has been ordered to leave Luxembourg territory by virtue of the relevant provisions of the amended Law of 5 May 2006 on the right of asylum and complementary forms of protection and who contacts the authorities within 30 days of the order to leave being final or within 8 days of the date of the interview referred to in the summons for a voluntary return to the person concerned by the authorities, if this interview is scheduled for a date after the expiry of the 30-day period for a voluntary return."*<sup>475</sup>

The goal of this change is to ensure that beneficiaries are well aware of the order to leave the territory and of the possibility to access a full reintegration support. Further, without the adjustment, some beneficiaries would not be entitled to full reintegration assistance as they would miss the original delay. After this delay, the reintegration support is lowered (decrease of amount).<sup>476</sup>

## 11.3. Readmission

### 11.3.1. Implementation of application protocols

On 1 July 2021, the extended (élargie) Parliamentary Question 110 on the need for the additional implementation of application protocols between the Benelux and third countries (implementing the readmission agreement between the EU and these third countries) in order to fight against illegal immigration has been deposited. This question refers to the "Interministerial note on drug-related crime in Luxembourg" of 2 March 2021 and against this background discusses procedural problems of removal. In this context, the author of the question demands information on the facilitation of clear procedures and reciprocal application deadlines, defined in consultation with the concerned countries to return migrants illegally staying in one of the Benelux countries with dignity, quickly and safely to their country of origin.<sup>477</sup> This interministerial report, compiled by the Ministry of Internal Security, on issues of drug-related crimes in particular, but not exclusively, in the area surrounding Luxembourg's central train station draws up an inventory of the situation, of actions taken, of obstacles and of possible ways forward. The document also looks at the matter of asylum seekers who are recognised in a different Member State and who are caught by the police in Luxembourg in connection with drug-related crimes.<sup>478</sup>

When this question has been discussed in parliament on 7 December 2021, the author of the question referred to the aforementioned interministerial note on drug-related crime and highlighted out that third-country nationals who have received residence permits (of whichever kind) from one of the Schengen-countries, can also use this permit to stay in Luxembourg for three months. Once in Luxembourg, it appears that a certain share of this group seems to get involved in the well-known problem of drug-related crime at Luxembourg City's central train station. He continued to ask how this specific group could be efficiently sanctioned and ultimately expelled from Luxembourg, which is often problematic as ID-documents are frequently missing.<sup>479</sup>

The Minister in charge of Immigration and Asylum replied that beyond the legal framework of readmission agreements (either with the EU<sup>480</sup> or the Benelux Countries), according to which countries of origin are required to take their citizens back, a successful repatriation depends on the actual cooperation with the countries of

origins. This willingness to cooperate, however, is sometimes difficult to enforce for specific countries. The Minister further warned to draw a generalised conclusion according to which someone whose status in Luxembourg is unclear is automatically a criminal and also referred to the legislative process of Bill 7954 on the removal of third-country nationals illegally residing on Luxembourg territory (please refer to section 11.2.2.1), which proposes to cover this topic (at the time of the debate the bill was not yet introduced to parliament).<sup>481</sup>

### **11.3.2. EU readmission agreements**

The application protocol between the Benelux States and Bosnia and Herzegovina, done at Brussels, on 5 December 2013 of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of illegally staying persons, done in Brussels, September 18, 2007 (approved by the Law of 7 June 2015) entered into force on 1 August 2021 (please refer to section 8.3 A of LU EMN ARM 2013).<sup>482</sup>

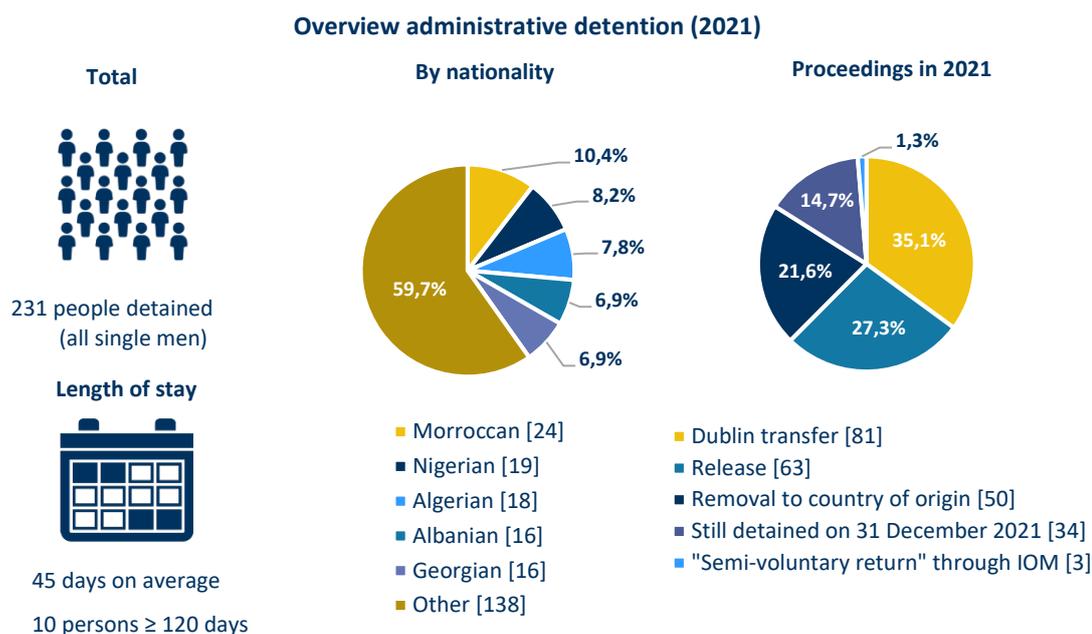
## **11.4. Administrative detention**

### **11.4.1. Statistical trends**

As of 31 December 2021, the number of detainees at the Detention Centre amounted to 34 persons. Over the course of 2021, 231 people were placed in detention, versus 246 in 2020. With regard to the profile of the detainees, all 231 were single men. In contrast, in 2020 single men accounted for 94,7% of the total number of detained persons (233 people), single women represented 2,4% (six people), and families represented 2,8% (two families with a total of seven people). Of the total of 231 detainees, 81 (35,1%) were transferred as part of the Dublin procedure. Compared to 2020 (with 65 transferred detainees), this corresponds to an 26,4% increase. 50 (21,6%) of the detained persons were removed to their country of origin (48 persons, 19,5%, in 2020). Moreover, three people were subject to a “semi-voluntary return” through IOM (four in 2020) and 63 were released (102 in 2020). As in the previous year, no-one was transferred to the Penitentiary Centre and no escape from the Detention Centre has occurred.<sup>483</sup>

The average length of detention across all above-mentioned categories amounted to 45 days in 2021 (55 days in the previous year). However, 10 people were detained for 120 days or more (31 people in 2020). The management of the Detention Centre was contacted 113 times for individual interviews with detainees in comparison to 134 in 2020. The Detention Centre further carried out 76 escorts for the benefit of detainees outside its premises (hospital, court, etc.), as opposed to 79 escorts in 2020.<sup>484</sup>

Figure 30: People in administrative Detention (2021).



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

#### 11.4.1. The impact of Covid-19 on Luxembourg's detention centre

Article 11 of the Law of 16 December 2021 amending inter alia the Law of 17 July 2020 introducing a series of measures to combat the COVID-19 pandemic and amending: 1° the amended Law of 25 November 1975 on the supply of medicinal products to the public; 2° the amended Law of 11 April 1983 regulating the marketing and advertising of medicinal products<sup>485</sup>, stipulates the rules for any person newly admitted to the Detention Centre in the context of quarantine and isolation, as well as the rules on the sanitary measures. The objective is to avoid the spread of COVID-19 inside the detention centre.<sup>486</sup>

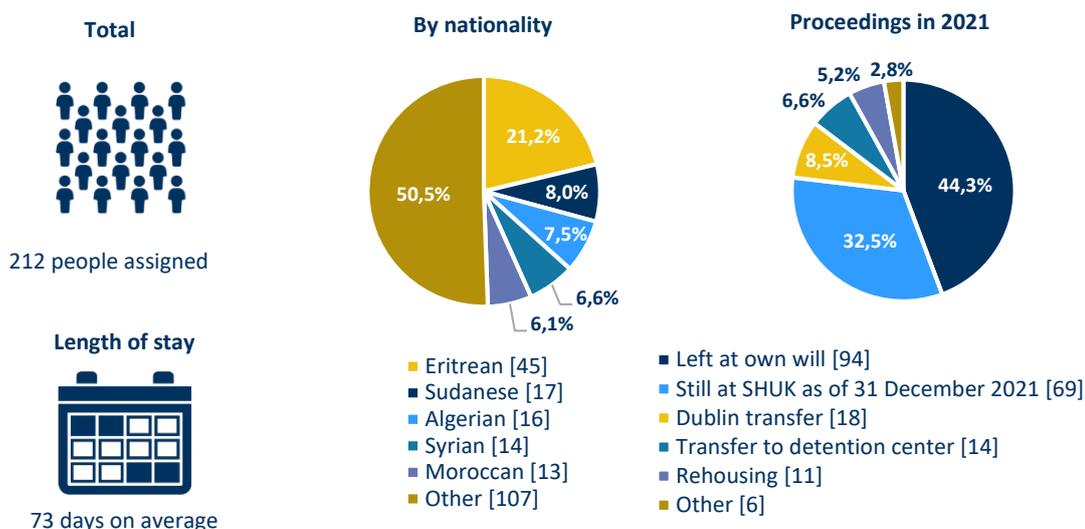
#### 11.4.2. Alternatives to detention: semi-open return facility - SHUK<sup>487</sup>

##### Statistical trends

Individuals, with the exception of women and families, who fall within the scope of the Dublin Regulation and are likely to be transferred to another Member State are assigned to the SHUK, the Semi-open return facility (*Structure d'hébergement d'urgence au Kirchberg* - SHUK) in Luxembourg City. As of 31 December 2021, 69 people were residing in the SHUK, compared to 57 on 31 December 2020. Over the course of the year, 212 people were assigned to the SHUK, versus 232 in 2020 (-8,6%). Out of these 212 people, 18 were transferred to another Member State (24 in 2020), 14 to the Detention Centre (26 in 2020), and 94 left at their own will (compared to 114 in 2020).<sup>488</sup>

The SHUK's resident population was mainly comprised of Eritreans, Sudanese, Algerians, Syrians, Moroccans and Guineans. In 2020, mainly Algerians, Eritreans, Moroccans, Guineans and Tunisians were assigned to the facility. On average, individuals stayed for a period of 73 days at the SHUK, in comparison to 78 in 2020 and 55 in 2019. In relation to the previous year, the duration of the time period decreased by 6,4%. However, when juxtaposed to 2019, prior to the outbreak of the Covid-19 pandemic, a sharp increase of 32,7% becomes visible.<sup>489</sup>

Figure 31: People accommodated in the Semi-open return facility – SHUK (2021).



Source: Directorate of Immigration, 2022. © EMN Luxembourg 2022

#### Activities of the SHUK

Since the beginning of the pandemic, the activities of the SHUK were strongly reduced and as far as possible, the focus was on activities inside the facility – such as art activities, movie screenings or activities in the recreational area. With the support from different partners, however, some other activities were still able to take place in 2021. Given its geographical proximity to the facility and the free and accessible IT infrastructure in place, the National Library of Luxembourg remained a popular destination for the people assigned to the SHUK. Culture passes (*Kulturpass*) were issued to about ten interested persons, allowing for free or reduced admission for a number of cultural institutions such as certain museums. The City of Luxembourg further offered around 100 vouchers for free entry – i.e. to the cinema, the public pool and the ice rink. Following great interest and demand, people were also referred to French and German language courses. As a result of a cooperation with the association “Digital Inclusion”, computer courses were offered in 2021. About 15 people applied and fulfilled the criteria of eligibility and received a mobile phone in this context. The SHUK’s leisure area where table tennis, table football and darts were already available, has been expanded with the acquisition of a pool table. In addition, every day between 11h and 18h, the SHUK offers film and documentary screenings on a big screen. Lastly, a new cooperation with the association “SportUnity” which offers different sport courses was established.<sup>490</sup>

## 12. MIGRATION AND DEVELOPMENT

### AT A GLANCE

- In October 2021, **Luxembourg has been elected member of the UN Human Rights Council** for the first time.
- **A new strategic partnership framework with UNRWA has been signed.** This new agreement has a budget of €12.3 million for a period of 3 years.
- Luxembourg's Directorate of Development Cooperation and Humanitarian Affairs announced an **additional voluntary contribution of €2 million in order to help UNRWA** respond to the lack of funds that it encountered in 2021.
- Signature of a **new Strategic Partnership Framework Agreement between the UNHCR and Luxembourg.** From 2022 to 2025 Luxembourg will support the UNHCR with €32 million.

### *Luxembourg elected to the UN Human Rights Council*

In October 2021, Luxembourg has been elected as a member of the UN Human Rights Council for the first time. Based on Luxembourg's thematic priorities, four events have been organised:<sup>491</sup>

- "Power Up! Gender Justice for Adolescent Girls and Young Women in sub-Saharan Africa. The 'Education Plus' Initiative"<sup>492</sup>
- "Together to End Child Labour: A high-level event to mark the International Year for the Elimination of Child Labour"<sup>493</sup>
- "Launching 'A Seat At The Table'". A guide to crafting effective narratives at the United Nations about human rights and the people who defend them"<sup>494</sup>
- "Virtual side event: Human Mobility and Human Rights in the context of the adverse effects of Climate Change"<sup>495</sup>

Throughout 2021, Luxembourg has signed new agreements with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations High Commissioner for Refugees (UNHCR) and Rwanda.

### *Strategic partnership framework with UNRWA*

During the visit of the Minister of Cooperation and Humanitarian Action to Jordan on 14 and 15 September 2021, a new strategic partnership framework with UNRWA, represented by its commissioner-general, was signed. The new partnership has a budget of €12.3 million, for a period of 3 years (2022-2024). Luxembourg's donation will help UNRWA continue to provide critical support, including education and healthcare services, to Palestine refugees across the Agency's five fields of operations.<sup>496</sup>

### *Support for Palestinian refugees in the Middle East*

At the invitation of the Minister of Foreign Affairs and Expatriates of Jordan and the Minister of Foreign Affairs of Sweden, the Minister of Foreign and European Affairs participated online in the international UNRWA conference on "Sustaining the Rights and Human Development of Palestine Refugees" on 16 November 2021. Luxembourg's Directorate of Development Cooperation and Humanitarian Affairs announced an additional voluntary contribution of €2 million in order to help the agency respond to the lack of funds it encountered in 2021.<sup>497</sup>

### *Memorandum of understanding with Rwanda*

During the visit of the Minister of Cooperation and Humanitarian Action to Rwanda on 19 and 20 October 2021 a memorandum of understanding on the development of a financial centre in Kigali has been signed. Four potential areas of cooperation have been identified: capacity building to promote employability in the financial

sector; the development of sustainable finance; the establishment of a fintech ecosystem and an impact on the investment market.<sup>498</sup>

#### *Strategic Partnership Framework Agreement with UNHCR*

On 9 November 2021, the Minister of Cooperation and Humanitarian Action signed a new Strategic Partnership Framework Agreement between the UNHCR and Luxembourg. From 2022 to 2025, Luxembourg will support the UNHCR with €32 million. This flexible funding will allow the UN agency to provide relief to the most significant ongoing humanitarian crises, particularly in Syria, Afghanistan and Ethiopia. Innovative solutions in the field of humanitarian action, UNHCR's strategic development, and telecommunications in the context of humanitarian emergencies will be the prioritized.<sup>499</sup>

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[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=A24F69D04553C297341D583320D656B7A4B0B0F132E376CC4157F82112B157EE2F28C882608FB991EE3D8702AB663882\\$ACE590735B35FC52AA821D4F07893129](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A24F69D04553C297341D583320D656B7A4B0B0F132E376CC4157F82112B157EE2F28C882608FB991EE3D8702AB663882$ACE590735B35FC52AA821D4F07893129)

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[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=936F36A76C9959B042EEC3512B19ADC92259BC1F6F1C3BF664E06D9ACAE0B29F65B4F77535C6C116C143B98F464D8ACB991A6B7AC5976E1F4B8825223C29CCFEF](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=936F36A76C9959B042EEC3512B19ADC92259BC1F6F1C3BF664E06D9ACAE0B29F65B4F77535C6C116C143B98F464D8ACB991A6B7AC5976E1F4B8825223C29CCFEF)

Reply to Parliamentary Question 4972 of 16 September 2021 on “Bénéficiaires d'une procédure de regroupement familial” by the Minister in charge of Immigration and Asylum on 13 October 2021, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=A0164BC6BDB271425C0FB9D07F683F6AA6496C6EA35A64258FC9193F2094885D161B4BB3745A536A3494157BDAA7C4B3\\$5D066619CC4E42D7305787D143B25634](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A0164BC6BDB271425C0FB9D07F683F6AA6496C6EA35A64258FC9193F2094885D161B4BB3745A536A3494157BDAA7C4B3$5D066619CC4E42D7305787D143B25634)

Reply to Parliamentary Question 5049 of 5 October 2021 on current health measures at accommodation structures to prevent, detect and treat Covid 19-infections by the Minister of Immigration and Asylum on 9 November 2021, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=76870163446E944B5C463F345AFE098FE90BB3FE0C587583797BE0FAA3F0355813EEA0B1EDF592B7CEFC43FCA84D093D\\$42675CD0868AF4E09C1C0AC0E30F4B84](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=76870163446E944B5C463F345AFE098FE90BB3FE0C587583797BE0FAA3F0355813EEA0B1EDF592B7CEFC43FCA84D093D$42675CD0868AF4E09C1C0AC0E30F4B84)

Reply to Parliamentary Question 5145 of 25 October 2021 on the military engagement of Luxembourg in Afghanistan by the Ministers of Defense, of Immigration and Asylum; for Cooperation and Humanitarian Action; of Foreign and European Affairs on 25 November 2021, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=5951F8B4371DEAB5711AA2F3BEC64BB7013C03E2A4F811568C019CC5FBD49AE1A228112CA1A01CD981BC56637936BA17\\$B79EFE33E41F464D553A41A603E85F4F](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=5951F8B4371DEAB5711AA2F3BEC64BB7013C03E2A4F811568C019CC5FBD49AE1A228112CA1A01CD981BC56637936BA17$B79EFE33E41F464D553A41A603E85F4F)

Reply to Parliamentary Question 5285 of 23 November 2021 on “Appel à projets "Zusammeliewen: lokal engagéieren a matmaachen"” by the Minister of Family and Integration on 16 December 2021, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=FFDE68FC1B93A60AC5A837EBB57862CC33C09B57DE1D6EB647B8006932CB44B003AC14424FEFCFED61591B9C629F3BBF5\\$3C47623B2837B34D0AE537D4D0994F20](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=FFDE68FC1B93A60AC5A837EBB57862CC33C09B57DE1D6EB647B8006932CB44B003AC14424FEFCFED61591B9C629F3BBF5$3C47623B2837B34D0AE537D4D0994F20)

#### C.4. Bills and other parliamentary documents

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[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=1A10786D34817FC20D50E4F8F9BAF1EE1F9523B01277049B43291ABE57F0E07B48541512ABAF3DBC19CBB7A8BA5BF0EB\\$AAE9F294E1D01472E8FB6F91EBA25A9D](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=1A10786D34817FC20D50E4F8F9BAF1EE1F9523B01277049B43291ABE57F0E07B48541512ABAF3DBC19CBB7A8BA5BF0EB$AAE9F294E1D01472E8FB6F91EBA25A9D)

Bill 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/FTSByteServletImpl?path=50812183A5A31F6A9E9583EF972D0AF4A2DC43D17EBF8CFA2988B5FF1837DB64B03578E00F4C362FBA13BADE7257D18F\\$A827460303EFF4BA13A5891950D8FB36](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=50812183A5A31F6A9E9583EF972D0AF4A2DC43D17EBF8CFA2988B5FF1837DB64B03578E00F4C362FBA13BADE7257D18F$A827460303EFF4BA13A5891950D8FB36)

Bill 7682 amending the amended Law of 29 August 2008 on the free movement of persons and immigration. Introduced into Parliament on 16 October 2020, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519FC9ABD42E6572A292A576DF6779B9EC813\\$3B720993C9AEDDC5D06D72351744F628](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519FC9ABD42E6572A292A576DF6779B9EC813$3B720993C9AEDDC5D06D72351744F628)

Bill 7877 amending: 1° the amended electoral Law of 18 February 2003; 2° the amended Law of 27 July 27 1991 on electronic media. Introduced to Parliament on 2 September 2021, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B9159532AB5A3F5AA71D75A1C5C2CE3312C779C67AD5E4313C13D49720E62DA9AF7584FEEB88DCDCAECB1C2D15DF1EF8\\$8673DC05FB59EE3811F08E5D751FB7C2](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B9159532AB5A3F5AA71D75A1C5C2CE3312C779C67AD5E4313C13D49720E62DA9AF7584FEEB88DCDCAECB1C2D15DF1EF8$8673DC05FB59EE3811F08E5D751FB7C2) Bill 7881 on the exchange of information relating to nationals of countries outside the European Union as well as the European Criminal Records Information System (ECRIS). Introduced into Parliament on 10 September 2021, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=66C0BAF5DCD5DB2635F05B24CDC2877664199C1DDAA060DA0609FB5B4B6C36547420FDD19F4E9976E9FC54C986FFD20E\\$19D38184A5210CED1BA15FFE65014095](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=66C0BAF5DCD5DB2635F05B24CDC2877664199C1DDAA060DA0609FB5B4B6C36547420FDD19F4E9976E9FC54C986FFD20E$19D38184A5210CED1BA15FFE65014095)

Bill 7954 amending the amended Law of 29 August 2008 on the free movement of persons and immigration. Introduced to Parliament on 19 January 2022, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=19F44160E2C05E6724A5A07DC3BB9C7B42454B204205FADA475520C5C7D664072FDB7CE9C3FB910A167F35BBDC8CDBD8\\$029790C377134F421A094CD74B282055](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=19F44160E2C05E6724A5A07DC3BB9C7B42454B204205FADA475520C5C7D664072FDB7CE9C3FB910A167F35BBDC8CDBD8$029790C377134F421A094CD74B282055)

Opinion of the Chamber of Civil Servants and Public Employees on Bill 7681, Parliamentary document 7681/02, Luxembourg, 9 December 2020, URL:  
[https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B6AE257DBA397E903EAB144C8B4F4E85B92EB64D84A5F02EFA980D6E39E5F2BD8A8E49E805DB5F2F454A9698ED9DBEE1\\$3CBFC255545E3A17EC22C7F7BF338EEB](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B6AE257DBA397E903EAB144C8B4F4E85B92EB64D84A5F02EFA980D6E39E5F2BD8A8E49E805DB5F2F454A9698ED9DBEE1$3CBFC255545E3A17EC22C7F7BF338EEB)

Opinion of the Chamber of Commerce on Bill 7682, Parliamentary document n°7862/04, Luxembourg, 23 November 2020, URL:  
[https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=4C39A16D5666536CD452989D923AB813AFC5F203DF9729A15E8A188A63B40B06BD988E5D59DE187763705824123296D9\\$110410AC3C2FF7ED1D3A0FEA84B9481A](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=4C39A16D5666536CD452989D923AB813AFC5F203DF9729A15E8A188A63B40B06BD988E5D59DE187763705824123296D9$110410AC3C2FF7ED1D3A0FEA84B9481A)

Opinion of the Consultative Commission on Human Rights on Bill 7681, Parliamentary document 7681/03, Luxembourg, 18 March 2021, URL:  
[https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=2D2F43A886887D5EE7DB19AF61CA9C6D0F236A8904386617E0D1BA71E0B112AA7D313C7354BA5199CEAB6AAF520A0A43\\$C669164D6D71C5C8F04562F813A1A989](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=2D2F43A886887D5EE7DB19AF61CA9C6D0F236A8904386617E0D1BA71E0B112AA7D313C7354BA5199CEAB6AAF520A0A43$C669164D6D71C5C8F04562F813A1A989)

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[https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=E48C7D77E4883E3DE074C22C112A7CCFCFA25F66519485F7E21DFBEF096A3F4337043BB86011EA7C8BE59B3D68D0D4A\\$29A5062565D7897811DF66F7AF7A6759](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=E48C7D77E4883E3DE074C22C112A7CCFCFA25F66519485F7E21DFBEF096A3F4337043BB86011EA7C8BE59B3D68D0D4A$29A5062565D7897811DF66F7AF7A6759)

- Opinion of the Luxembourg Refugee Council on Bill 7681, Parliamentary document 7681/05, Luxembourg, 23 April 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=C31F56FF39C628925556D7E43294A2A327D035F5F483360444B3CB8A9BB2B814C73B3834B77654884891BA26E17C959A56FB0D32F0134C1849D71105E169635ED](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=C31F56FF39C628925556D7E43294A2A327D035F5F483360444B3CB8A9BB2B814C73B3834B77654884891BA26E17C959A56FB0D32F0134C1849D71105E169635ED)
- Opinion of the National Council for Foreigners on Bill 7877, Parliamentary document 7877/06, Luxembourg, 12 November 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=5AC3D183226BA493368F1E51AFA7E24AB86C5280D3496868F008F8BCBB4825C50FDC778B36BDC3DDFA91A145377B1C9352061448EBAFF4027D1B735737827B6BD](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=5AC3D183226BA493368F1E51AFA7E24AB86C5280D3496868F008F8BCBB4825C50FDC778B36BDC3DDFA91A145377B1C9352061448EBAFF4027D1B735737827B6BD)
- Opinion of the Association of Luxembourgish Cities and Municipalities (Syvicol) on Bill 7682, Parliamentary document 7682/02, Luxembourg, 9 November 2020, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=A44BB1159FF54308759F8231ECF67D3599778CF52956817EB3B6C84ED81F65EEA0FD2870895377F842EFE902CFD21915189538328C737130F06E8948AEFB4B01](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A44BB1159FF54308759F8231ECF67D3599778CF52956817EB3B6C84ED81F65EEA0FD2870895377F842EFE902CFD21915189538328C737130F06E8948AEFB4B01)
- Opinion of the Association of Luxembourgish Cities and Municipalities (Syvicol) on Bill 7877, Parliamentary document 7877/04, Luxembourg, 6 December 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B88C4B5268FA362F787BF64390AC141901A0B89A54A0AA5947CAD4B81266972CB0E5FE45E5A576FA060A4DDC9CE5FB765769D707601894D6AB1A163793591DC2E](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B88C4B5268FA362F787BF64390AC141901A0B89A54A0AA5947CAD4B81266972CB0E5FE45E5A576FA060A4DDC9CE5FB765769D707601894D6AB1A163793591DC2E)
- Report of the Commission des Affaires Etrangères et Européenne, de la Coopération, de l'Immigration et de l'Asile on Bill 7681, Parliamentary document 7681/04, Luxembourg, 20 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=7E9E2B2DB2EB537495E35BF547258250EFDB132BAE837DB35C893E5F06F352E660E07F0AFBBCF80869F971CB199F806F55BD18F8F6BEC14652610888B68731EB2](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=7E9E2B2DB2EB537495E35BF547258250EFDB132BAE837DB35C893E5F06F352E660E07F0AFBBCF80869F971CB199F806F55BD18F8F6BEC14652610888B68731EB2)
- Report of the Commission des Affaires Etrangères et Européenne, de la Coopération, de l'Immigration et de l'Asile on Bill 7682, Parliamentary document n° 7862/06, 20 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=CF243EC39EEAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BF90F21EC9400505EDE3E26F9C2AA8281A96896E549DCF](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=CF243EC39EEAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BF90F21EC9400505EDE3E26F9C2AA8281A96896E549DCF)

## C.5. Laws

- Code Civil, Article 389-3, l'administrateur legal, URL: <https://legilux.public.lu/eli/etat/leg/code/civil/20200101>
- Law of 16 December 2008 concerning the reception and integration of foreigners in the Grand Duchy of Luxembourg. Published in Memorial A 209 of 24 December 2008, URL: <https://legilux.public.lu/eli/etat/leg/loi/2008/12/16/n5/jo>
- Law of 9 April 2014 strengthening the rights of victims of trafficking in human beings and amending 1° of the Penal Code; 2° of the amended Law of 12 March 1984 relating to the compensation of certain victims of bodily injury resulting from an offense and to the repression of fraudulent insolvency; 3° of the Law of 8 May 2009 on assistance, protection and security for victims of human trafficking and amending the New Code of Civil Procedure; 4° of the Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 63 of 14 April 2014, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2014/04/09/n1/jo>
- Law of 18 December, 2015, 1° on international protection and temporary protection; 2° Modifying: the amended law of 10 August 1991 on the legal profession, the amended law of 29 August 2008 on the free movement of persons and immigration, and the law of 28 May 2009 concerning the Detention Centre; 3° repealing the amended law of 5 May 2006 on the right to asylum and additional forms of protection. Published in Memorial A 225 of 28 December 2015; URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n15/jo>
- Law of 8 March 2017 on Luxembourg nationality and repealing: 1° the Law of 23 October 2008 on Luxembourg nationality; 2° the Law of 7 June 1989 relating to the transposition of the surnames and first names of persons who acquire or recover Luxembourg nationality, URL: <https://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a289/jo>
- Law of 27 June 2018 establishing the family affairs judge, reforming divorce and parental authority and amending: 1° the New Code of Civil Procedure; 2° the Civil Code; 3° the Penal Code; 4° the Social Security Code; 5° the Labour Code; 6° the amended Law of 11 November 1970 on the cession of labour remuneration and pensions; 7° the amended Law of 7 March 1980 on the organisation of the judiciary; 8° the amended Law of 10 August 1992 on the protection of young people; 9° the amended Law of 27 July 1997 on the insurance contract; 10° the amended Law of 9 July 2004 on the legal effects of certain partnerships; 11° the Act of 27 June 2017 adopting a multi-annual recruitment programme for the judiciary and amending the amended Act of 7 March 1980 on the organisation of the judiciary. Published in Memorial A 589 of 12 July 2018, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2018/06/27/a589/jo>
- Law of 4 December 2019 on the creation of the 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 protection and temporary protection. Published in Memorial A 907 of 28 December 2019, URL: <https://legilux.public.lu/eli/etat/leg/loi/2019/12/04/a907/jo>
- 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 persons and immigration. Published in Memorial A 536 of 2020, URL: <https://legilux.public.lu/eli/etat/leg/loi/2020/06/20/a536/jo>
- Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection. Published in Memorial A 489 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/06/16/a489/jo>
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<sup>34</sup> The EMN Asylum and Migration Glossary 7.0 is available on the following website: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

<sup>35</sup> Article 3 a) of the amended Law of August 29 2008 on the free movement of people and immigration (Immigration Law). Published in Memorial A 138 of 10 September 2008, URL: <http://legilux.public.lu/eli/etat/leg/loi/2008/08/29/n1/jo>

<sup>36</sup> Article 2 h) of the amended Law of 18 December 2015 on international protection and temporary protection (Asylum Law). Published in Memorial A 255 of 28 December 2015, URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n15/jo>

<sup>37</sup> Article 2 f) of the Asylum Law.

<sup>38</sup> Article 2 g) of the Asylum Law.

<sup>39</sup> National Institute for Statistics and Economic Studies (STATEC), "Population par nationalités détaillées au 1er janvier", LUSTAT Data Base, URL: [https://lustat.statec.lu/vis?fs\[0\]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20la%20population%23B%23%7Cpg=0&fc=Th%C3%A8mes&df\[ids\]=release&df\[id\]=DF\\_B1113&df\[ag\]=LU1&df\[vs\]=1.0&pd=2015%2C2022&dq=A](https://lustat.statec.lu/vis?fs[0]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20la%20population%23B%23%7Cpg=0&fc=Th%C3%A8mes&df[ids]=release&df[id]=DF_B1113&df[ag]=LU1&df[vs]=1.0&pd=2015%2C2022&dq=A)

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<sup>40</sup> National Institute for Statistics and Economic Studies (STATEC), “Population par nationalités détaillées au 1er janvier”, LUSTAT Data Base, URL: [https://lustat.statec.lu/vis?fs\[0\]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20a%20population%23B1%23&pg=0&fc=Th%C3%A8mes&df\[ds\]=release&df\[id\]=DF\\_B1113&df\[ag\]=LU1&df\[vs\]=1.0&pd=2015%2C2022&dq=A](https://lustat.statec.lu/vis?fs[0]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20a%20population%23B1%23&pg=0&fc=Th%C3%A8mes&df[ds]=release&df[id]=DF_B1113&df[ag]=LU1&df[vs]=1.0&pd=2015%2C2022&dq=A)

National Institute for Statistics and Economic Studies (STATEC), “La croissance de la population reboostée”, StatNews N°16, 11 April 2022, p.1, URL: <https://statistiques.public.lu/dam-assets/fr/actualites/population/population/2022/04/stn-population-04-22.pdf>

<sup>41</sup> The statistical adjustment for 2021 is -910. This adjustment reflects all statistical inaccuracies in the natural and migratory components. The population on 1 January 2022 is the result of the following factors: the population on 1 January 2021, the migratory surplus, the natural surplus and the statistical adjustment. Source: National Institute for Statistics and Economic Studies (STATEC), “La croissance de la population reboostée”, StatNews N°16, 11 April 2022, p.1, URL: <https://statistiques.public.lu/dam-assets/fr/actualites/population/population/2022/04/stn-population-04-22.pdf>

<sup>42</sup> Information obtained from the National Institute for Statistics and Economic Studies (STATEC) on 11 April 2022.

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<sup>43</sup> National Institute for Statistics and Economic Studies (STATEC), “Population par nationalités détaillées au 1er janvier”, LUSTAT Data Base, URL: [https://lustat.statec.lu/vis?fs\[0\]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20a%20population%23B1%23&pg=0&fc=Th%C3%A8mes&df\[ds\]=release&df\[id\]=DF\\_B1113&df\[ag\]=LU1&df\[vs\]=1.0&pd=2015%2C2022&dq=A](https://lustat.statec.lu/vis?fs[0]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20a%20population%23B1%23&pg=0&fc=Th%C3%A8mes&df[ds]=release&df[id]=DF_B1113&df[ag]=LU1&df[vs]=1.0&pd=2015%2C2022&dq=A)

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> With the withdrawal of the United Kingdom from the European Union, British nationals ceased to be citizens of the EU as of 1 February 2020. To better show the evolution of the number of British nationals in Luxembourg, the figures regarding 1 January 2019 and 1 January 2020 are included in this table although British nationals were not yet considered third-country nationals at that time.

<sup>47</sup> The Government of Luxembourg, “Accord entre l'Union européenne et le Royaume-Uni sur leurs relations futures”, Press release, 30 December 2019, URL: [https://maee.gouvernement.lu/fr/actualites/gouvernement%2Bfr%2Bactualites%2Btoutes\\_actualites%2Bcommuniques%2B2020%2B12-decembre%2B30-accord-ue-royaumeuni.html](https://maee.gouvernement.lu/fr/actualites/gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2020%2B12-decembre%2B30-accord-ue-royaumeuni.html)

<sup>48</sup> Council recommendation EU 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction, 1 July 2020, URL: <http://data.europa.eu/eli/reco/2020/912/oj>

<sup>49</sup> Information obtained from the Passport, Visa and Legalisation Office (BPVL) on 13 December 2021.

<sup>50</sup> Grand Ducal Regulation of 22 December 2021 amending the Grand Ducal Regulation of 20 June 2020 on 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 temporary measures relating to the application of the amended Immigration Law. Published in Memorial A 925 of 22 December 2022, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/12/22/a925/jo>

<sup>51</sup> 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 temporary measures relating to the application of the amended Law of 29 August 2008 on the free movement of persons and immigration, published in Memorial A 537 of 2020, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2020/06/20/a537/consolide/20211206>

<sup>52</sup> 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 persons and immigration, published in Memorial A 536 of 2020, URL: <https://legilux.public.lu/eli/etat/leg/loi/2020/06/20/a536/jo>

<sup>53</sup> Law of 17 December 2021 amending the amended 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 persons and immigration, published in Memorial A 924 of 2021, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/12/17/a924/jo>

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Everyone in Luxembourg or intending to travel to Luxembourg is advised to obtain the most up to date regulations, restrictions, measures, and procedures with respect to COVID-19 (available in English, French, Luxembourgish, and German), on the following website: <https://covid19.public.lu/en.html> (general information) <https://covid19.public.lu/en/travellers/visiting-luxembourg.html> (information concerning travel and entry).

<sup>54</sup> Grand Ducal Regulation of 22 December 2021 amending the Grand Ducal Regulation of 20 June 2020 on 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 temporary measures relating to the application of the amended Immigration Law. Published in Memorial A 925 of 22 December 2022, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/12/22/a925/jo>

<sup>55</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>56</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>57</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.

<sup>58</sup> ASTI, Centre LGBTIQ+ CIGALE, CLAE, Comité de Surveillance du SIDA, Comité National de Défense Sociale, Croix Rouge Luxembourgeoise, Caritas, Médecins du Monde, Médecins sans frontières, Passerell, Planning Familial, Ronnen Desch, Suchtverband, "Couverture Sanitaire Universelle: le moment d'agir est arrivé!", 5 July 2021, URL: <https://www.asti.lu/couverture-sanitaire-universelle-lettre-ouverte/>

<sup>59</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.

<sup>60</sup> Reply to Parliamentary Question 5049 of 5 October 2021 on current health measures at accommodation structures to prevent, detect and treat Covid 19-infections by the Minister of Immigration and Asylum on 9 November 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=76870163446E944B5C463F345AFE098FE90BB3FE0C587583797BE0FAA3F0355813EEA0B1EDF592B7CEFC43FCA84D093D\\$42675CD0868AF4E09C1COACO0E30F4B84](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=76870163446E944B5C463F345AFE098FE90BB3FE0C587583797BE0FAA3F0355813EEA0B1EDF592B7CEFC43FCA84D093D$42675CD0868AF4E09C1COACO0E30F4B84)

<sup>61</sup> Ibid.

<sup>62</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>63</sup> Ibid.

<sup>64</sup> Reply to Parliamentary Question 5049 of 5 October 2021 on current health measures at accommodation structures to prevent, detect and treat Covid 19-infections by the Minister of Immigration and Asylum on November 9, 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=76870163446E944B5C463F345AFE098FE90BB3FE0C587583797BE0FAA3F0355813EEA0B1EDF592B7CEFC43FCA84D093D\\$42675CD0868AF4E09C1COACO0E30F4B84](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=76870163446E944B5C463F345AFE098FE90BB3FE0C587583797BE0FAA3F0355813EEA0B1EDF592B7CEFC43FCA84D093D$42675CD0868AF4E09C1COACO0E30F4B84)

ONA makes Covid-19 related information available in the following languages and topics: Information on isolation and quarantine: French, German, English, Luxembourgish, Portuguese, Spanish, Russian, Albanian, Serbian, Tigrinya, Turkish

Information on Covid-19-vaccination: French, German, English, Luxembourgish, Arabic, Farsi, Tigrinya, Spanish, Russian, Albanian, Serbian, Croatian, Bosnian, Turkish

Post-vaccination information: French, German, English, Arabic, Farsi, Tigrinya, Spanish, Russian, Albanian, Bosnian-Croatian-Montenegrin-Serbian, Turkish,

Invitation to get vaccinated: French, German, English, Arabic, Farsi, Tigrinya, Spanish, Russian, Albanian, Bosnian-Croatian-Montenegrin-Serbian, Turkish

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<sup>65</sup> Article 4sexies of the amended Law of 17 July 2020 on the measures to fight against the Covid-19 pandemic as amended by the Law of 16 December 2021 amending: 1° the amended Law of 17 July 2020 on measures to combat the Covid-19 pandemic; 2° the amended Law of 6 January 1995 on the wholesale distribution of medicinal products; 3° of the amended Law of 20 June 2020 on 1° temporary derogation from certain provisions of the labour law in relation to the state of crisis linked to Covid-19; 2° amendment of the Labour Code; 4° the amended Law of 24 June 2020 introducing temporary measures relating to the amended Municipal Law of 13 December 1988 and the amended Law of 27 March 2018 on the organisation of civil protection in the context of the fight against Covid-19; 5° the amended Law of 24 June 2020 introducing a temporary measure relating to the application of Article 12 of the amended Law of 19 July 2004 on municipal planning and urban development in the context of the fight against Covid-19; 6° of the amended Law of 24 June 2020 concerning the celebration of marriage in a municipal building other than the municipal house in the context of the fight against the Covid-19 pandemic; 7° of the Law of 24 July 2020 temporarily derogating from Articles L. 524-1, L. 524-2, L. 524-5, L. 541-1 and L. 541-2 of the Labour Code; 8° of the amended Law of 19 December 2020 temporarily derogating from Article L. 121-6 of the Labour Code; 9° of the amended Law of 19 December 2020 setting up a temporary State contribution to the uncovered costs of certain companies; 10° of the amended Law of 19 December 2020 concerning the introduction of a new stimulus package; 11° of the amended Law of 22 January 2021 concerning: 1° the amendment of Articles L. 234-51, L. 234-52 and L. 234-53 of the Labour Code; 2° a temporary derogation from the provisions of Articles L. 234-51, L. 234-52 and L. 234-53 of the Labour Code. Published in Memorial A 875 of 16 December 2021. URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/12/16/a875/jo>

<sup>66</sup> The Government of Luxembourg, "Arrivée au Luxembourg de quatre mineurs non accompagnés depuis le camp de Moria en Grèce", Press release, 7 January 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/01-janvier/07-arrivee-mineurs-moria.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/01-janvier/07-arrivee-mineurs-moria.html)

<sup>67</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 7, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>68</sup> Reply to Parliamentary Question 4093 of 16 April 2021 on Luxembourg's involvement in Afghanistan by the Minister of Foreign and European Affairs on 14 May 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=CD314A68C6E9263870B027B8D8D5EB2A44E88BD931348DEF5E791A267B3C643CD53C6FC43428F5D6021A2313EC22DEDD\\$D2DEA04CAC5A95FD7AFCE565BD27D1E4](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=CD314A68C6E9263870B027B8D8D5EB2A44E88BD931348DEF5E791A267B3C643CD53C6FC43428F5D6021A2313EC22DEDD$D2DEA04CAC5A95FD7AFCE565BD27D1E4)

<sup>69</sup> Reply to Parliamentary Question 4844 of 12 August 2021 on the protection of Afghan nationals by the Minister of Foreign and European Affairs on 10 September 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=936F36A76C9959B042EEC3512B19ADC92259BC1F6F1C3B F664E06D9ACAE0B29F65B4F77535C6C116C143B98F464D8ACB\\$91A6B7AC5976E1F4B8825223C29CCEFF](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=936F36A76C9959B042EEC3512B19ADC92259BC1F6F1C3B F664E06D9ACAE0B29F65B4F77535C6C116C143B98F464D8ACB$91A6B7AC5976E1F4B8825223C29CCEFF)

<sup>70</sup> The Government of Luxembourg, "8 ayants-droit luxembourgeois ont réussi à entrer à l'aéroport de Kaboul grâce aux efforts conjoints avec la Belgique et les Pays-Bas", Press release, 24 August 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/08-aout/24-luxembourgeois-aeroport-kaboul.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/08-aout/24-luxembourgeois-aeroport-kaboul.html)

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<sup>71</sup> Information obtained from the Directorate of Immigration on 17 January 2022.

<sup>72</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 10, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>73</sup> The Government of Luxembourg, "Jean Asselborn a participé à la réunion extraordinaire du Conseil "Affaires intérieures" de l'Union européenne", Press release, 1 September 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/09-septembre/01-asselborn-ue.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/09-septembre/01-asselborn-ue.html)

<sup>74</sup> Directorate for Development Cooperation and Humanitarian Action, Ministry of Foreign and European Affairs, "L'aide humanitaire luxembourgeoise augmente son soutien en Afghanistan" Press release, 13 September 2021, URL: [https://cooperation.gouvernement.lu/fr/support/recherche.gouvernement%2Bfr%2Bactualites%2Btoutes\\_actualites%2Bcommuniques%2B2021%2B09-septembre%2B13-fayot-afghanistan.html](https://cooperation.gouvernement.lu/fr/support/recherche.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2021%2B09-septembre%2B13-fayot-afghanistan.html)

<sup>75</sup> Reply to Parliamentary Question 5145 of 25 October 2021 on the military engagement of Luxembourg in Afghanistan by the Ministers of Defense, of Immigration and Asylum; for Cooperation and Humanitarian Action; of Foreign and European Affairs on 25 November 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=5951F8B4371DEAB5711AA2F3BEC64BB7013C03E2AF4811568C019CC5FBD49AE1A228112CA1A01CD981BC56637936BA175B79EFE33E41F464D553A41A603E85F4F](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=5951F8B4371DEAB5711AA2F3BEC64BB7013C03E2AF4811568C019CC5FBD49AE1A228112CA1A01CD981BC56637936BA175B79EFE33E41F464D553A41A603E85F4F)

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<sup>76</sup> Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", 7 February 2022, p. 10, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>77</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 10, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>78</sup> Information obtained from the Directorate of Immigration on 17 January 2022.

<sup>79</sup> The Government of Luxembourg, "Communiqué presse par le ministère des Affaires étrangères et européennes: Jean Asselborn au Forum à haut niveau sur la protection des Afghans à risque", Press release, 7 October 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/10-octobre/07-asselborn-forum.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/10-octobre/07-asselborn-forum.html)

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<sup>80</sup> Information obtained from Service Affaires Européennes (Ministry of Foreign and European Affairs) on 13 December 2021.

<sup>81</sup> Directorate for Development Cooperation and Humanitarian Action, Ministry of Foreign and European Affairs, "La Coopération luxembourgeoise en Afghanistan", Press release, 18 August 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/08-aout/18-cooperation-afghanistan.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/08-aout/18-cooperation-afghanistan.html)

<sup>82</sup> Association de Soutien aux Travailleurs Immigrés (ASTI), URL: <https://www.asti.lu/>

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Oppent Haus (Open Home), URL: <https://integratioun.lu/project/oppent-haus-open-home/> and <https://www.facebook.com/oppenthaus/>

Passerell, URL: <https://www.passerell.lu/>

Time for Equality, URL: <https://timeforequality.org/>

Reech Eng Hand, URL: <https://web.cathol.lu/2/services/reech-eng-hand/reech-eng-hand-reich-eine-hand/>

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<sup>84</sup> ACAT, Afghan-Lux community outreach, Amnesty International Luxembourg, ASTI, CLAE, Open Home, Passerell, Time for Equality, Reech Eng Hand, RYSE, "Afghanistan is not safe: il est urgent d'agir!", 23 August 2021, URL: <https://www.asti.lu/afghanistan-is-not-safe-il-est-urgent-dagir/>

<sup>85</sup> The Government of Luxembourg, "Communiqué de presse du 1er octobre 2021 par le ministre de l'Immigration et de l'Asil", Press release, 1 October 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/10-octobre/01-asselborn-dpi-afghan.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/10-octobre/01-asselborn-dpi-afghan.html)

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<sup>86</sup> Luxembourg Refugee Council (ACAT, AIL, ASTI, CARITAS, CLAE, Fondation Maison Porte Ouverte, Passerell, Medecins du Monde, Reech Eng Hand, RYSE), URL: <https://www.lfr.lu/>

Afghan-Lux community outreach, URL: <https://afghanistan.lu/>

Oppent Haus (Open Home), URL: <https://integratioun.lu/proiect/oppent-haus-open-home/> and <https://www.facebook.com/oppenthaus/>

Time for Equality, URL: <https://timeforequality.org/>

<sup>87</sup> LFR and Afghanistan is not safe, "Afghan.e.s au Luxembourg: quelle justification à l'attente?", 27 October 2021, URL: <https://www.asti.lu/afghan-e-s-au-luxembourg-quelle-justification-a-lattente/>

Ministry of Foreign and European Affairs, "Luxembourg's candidacy to the Human Rights Council 2022-2024", URL: <https://maee.gouvernement.lu/en/directions-du-ministere/affaires-politiques/droits-de-l-homme/candidature-cdh-22-24.html>

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Embassy of Luxembourg to Copenhagen, Luxembourg elected for the first time to the UN Human Rights Council, 14 October 2021, URL: <https://copenhague.mae.lu/en/actualites/2021/lu-elected-un-human-rights-council.html>

<sup>88</sup> LFR and Afghanistan is not safe, "Afghan.e.s au Luxembourg: quelle justification à l'attente?", 27 October 2021, URL: <https://www.asti.lu/afghan-e-s-au-luxembourg-quelle-justification-a-lattente/>

<sup>89</sup> The Government of Luxembourg, "Communiqué de presse au sujet de la prise de décision actuelle en matière de protection internationale des demandeurs afghans", Press release, 3 November 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/11-novembre/03-dpi-afghan.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/11-novembre/03-dpi-afghan.html)

<sup>90</sup> Luxembourg Refugee Council, "Afghanistan is not safe", Press release, 27 October, 2021, URL: [https://619010fd-b8ee-47c4-bc7d-18228604e533.filesusr.com/ugd/a35505\\_22d8caa6b18d4a789c32dfb2090d2b0b.pdf](https://619010fd-b8ee-47c4-bc7d-18228604e533.filesusr.com/ugd/a35505_22d8caa6b18d4a789c32dfb2090d2b0b.pdf)

<sup>91</sup> The Government of Luxembourg, "Communiqué de presse au sujet de la prise de décision actuelle en matière de protection internationale des demandeurs afghans", Press release, 3 November 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/11-novembre/03-dpi-afghan.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/11-novembre/03-dpi-afghan.html)

Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 10. URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>92</sup> Some figures reported for 2020 possibly differ for 2021 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.

<sup>93</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 11, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>94</sup> Ibid., p. 14.

<sup>95</sup> Ibid.

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/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20210301-Bilan-2020-Asile,-immigration-et-accueil.pdf>

<sup>96</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 17, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>97</sup> Ibid., p. 18.

<sup>98</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 19, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>99</sup> 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. 16, URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20210301-Bilan-2020-Asile,-immigration-et-accueil.pdf>

<sup>100</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2019 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2020, p. 19, 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](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)

<sup>101</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 19, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>102</sup> The category "Other" includes: investors, community service providers or workers for a community service provider, ICT mobile expert/executives and ICT mobile employee/trainees, ICT - employee-trainee (for 2021), private reasons, volunteers (for 2019 and 2020) as well as NMCD students and ICTs. The number of residence permits for each of the listed categories is lower than five per year.

<sup>103</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 2022, p. 20, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>104</sup> Ibid., p. 13.

<sup>105</sup> Ibid.

<sup>106</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>107</sup> Taking into consideration that a residence permit is issued to each family member. This implies that one sponsor can have several family members.

<sup>108</sup> These figures take into account authorisations to work.

Legitimation documents for civil servants and family members are not included in the table.

In contrast to previous years no third-country nationals holding residence permits with the categories “Mobile ICT - specialist/manager” and “Pupils” were reported.

<sup>109</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>110</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 2022, p. 15, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>111</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>112</sup> OECD, “OECD Skills Strategies”, n.d., URL: <https://www.oecd.org/skills/oecd-skills-strategies.htm>

OECD, “Building effective skills strategies”, brochure, URL: [https://www.oecd.org/skills/centre-for-skills/OECD\\_Skills\\_Strategy\\_Projects\\_Brochure.pdf](https://www.oecd.org/skills/centre-for-skills/OECD_Skills_Strategy_Projects_Brochure.pdf)

<sup>113</sup> Ministry of Labour, Employment and the Social and Solidarity Economy, Ministry of Higher Education and Research, Employment Development Agency (ADEM), and Ministry of Education, Children and Youth, “National Skills Strategy’ – une étude réalisée par l’OCDE en association étroite avec les partenaires sociaux du pays”, Press release, 28 October 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/10-octobre/28-national-skills-strategy.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/10-octobre/28-national-skills-strategy.html)

<sup>114</sup> Ministerial Regulation of 15 December 2021 fixing the average gross annual salary under the amended Grand Ducal Regulation of 26 September 2008 determining the minimum wage level for a highly qualified worker in execution of the Law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 887 of 20 December 2021, URL: <https://legilux.public.lu/eli/etat/leg/rmin/2021/12/15/a887/jo>

<sup>115</sup> Grand Ducal Regulation of 26 September 2008 determining the minimum wage level for a highly qualified worker in execution of the Law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 145 of 29 September 2008, URL: <http://data.legilux.public.lu/eli/etat/leg/rgd/2008/09/26/n3/jo>

<sup>116</sup> Ministerial Regulation of 15 December 2021 fixing the average gross annual salary under the amended Grand Ducal Regulation of 26 September 2008 determining the minimum wage level for a highly qualified worker in execution of the Law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 887 of 20 December 2021. URL: <https://legilux.public.lu/eli/etat/leg/rmin/2021/12/15/a887/jo>

<sup>117</sup> Centre commun de la sécurité sociale (CCSS) (Joint Social Security Centre), Codes CIP (Certificat d’Initiation Pratique), 17 February 2020, URL: <https://ccss.public.lu/fr/codes-cip.html>

<sup>118</sup> Ministerial Regulation of 15 December 2021 fixing the average gross annual salary under the amended Grand Ducal Regulation of 26 September 2008 determining the minimum wage level for a highly qualified worker in execution of the Law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 887 of 20 December 2021, URL: <https://legilux.public.lu/eli/etat/leg/rmin/2021/12/15/a887/jo>

<sup>119</sup> Law of 16 June 2021 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 490 of 1 July 2021, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

<sup>120</sup> The terms “to twelve” and “to six” were deleted under Article 47(4) of the amended Law of 29 August 2008 on the free movement of people and immigration.

<sup>121</sup> Report of the Commission des Affaires Etrangères et Européenne, de la Coopération, de l’Immigration et de l’Asile on Bill 7682, Parliamentary document n° 7862/06, 20 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=CF243EC39EAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BEF90F21EC9400\\$05EDE3E26F9C2AA8281A96896E549DCF](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=CF243EC39EAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BEF90F21EC9400$05EDE3E26F9C2AA8281A96896E549DCF)

<sup>122</sup> Bill 7682 amending the amended Law of 29 August 2008 on the free movement of persons and immigration. Introduced into Parliament on 16 October 2020, p. 5, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813\\$3B720993C9AEDDC5D06D72351744F628](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813$3B720993C9AEDDC5D06D72351744F628)

<sup>123</sup> Ibid.

<sup>124</sup> Opinion of the Chamber of Commerce on Bill 7682, Parliamentary document n°7862/04, Luxembourg, 23 November 2020, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=4C39A16D5666536CD452989D923AB813AFC5F203DF9729A15E8A188A63B40B06BD988E5D59DE187763705824123296D9\\$110410AC3C2FF7ED1D3A0FEA84B9481A](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=4C39A16D5666536CD452989D923AB813AFC5F203DF9729A15E8A188A63B40B06BD988E5D59DE187763705824123296D9$110410AC3C2FF7ED1D3A0FEA84B9481A)

<sup>125</sup> Researchers are considered as economic migrants in Luxembourg.

<sup>126</sup> European Commission, “Luxembourg’s recovery and resilience plan”, n.d, URL: [https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/luxembourg-recovery-and-resilience-plan\\_en](https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/luxembourg-recovery-and-resilience-plan_en)

<sup>127</sup> The Government of Luxembourg, “Plan pour la reprise et la résilience du Grand-Duché De Luxembourg”, June 2021, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2021/06-juin/18-vonderleyen-luxembourg/Plan-pour-la-reprise-et-la-resilience.pdf>

The Government of Luxembourg, “Recovery and resilience plan of the Grand-Duchy of Luxembourg”, June 2021, English summary, URL: <https://mfin.gouvernement.lu/dam-assets/publications/RRR-Final-EN-August-with-Cover.pdf>

<sup>128</sup> Ministry of State & Ministry of Finance, “La présidente Ursula von der Leyen félicite le Luxembourg pour son Plan pour la reprise et la résilience”, Press release, 18 June 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/06-juin/18-vonderleyen-luxembourg.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/06-juin/18-vonderleyen-luxembourg.html)

<sup>129</sup> Law of 16 June 2021 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 490 of 1 July 2021, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

Bill 7682 amending the amended Law of 29 August 2008 on the free movement of persons and immigration. Introduced into Parliament on 16 October 2020, pp. 3-4. URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813\\$3B720993C9AEDDC5D06D72351744F628](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813$3B720993C9AEDDC5D06D72351744F628)

<sup>130</sup> Paragraph 1, point 2, Article 61 of the amended Law of 29 August 2008 on the free movement of people and immigration. The words “, in the two years preceding the date of the request, a training certificate entered in the register of training certificates, higher education section, referred to in Article 68 of the Law of 28 October 2016 on the recognition of professional qualifications, and corresponding to a level 5 to 8 of the Luxembourg qualifications framework referred to in Article 69 of the aforementioned Law or that he follows a course of studies leading to obtaining a diploma of such a qualification” are replaced by “a higher education diploma within the two years preceding the date of the application or that they follow a course of studies leading to ‘obtaining a higher education diploma’”.

Paragraph 2, Article 61 of the amended Law of 29 August 2008 on the free movement of people and immigration. The words: “the host entity provides” are replaced by “the Minister may ask the host entity to provide”.

<sup>131</sup> Opinion of the Chamber of Commerce on Bill 7682, Parliamentary document n°7682/04, 23 November 2020, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=EE719DC83AF2E7F2D43FA59BF6C56CEF9B2A0244EA3F054E1DA3FE8C7449A2664DF3D061C812DE4A70A55FE675C64B95\\$B514F1447AA3C60BB00DB32C795FC836](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=EE719DC83AF2E7F2D43FA59BF6C56CEF9B2A0244EA3F054E1DA3FE8C7449A2664DF3D061C812DE4A70A55FE675C64B95$B514F1447AA3C60BB00DB32C795FC836)

<sup>132</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 2022, pp. 13 & 17, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>133</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 2022, p. 22, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>134</sup> Ibid.

<sup>135</sup> Law of 16 June 2021 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 490 of 1 July 2021. URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

<sup>136</sup> Article 9 of the Law of 16 June 2021 replaces the term “three” with “six” of Article 69, paragraph 3 of the amended Law of 29 August 2008 on the free movement of people and immigration.

<sup>137</sup> The terms “complete copies” replace the terms “certified copies”. Article 10 of the Law of 16 June 2021 amending Article 73, paragraph 1 of the amended Law of 29 August 2008 on the free movement of people and immigration.

<sup>138</sup> Grand Ducal Regulation of 16 June 2021 amending: 1° the amended Grand Ducal Regulation of 5 September 2008 on the sponsorship of foreigners foreseen in Article 4 of the Law of 29 August on the free movement of persons and immigration; 2° the amended Grand Ducal Regulation of 5 September 2008 implementing certain provisions relating to administrative formalities foreseen in the Law of 29 August on the free movement of persons and immigration. Published in Memorial A 491 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/06/16/a491/jo>

<sup>139</sup> Report of the Commission des Affaires Etrangères et Européenne, de la Coopération, de l’Immigration et de l’Asile on Bill 7682, Parliamentary document n° 7862/06, 20 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=CF243EC39EAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BEF90F21EC9400\\$05EDE3E26F9C2AA8281A96896E549DCF](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=CF243EC39EAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BEF90F21EC9400$05EDE3E26F9C2AA8281A96896E549DCF)

<sup>140</sup> Opinion of the Consultative Commission on Human Rights on Bill 7682, Parliamentary document 7682/05, Luxembourg, 29 April 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=E48C7D77E4883E3DE074C22C112A7CCEFCFA25F66519485F7E21DFBEF096A3F4337043BB86011EA7C8BE59B3D68D0D4A\\$29A5062565D7897811DF6EF7AF7A6759](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=E48C7D77E4883E3DE074C22C112A7CCEFCFA25F66519485F7E21DFBEF096A3F4337043BB86011EA7C8BE59B3D68D0D4A$29A5062565D7897811DF6EF7AF7A6759)

<sup>141</sup> Opinion of the Association of Luxembourgish Cities and Municipalities (Syvicol) on Bill 7682, Parliamentary document 7682/02, Luxembourg, 9 November 2020, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=A44BB1159FF54308759F8231ECF67D3599778CF52956817EB3B6C84ED81F65EEAA0FD2870895377F842EFE902CFD2191\\$189538328C737130F06E8948AEFB4B01](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A44BB1159FF54308759F8231ECF67D3599778CF52956817EB3B6C84ED81F65EEAA0FD2870895377F842EFE902CFD2191$189538328C737130F06E8948AEFB4B01)

<sup>142</sup> Opinion of the Consultative Commission on Human Rights on Bill 7682, Parliamentary document 7682/05, Luxembourg, 29 April 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=E48C7D77E4883E3DE074C22C112A7CCEFCFA25F66519485F7E21DFBEF096A3F4337043BB86011EA7C8BE59B3D68D0D4A\\$29A5062565D7897811DF6EF7AF7A6759](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=E48C7D77E4883E3DE074C22C112A7CCEFCFA25F66519485F7E21DFBEF096A3F4337043BB86011EA7C8BE59B3D68D0D4A$29A5062565D7897811DF6EF7AF7A6759)

<sup>143</sup> Ibid.

<sup>144</sup> Parliamentary Question 4636 on “Bénéficiaires d'une procédure de regroupement familial”, 8 July 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=AADD0C3F79E44F7CE4C8136C61004F37C2E82D30F6128FD95A562333C35D2A0EF005545B551FCC7C7DE6AC353D5E240A\\$635B813FBCC49A8DF36242451E4347A8](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=AADD0C3F79E44F7CE4C8136C61004F37C2E82D30F6128FD95A562333C35D2A0EF005545B551FCC7C7DE6AC353D5E240A$635B813FBCC49A8DF36242451E4347A8)

<sup>145</sup> Reply to Parliamentary Question 4636 of 8 July 2021 on “Bénéficiaires d'une procédure de regroupement familial” by the Ministers in charge of Family and Integration and of Immigration and Asylum on 2 August 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=D1557CA2C8ACE5D2608916D08BA394130A95026D234F855A7F3741F3315F14C2F753F20A76094D0F2885F5329ED14148\\$3455C53781E50A01D04A76C1D4B13368](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=D1557CA2C8ACE5D2608916D08BA394130A95026D234F855A7F3741F3315F14C2F753F20A76094D0F2885F5329ED14148$3455C53781E50A01D04A76C1D4B13368)

<sup>146</sup> Reply to Parliamentary Question 4972 of 16 September 2021 on “Bénéficiaires d'une procédure de regroupement familial” by the Minister in charge of Immigration and Asylum on 13 October 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=A0164BC6BDB271425C0FB9D07F683F6AA6496C6EA35A64258FC9193F2094885D161B4BB3745A536A3494157BDAA7C4B3\\$5D066619CC4E42D7305787D143B25634](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=A0164BC6BDB271425C0FB9D07F683F6AA6496C6EA35A64258FC9193F2094885D161B4BB3745A536A3494157BDAA7C4B3$5D066619CC4E42D7305787D143B25634)

<sup>147</sup> Ministry of Foreign and European Affairs, “Rapport d'activité 2021”, 1 March 2022, p. 24, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-affaires-etrangeres-europeennes/2021-rapport-activite-maee/2021-rapport-activite-maee.pdf>

<sup>148</sup> Ibid.

EMN, “Annual Report on Migration and Asylum 2020, Statistical Annex”, June 2021, URL: [https://ec.europa.eu/home-affairs/system/files/2021-10/00\\_eu\\_arm\\_2020\\_statistical\\_annex\\_0.pdf](https://ec.europa.eu/home-affairs/system/files/2021-10/00_eu_arm_2020_statistical_annex_0.pdf)

EMN, “Annual Report on Migration and Asylum 2019, Statistical Annex”, December 2020, URL: [https://ec.europa.eu/home-affairs/system/files/2020-12/00\\_eu\\_arm2019\\_statistical\\_annex\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2020-12/00_eu_arm2019_statistical_annex_final_en.pdf)

<sup>149</sup> Law of 16 June 2021 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 490 of 1 July 2021, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

<sup>150</sup> Article 1 of the Law of 16 June 2021 amending Article 4 of the Law of 29 August 2008 on the free movement of people and immigration. Article 4, paragraph 1 was replaced with the following:

“For the purposes of this Law, a financial statement is understood to mean the commitment made by a natural person who has Luxembourg nationality and resides in the Grand Duchy of Luxembourg or who is authorized to reside in the Grand Duchy of Luxembourg for a period of duration of at least one year, with regard to a foreigner and the Luxembourg State to cover the costs of stay, including health costs, and return from abroad for a fixed period which cannot exceed a period of 90 days in the event of a stay of up to 90 days and a period of one year in the event of a stay longer than three months. The commitment can be renewed.”

Under paragraph 2, the words “without having recourse to the social assistance system” and were “from the entry of the foreigner onto the territory of the Schengen Area” were added.

Paragraph 3 was repealed.

<sup>151</sup> Report by the Commission des Affaires Etrangères et Européenne, de la Coopération, de l'Immigration et de l'Asile on Bill 7682, Parliamentary document n° 7862/06, 20 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=CF243EC39EEAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BEF90F21EC9400\\$05EDE3E26F9C2AA8281A96896E549DCF](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=CF243EC39EEAE696A20AA61E1F803D87CB1381BE242B516955BEC7F8671B87163D81AB399997196088BEF90F21EC9400$05EDE3E26F9C2AA8281A96896E549DCF)

<sup>152</sup> Grand Ducal Regulation of 16 June 2021 amending: 1° the Grand Ducal Regulation of 5 September 2008 on the certificate of sponsorship for a foreigner provided for in Article 4 of the Law of 29 August 2008 on the free movement of persons and immigration ; 2° the amended Grand Ducal regulation of 5 September 2008 implementing certain provisions relating to administrative formalities provided for by the law of 29 August 2008 on the free movement of persons and immigration. Published in Memorial A 491 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/06/16/a491/jo>

<sup>153</sup> The Government of Luxembourg, Information Portal Guichet.lu, Applying for a residence document for British nationals and members of their family who are nationals of a third country, covered by the Withdrawal Agreement (for persons who are residents on 31 December 2020), URL: <https://guichet.public.lu/en/citoyens/immigration/plus-3-mois/ressortissant-britannique/document-sejour-ressortissant-britannique-membre-famille.html>

<sup>154</sup> The Government of Luxembourg, “Prolongation du délai pour l'introduction des demandes en obtention des documents de séjour pour les ressortissants britanniques suite au retrait du Royaume-Uni de l'Union européenne”, Press release, 25 June 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/06-juin/25-prolongation-delai-accord-retrait.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/06-juin/25-prolongation-delai-accord-retrait.html)

<sup>155</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil”, Luxembourg, 2022, pp. 23-24, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>156</sup> National Institute for Statistics and Economic Studies (STATEC), “Population par nationalités détaillées au 1er janvier”, LUSTAT Data Base, URL: [https://lstat.statec.lu/vis?fs\[0\]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20la%20population%23B1%23&pg=0&fc=Th%C3%A8mes&df\[ds\]=release&df\[id\]=DF\\_B1113&df\[ag\]=LU1&df\[vs\]=1.0&pd=2015%2C2022&dq=A](https://lstat.statec.lu/vis?fs[0]=Th%C3%A8mes%2C1%7CPopulation%20et%20emploi%23B%23%7CEtat%20de%20la%20population%23B1%23&pg=0&fc=Th%C3%A8mes&df[ds]=release&df[id]=DF_B1113&df[ag]=LU1&df[vs]=1.0&pd=2015%2C2022&dq=A)

<sup>157</sup> Ministry of Justice, “Procédures de nationalité luxembourgeoise clôturées – Année 2021”, Luxembourg, 2022, URL: [https://mj.gouvernement.lu/content/dam/gouv\\_mj/dossiers/dossier-nationalite/statistiques/Procdures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf](https://mj.gouvernement.lu/content/dam/gouv_mj/dossiers/dossier-nationalite/statistiques/Procdures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf)

See also: 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>

Ministry of Justice, “Procédures de nationalité luxembourgeoise clôturées – année 2019”, Luxembourg, 2020, URL: <https://mj.gouvernement.lu/dam-assets/dossiers/dossier-nationalite/statistiques/Ind-Stat-2019.pdf>

<sup>158</sup> Ministry of Justice, “Procédures de nationalité luxembourgeoise clôturées – Année 2021”, Luxembourg, 2022, URL: [https://mj.gouvernement.lu/content/dam/gouv\\_mj/dossiers/dossier-nationalite/statistiques/Procdures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf](https://mj.gouvernement.lu/content/dam/gouv_mj/dossiers/dossier-nationalite/statistiques/Procdures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf)

The Government of Luxembourg, Information Portal Guichet.lu, Acquiring Luxembourgish nationality by option (case 6), URL: <https://guichet.public.lu/en/citovens/citovennete/nationalite-luxembourgeoise/acquisition-recouvrement/option.html>

<sup>159</sup> Law of 16 June 2021 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 490 of 1 July 2021. URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

<sup>160</sup> Grand Ducal Regulation of 16 June 2021 amending: 1° the amended Grand Ducal Regulation of 5 September 2008 on the sponsorship of foreigners foreseen in Article 4 of the Law of 29 August on the free movement of persons and immigration; 2° the amended Grand Ducal Regulation of 5 September 2008 implementing certain provisions relating to administrative formalities foreseen in the Law of 29 August on the free movement of persons and immigration. Published in Memorial A 491 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/06/16/a491/jo>

<sup>161</sup> Article 2 of the Law of 16 June 2021 amending Article 8, paragraph 3 of the amended Law of 29 August 2008 on the free movement of people and immigration.

Article 4 of the Law of 16 June 2021 amending Article 15, paragraph 3 of the amended Law of 29 August 2008 on the free movement of people and immigration.

<sup>162</sup> Grand Ducal Regulation of 16 June 2021 amending: 1° the amended Grand Ducal Regulation of 5 September 2008 on the sponsorship of foreigners foreseen in Article 4 of the Law of 29 August on the free movement of persons and immigration; 2° the amended Grand Ducal Regulation of 5 September 2008 implementing certain provisions relating to administrative formalities foreseen in the Law of 29 August on the free movement of persons and immigration. Published in Memorial A 491 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/06/16/a491/jo>

<sup>163</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 12, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>164</sup> Article 5 of the Law of 16 June 2021 amends Article 40, paragraph 2 of the amended Law of 29 August 2008 on the free movement of people and immigration by deleting the terms “a copy of the residence permit”.

<sup>165</sup> Grand Ducal Regulation of 16 June 2021 amending: 1° the amended Grand Ducal Regulation of 5 September 2008 on the sponsorship of foreigners foreseen in Article 4 of the Law of 29 August on the free movement of persons and immigration; 2° the amended Grand Ducal Regulation of 5 September 2008 implementing certain provisions relating to administrative formalities foreseen in the Law of 29 August on the free movement of persons and immigration. Published in Memorial A 491 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/06/16/a491/jo>

<sup>166</sup> Opinion of the Association of Luxembourgish Cities and Municipalities (Syvicol) on Bill 7682, Parliamentary document 7682/02, Luxembourg, 9 November 2020, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=A44BB1159FF54308759F8231ECF67D3599778CF52956817EB3B6C84ED81F65EEAA0FD2870895377F842EFE902CFD2191\\$189538328C737130F06E8948AEFB4B01](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=A44BB1159FF54308759F8231ECF67D3599778CF52956817EB3B6C84ED81F65EEAA0FD2870895377F842EFE902CFD2191$189538328C737130F06E8948AEFB4B01)

<sup>167</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 23, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>168</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>169</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 3, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>170</sup> Ibid., p. 4.

<sup>171</sup> Ibid., p. 3.

<sup>172</sup> Ibid., pp. 10-11.

<sup>173</sup> 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, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 4, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>174</sup> Including refugee status and subsidiary protection.

<sup>175</sup> Including the normal and the accelerated procedure.

<sup>176</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 4, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>177</sup> Ibid.

<sup>178</sup> Refusals comprehend the number of negative decisions taken during the normal procedure and accelerated procedure as well as decisions based on inadmissibility, but not implicit withdrawals of applications of international protection, decisions of transfer/incompetence or revocation decisions.

<sup>179</sup> Information obtained from the CEFIS on 28 February 2021.

Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 4, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>180</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 5, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>181</sup> Ibid., pp. 4-5.

<sup>182</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 4, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>183</sup> Ibid., p. 8.

<sup>184</sup> Ibid.

<sup>185</sup> Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection. Published in Memorial A 489 of 1 July 2021. URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/06/16/a489/jo>

<sup>186</sup> Coalition Agreement 2018 - 2023, 22 March 2019, URL (French and German): <https://gouvernement.lu/de/publications/accord-coalition/2018-2023.html>

<sup>187</sup> Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection. Published in Memorial A 489 of 1 July 2021. URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/06/16/a489/jo>

<sup>188</sup> Bill 7681 amending the Law of 18 December 2015 on international protection and temporary protection. Introduced into Parliament on 16 October 2020, p. 4, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=50812183A5A31F6A9E9583EF972D0AF4A2DC43D17EBF8CFA2988B5FF1837DB64B03578E00F4C362FBA13BADE7257D18F5A827460303EFF4BA13A5891950D8FB36](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=50812183A5A31F6A9E9583EF972D0AF4A2DC43D17EBF8CFA2988B5FF1837DB64B03578E00F4C362FBA13BADE7257D18F5A827460303EFF4BA13A5891950D8FB36)

Report of the Commission des Affaires Etrangères et Européenne, de la Coopération, de l’Immigration et de l’Asile on Bill 7681, Parliamentary document 7681/04, Luxembourg, 20 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=7E9E2B2DB2EB537495E35BF547258250EFDB132BAE837DB35C893E5F06F352E660E07F0AFBBCF80869F971CB199F806F55BD18F8F6BEC14652610888B68731EB2](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=7E9E2B2DB2EB537495E35BF547258250EFDB132BAE837DB35C893E5F06F352E660E07F0AFBBCF80869F971CB199F806F55BD18F8F6BEC14652610888B68731EB2)

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 considered as a new request for international protection. Article 23 of the Law of 18 December 2015 on international and temporary protection. Published in Memorial A 489 of 1 July 2021.

<sup>189</sup> Opinion of the Luxembourg Refugee Council on Bill 7681, Parliamentary document 7681/05, Luxembourg, 23 April 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=C31F56FF39C628925556D7E43294A2A327D035F5F483360444B3CB8A9BB2B814C73B3834B77654884891BA26E17C959A56FB0D32F0134C1849D71105E169635ED](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=C31F56FF39C628925556D7E43294A2A327D035F5F483360444B3CB8A9BB2B814C73B3834B77654884891BA26E17C959A56FB0D32F0134C1849D71105E169635ED)

<sup>190</sup> Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection. Published in Memorial A 489 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/06/16/a489/jo>

<sup>191</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, URL: <http://data.europa.eu/eli/reg/2013/603/oj>.

<sup>192</sup> Opinion of the Chamber of Civil Servants and Public Employees on Bill 7681, Parliamentary document 7681/02, Luxembourg, 9 December 2020, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B6AE257DBA397E903EAB144C8B4F4E85B92EB64D84A5F02EFA980D6E39E5F2BD8A8E49E805DB5F2F454A9698ED9DBEE15C3BFC255545E3A17EC22C7F7BF338EEB](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B6AE257DBA397E903EAB144C8B4F4E85B92EB64D84A5F02EFA980D6E39E5F2BD8A8E49E805DB5F2F454A9698ED9DBEE15C3BFC255545E3A17EC22C7F7BF338EEB)

<sup>193</sup> Opinion of the Luxembourg Refugee Council on Bill 7681, Parliamentary document 7681/05, Luxembourg, 23 April 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=C31F56FF39C628925556D7E43294A2A327D035F5F483360444B3CB8A9BB2B814C73B3834B77654884891BA26E17C959A56FB0D32F0134C1849D71105E169635ED](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=C31F56FF39C628925556D7E43294A2A327D035F5F483360444B3CB8A9BB2B814C73B3834B77654884891BA26E17C959A56FB0D32F0134C1849D71105E169635ED)

Opinion of the Consultative Commission on Human Rights on Bill 7681, Parliamentary document 7681/03, Luxembourg, 18 March 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=2D2F43A886887D5EE7DB19AF61CA9C6D0F236A8904386617E0D1BA71E0B112AA7D313C7354BA5199CEAB6AAF520A0A435C669164D6D71C5C8F04562F813A1A989](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=2D2F43A886887D5EE7DB19AF61CA9C6D0F236A8904386617E0D1BA71E0B112AA7D313C7354BA5199CEAB6AAF520A0A435C669164D6D71C5C8F04562F813A1A989)

<sup>194</sup> Parliamentary Question 4142 on “Fouille numérique des appareils électroniques des demandeurs de protection internationale”, 22 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=336A210D8CD43F13AD7758C4966B6BF61A76351DC771B4E089D3C083B19E1056FF5DD737C692F5EE649F6902569FEC85873C7838D62B41587F29CE4DB4760D7A](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=336A210D8CD43F13AD7758C4966B6BF61A76351DC771B4E089D3C083B19E1056FF5DD737C692F5EE649F6902569FEC85873C7838D62B41587F29CE4DB4760D7A)

<sup>195</sup> Reply to Parliamentary Question 4142 of 22 April 2021 on “Fouille numérique des appareils électroniques des demandeurs de protection internationale” by the Ministers in charge of Minister for Immigration and Asylum, Minister for Internal Security on 31 May 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=9A2F952DD1B3348896FBDC9311CE0A51351482F479B8E41E02A847B6B47C877A87CBACEBC45E2E5C818829492D1FC4D561A0DCA275EB4A6C42DADEEA8261178C](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=9A2F952DD1B3348896FBDC9311CE0A51351482F479B8E41E02A847B6B47C877A87CBACEBC45E2E5C818829492D1FC4D561A0DCA275EB4A6C42DADEEA8261178C)

<sup>196</sup> Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection. Published in Memorial A 489 of 1 July 2021, URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/06/16/a489/jo>

<sup>197</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 11, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>198</sup> Ibid., p. 34.

<sup>199</sup> Ibid., p. 35.

<sup>200</sup> Ibid.

<sup>201</sup> Ministry of Foreign and European Affairs, “Activity Report 2021”, Luxembourg, March 2022, URL: <https://maee.gouvernement.lu/en/publications.gouvernement%2Ben%2Bpublications%2Brapport-activite%2Bminist-affaires-etrangeres-europeennes%2Bmaee%2B2021-rapport-activite-maee.html>

<sup>202</sup> The ONA calculates the net occupancy rate by dividing the number of occupied beds by the sum of occupied and available beds to provide a more realistic overview of the existing capacities. The calculation therefore does not take into account beds that are temporarily not available (i.e. beds located in a room assigned to another family or rooms under renovation).

<sup>203</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, pp. 35-36 URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>204</sup> The Government of Luxembourg, “Jean Asselborn s’est échangé avec les résidents de la commune de Junglinster lors d’une séance d’information portant sur l’ouverture d’une structure d’hébergement pour demandeurs de protection internationale”, Press release, 6 May 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/05-mai/06-asselborn-junglinster-dpi.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/05-mai/06-asselborn-junglinster-dpi.html)

<sup>205</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, pp. 34-35 URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>206</sup> The Government of Luxembourg, “Jean Asselborn s’est échangé avec les résidents de la commune de Bascharage lors d’une séance d’information en vue de l’ouverture d’une structure d’hébergement pour demandeurs de protection internationale”, Press release, 30 March 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/03-mars/30-asselborn-bascharage.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/03-mars/30-asselborn-bascharage.html)

<sup>207</sup> The Government of Luxembourg, “Jean Asselborn s’échangera avec les résidents de la commune de Junglinster lors d’une séance d’information en vue de l’ouverture d’une structure d’hébergement pour demandeurs de protection internationale à Gonderange”, Press release, 30 April 2021, URL: <https://gouvernement.lu/fr/actualites/agenda/2021/04-avril/30-asselborn-junglinster.html>

The Government of Luxembourg, “Jean Asselborn s’est échangé avec les résidents de la commune de Junglinster lors d’une séance d’information portant sur l’ouverture d’une structure d’hébergement pour demandeurs de protection internationale”, Press release, 6 May 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/05-mai/06-asselborn-junglinster-dpi.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/05-mai/06-asselborn-junglinster-dpi.html)

<sup>208</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 36, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>209</sup> The Government of Luxembourg, “Jean Asselborn s’est échangé avec les résidents de la commune de Junglinster lors d’une séance d’information portant sur l’ouverture d’une structure d’hébergement pour demandeurs de protection internationale”, Press release, 6 May 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/05-mai/06-asselborn-junglinster-dpi.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/05-mai/06-asselborn-junglinster-dpi.html)

<sup>210</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>211</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 36, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>212</sup> The Government of Luxembourg, “Jean Asselborn s’est échangé avec les résidents de la commune de Bascharage lors d’une séance d’information en vue de l’ouverture d’une structure d’hébergement pour demandeurs de protection internationale”, Press release, 30 March 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/03-mars/30-asselborn-bascharage.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/03-mars/30-asselborn-bascharage.html)

<sup>213</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>214</sup> Ibid.

<sup>215</sup> Information obtained from Ministry of Health, Sanitary Inspection Division, Migrant Health Service on 24 December 2021.

<sup>216</sup> For additional information on this topic please refer to:

LU EMN NCP answer to Ad Hoc Query ON 2021.28 “Detection of vulnerabilities in the international protection procedure Part 1” requested on 27 April 2021, URL: [https://ec.europa.eu/home-affairs/document/download/762b2a81-a44b-48d3-baaa-9d40fda48aae\\_en](https://ec.europa.eu/home-affairs/document/download/762b2a81-a44b-48d3-baaa-9d40fda48aae_en)

LU EMN NCP answer to Ad Hoc Query ON 2021.28 “Detection of vulnerabilities in the international protection procedure Part 2” requested on 27 April 2021, URL: [https://ec.europa.eu/home-affairs/document/download/b1a1a1ab-662a-4c07-9dd6-dc071a3140a6\\_en](https://ec.europa.eu/home-affairs/document/download/b1a1a1ab-662a-4c07-9dd6-dc071a3140a6_en)

EMN Luxembourg Inform, “Detection of vulnerabilities in the international protection procedure”, October 2021, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-inform-detection-of-vulnerabilities-in-the-international-protection-procedure/>

<sup>217</sup> Law of 18 December 2015, 1° on international protection and temporary protection; 2° Modifying: the amended law of 10 August 1991 on the legal profession, the amended law of 29 August 2008 on the free movement of persons and immigration, the law of 28 May 2009 concerning the Detention Centre; 3° repealing the amended law of 5 May 2006 on the right to asylum and additional forms of protection, published in Memorial A 225 of 28 December 2015, URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n15/jo>

- <sup>218</sup> Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, and amending the amended law of 10 August 1991 on the legal profession, published in Memorial A 225 of 28 December 2015, URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n16/jo>
- <sup>219</sup> Article 15 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, published in Memorial A 225 of 28 December 2015, URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n16/jo>
- <sup>220</sup> Articles 19 (1) and 20 of the amended Law of 18 December 2015 on international protection and temporary protection, published in Memorial A 225 of 28 December 2015, URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/12/18/n15/jo>
- <sup>221</sup> The Government of Luxembourg, “Sam Tanson a participé au Conseil JAI des ministres de la Justice de l’Union européenne”, Press release, 29 January 2021, URL: [https://mj.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes\\_actualites%2Bcommuniques%2B2021%2B01-janvier%2B29-tanson-jai.html](https://mj.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2021%2B01-janvier%2B29-tanson-jai.html)
- <sup>222</sup> EMN Annual Report on Migration and Asylum 2020, Question 49b.
- EMN Informs, “Detection of vulnerabilities in the international protection procedure”, October 2021, pp. 11-12, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-inform-detection-of-vulnerabilities-in-the-international-procedure/>
- <sup>223</sup> LU EMN NCP answer to Ad Hoc Query ON 2021.43, “Methods used for verifying family relationship when identifying the vulnerability of applicants for international protection during reception”, requested by EMN NCP Slovak Republic on 28 June 2021, URL: [https://ec.europa.eu/home-affairs/document/download/Oeca2d76-9aee-4d66-b600-1ad5cbaa5413\\_de](https://ec.europa.eu/home-affairs/document/download/Oeca2d76-9aee-4d66-b600-1ad5cbaa5413_de)
- Reply to Parliamentary Question 3826 of 10 March 2021 on the “Detection of vulnerabilities among applicants for international protection” by the Minister of Immigration and Asylum on 8 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B75E841EF01C3648780DBC78C7402A5559A7273371EFF0E79FC39547E13DE1D20B1F64B8959E23BCE7CC5E0D18376927\\$927BD8B86BE19086508BDDF6E8AE045F](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B75E841EF01C3648780DBC78C7402A5559A7273371EFF0E79FC39547E13DE1D20B1F64B8959E23BCE7CC5E0D18376927$927BD8B86BE19086508BDDF6E8AE045F)
- <sup>224</sup> Information obtained from the National Reception Office (ONA) on 31 January 2022.
- <sup>225</sup> Ministry of Foreign and European Affairs, “Activity Report 2021”, Luxembourg, March 2022, URL: <https://maee.gouvernement.lu/en/publications.gouvernement%2Ben%2Bpublications%2Brapport-activite%2Bminist-affaires-etrangeres-europeennes%2Bmaee%2B2021-rapport-activite-maee.html>
- <sup>226</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 2022, p. 9. URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>
- <sup>227</sup> Information obtained from Service Affaires Européennes (Ministry of Foreign and European Affairs) on 13 December 2021.
- <sup>228</sup> LU EMN NCP, “2020 Annual Report on Migration and Asylum”, Luxembourg, 2021, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)
- <sup>229</sup> The Government of Luxembourg, “Arrivée au Luxembourg de quatre mineurs non accompagnés depuis le camp de Moria en Grèce”, Press release, 7 January 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/01-janvier/07-arrivee-mineurs-moria.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/01-janvier/07-arrivee-mineurs-moria.html)
- <sup>230</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 2022, p. 9, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>
- <sup>231</sup> Information obtained from the Department for the Schooling of Foreign Children (SECAM) on 15 January 2021.
- <sup>232</sup> Information obtained from the Department for the Schooling of Foreign Children (SECAM) on 7 December 2020.
- <sup>233</sup> Reply to Parliamentary Question 3314 of 16 December 2020 on the “Situation dans les structures d’accueil pour demandeurs de protection internationale” by the Ministers in charge of Immigration and Asylum, Internal Security, National Education, Children and Youth on 15 January 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=9F739E08504E8912AE15D29A06BD2FDC6B713DA2204847F9776A9B33407BEB4A3AB992FA88B7580A28BFE715167C004\\$F55D8745340628921EC839F3E611E22D](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=9F739E08504E8912AE15D29A06BD2FDC6B713DA2204847F9776A9B33407BEB4A3AB992FA88B7580A28BFE715167C004$F55D8745340628921EC839F3E611E22D)
- <sup>234</sup> Ministry of Education, Children and Youth, “Rapport d’activités 2021”, March 2022, p. 161, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>
- <sup>235</sup> Ibid., p. 162.
- <sup>236</sup> Ibid.
- <sup>237</sup> This does not include the application of international programmes in public schools.
- <sup>238</sup> Ministry of Education, Children and Youth, “Les chiffres de la Rentrée 2021/2022”, 10 September 2021, pp. 2-7, URL: <https://men.public.lu/lb/actualites/communiques-conference-presse/2021/09/10-chiffres-rentree.html>
- <sup>239</sup> Maison de l’Orientation (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>
- <sup>240</sup> Ministry of Education, Children and Youth, “Rapport d’activités 2021”, March 2022, p. 67, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>
- <sup>241</sup> Since 2016, the CASNA also welcomes young people between the age of 18 and 24.
- <sup>242</sup> Ministry of Education, Children and Youth, “Rapport d’activités 2021”, March 2022, p. 67, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>
- <sup>243</sup> Ibid., pp. 67-68.

<sup>244</sup> Information obtained from the Department for the schooling of foreign children (SECAM) and the School service for newly arrived pupils (CASNA) on 21 December 2021.

<sup>245</sup> Ministry of Education, Children and Youth, “Rapport d’activités 2021”, March 2022, pp. 67-68, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>

<sup>246</sup> Ibid., p. 68.

<sup>247</sup> Information obtained from the Department for the schooling of foreign children (SECAM) and the School service for newly arrived pupils (CASNA) on 21 December 2021.

<sup>248</sup> Ministry of Education, Children and Youth, “Rapport national sur l’éducation 2021 : La lutte contre les inégalités au cœur de la politique éducative”, Press release, 9 December 2021, URL: <https://men.public.lu/fr/actualites/communiqués-conference-presse/2021/12/09-Bildungsbericht.html>

University of Luxembourg, “Nationaler Bildungsbericht 2021/ Rapport national sur l’éducation 2021”, 9 December 2021, URL: <https://men.public.lu/content/dam/men/fr/actualites/articles/communiqués-conference-presse/2021/12/Nationaler-Bildungsbericht-Luxemburg-2021.pdf> (German) and <https://men.public.lu/content/dam/men/fr/actualites/articles/communiqués-conference-presse/2021/12/Rapport-national-sur-l'education-Luxembourg-2021.pdf> (French).

<sup>249</sup> Ministry of Education, Children and Youth, Communication, “Une cinquième école européenne publique à Mersch”, 16 March 2021, URL: <https://men.public.lu/dam-assets/catalogue-publications/dossiers-de-presse/2020-2021/210316-ecole-europeenne-eimab.pdf>

<sup>250</sup> Ministry of Education, Children and Youth, “Rentrée scolaire 2021-2022”, Press release, 13 September 2021, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2021/09-septembre/13-rentree-2022/210913-rentree-21-22-final-1.pdf>

Ministry of Education, Children and Youth, Communication, “Une cinquième école européenne publique à Mersch”, 16 March 2021, URL: <https://men.public.lu/dam-assets/catalogue-publications/dossiers-de-presse/2020-2021/210316-ecole-europeenne-eimab.pdf>

<sup>251</sup> Ministry of Education, Children and Youth, “Diplôme d’accès aux études supérieures”, 28 May 2021, URL: <https://men.public.lu/fr/publications/enseignement-secondaire/informations-generales-offre-scolaire/daes-diplome-acces-etudes-superieurs.html>

Information obtained from the Department for the schooling of foreign children (SECAM) and the School service for newly arrived pupils (CASNA) on 21 December 2021.

<sup>252</sup> Ministry of Education, Children and Youth, “Rapport d’activités 2021”, March 2022, p. 68, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>

<sup>253</sup> Reply to Parliamentary Question 3987 of 30 March 2021 on “Mariage forcé” by the Minister of Education, Children and Youth, the Minister of Justice and the Minister of Equality between Women and Men on 5 May 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=615C14059068FCF7BAFB56BF90464F361A012D30A6F79993517018AE5507702DE64D3B6CA71EA9D238330BE962056623501D996D1234EBF8A85C3315C6D52ED30](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=615C14059068FCF7BAFB56BF90464F361A012D30A6F79993517018AE5507702DE64D3B6CA71EA9D238330BE962056623501D996D1234EBF8A85C3315C6D52ED30)

Information obtained from the Department for the schooling of foreign children (SECAM) and the School service for newly arrived pupils (CASNA) on 21 December 2021.

<sup>254</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, 7 February 2022, p. 7, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>255</sup> The Government of Luxembourg, “Arrivée au Luxembourg de quatre mineurs non accompagnés depuis le camp de Moria en Grèce”, Press release, 7 January 2020, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/01-janvier/07-arrivee-mineurs-moria.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/01-janvier/07-arrivee-mineurs-moria.html)

<sup>256</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>257</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 7, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>258</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>259</sup> Reply to Parliamentary Question 4107 of 19 April 2021 by the Minister in charge of Immigration and Asylum on 18 May 2021 on “Demandeurs de protection internationale mineurs disparus”, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=4C44E36CF7DEFC424E97D9F3BE456816968406D5950CA71636E3C481EFF41F1C5A63B18E8AC289296A017EE0F027EF6500206A4EF5AEC099EE2CA229032F1788](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=4C44E36CF7DEFC424E97D9F3BE456816968406D5950CA71636E3C481EFF41F1C5A63B18E8AC289296A017EE0F027EF6500206A4EF5AEC099EE2CA229032F1788)

<sup>260</sup> Law of 27 June 2018 establishing the family affairs judge, reforming divorce and parental authority and amending: 1° the New Code of Civil Procedure; 2° the Civil Code; 3° the Penal Code; 4° the Social Security Code; 5° the Labour Code; 6° the amended Law of 11 November 1970 on the cession of labour remuneration and pensions; 7° the amended Law of 7 March 1980 on the organisation of the judiciary; 8° the amended Law of 10 August 1992 on the protection of young people; 9° the amended Law of 27 July 1997 on the insurance contract; 10° the amended Law of 9 July 2004 on the legal effects of certain partnerships; 11° the Act of 27 June 2017 adopting a multi-annual recruitment programme for the judiciary and amending the amended Act of 7 March 1980 on the organisation of the judiciary. Published in Memorial A 589 of 12 July 2018, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2018/06/27/a589/jo>

Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>261</sup> An ad hoc administrator for unaccompanied minors must always be a lawyer (as s/he will assist the unaccompanied minor in all legal proceedings) as opposed to a guardian who will take care of the personal and everyday affairs (e.g. integration, education, medical care, acquisition of language skills, leisure activities) of a minor. Article 389-3 of the Luxembourgish Code Civil provides more details on the latter (“l’administrateur legal”) who can be provided by ONA, the Caritas, or the Red Cross.

Code Civil, URL: <https://legilux.public.lu/eli/etat/leg/code/civil/20200101>

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LU EMN NCP, Main findings of the LU Study on “(Member) States’ Approaches to Unaccompanied Minors Following Status Determination”, 19 April 2018, URL: <https://emnluxembourg.uni.lu/member-states-approaches-to-unaccompanied-minors-following-status-determination/>

<sup>262</sup> Law of 16 June 2021 amending the Law of 18 December 2015 on international protection and temporary protection. Published in Memorial A 489 of 1 July 2021, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a489/jo>

<sup>263</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>264</sup> Judgement of the First Instance Administrative Court, 3<sup>rd</sup> Chamber, n° 46468 of 19 October 2021, URL: <https://ja.public.lu/45001-50000/46468.pdf>

<sup>265</sup> Judgement of the First Instance Administrative Court, 2<sup>nd</sup> Chamber n° 45432 of 20 September 2021, URL: <https://ja.public.lu/45001-50000/45432.pdf>

<sup>266</sup> Opinion of the Luxembourg Refugee Council on Bill 7681, Parliamentary document n° 7681/05, Luxembourg, 23 April 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=713FBCBBA8296616E6EE23202E772BD958E018E91BE6121D913DC56D8C74D7EFB5AE9A8D488719B13B22F39FFC269450526C98FDF2CF606F21F0ED7E35204AA9](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=713FBCBBA8296616E6EE23202E772BD958E018E91BE6121D913DC56D8C74D7EFB5AE9A8D488719B13B22F39FFC269450526C98FDF2CF606F21F0ED7E35204AA9)

<sup>267</sup> The Government of Luxembourg, “Arrivée au Luxembourg de quatre mineurs non accompagnés depuis le camp de Moria en Grèce”, Press release, 7 January 2020, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/01-janvier/07-arrivee-mineurs-moria.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/01-janvier/07-arrivee-mineurs-moria.html)

<sup>268</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>269</sup> Ministerial decree of 30 April 2021 appointing the members of the Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors. Published in Memorial B 1778 of 6 May 2021, URL: <https://data.legilux.public.lu/file/eli-etat-adm-amin-2021-04-30-b1778-jo-fr-pdf.pdf>

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<sup>270</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 7, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>271</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>272</sup> European Law Blog, “Case C-233/18 Haqbin: The human dignity of asylum seekers as a red line”, 9 December 2019, URL: <https://europeanlawblog.eu/2019/12/09/case-c-233-18-haqbin-the-human-dignity-of-asylum-seekers-as-a-red-line/>

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<sup>273</sup> LU EMN NCP answer to Ad Hoc Query ON 2021.9 “Measures to deal with those asylum seekers who are involved in disproportionate disruptive and transgressive behavior” requested on 16 February 2021.

<sup>274</sup> Information obtained from the National Reception Office (ONA) on 21 December 2021.

<sup>275</sup> Information obtained from the Ombudsman for Children and Young People (OKaJu) on 17 January 2022.

<sup>276</sup> UN Committee on the Rights of the Child (CRC), “Concluding observations on the combined fifth and sixth periodic reports of Luxembourg”, 21 June 2021, URL: <https://digitallibrary.un.org/record/3929470?ln=en>

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<sup>278</sup> Human Rights Advisory Commission (CCDH), “Rapport sur la traite des êtres humains au Luxembourg, Années 2019-2020”, Luxembourg, 6 December 2021, p. 84, URL: [https://ccdh.public.lu/content/dam/ccdh/dossiers\\_th%C3%A9matiques/traité\\_des\\_%C3%AAtres\\_humains/rapports/Rapport-TEH3-03122021-FINAL.pdf](https://ccdh.public.lu/content/dam/ccdh/dossiers_th%C3%A9matiques/traité_des_%C3%AAtres_humains/rapports/Rapport-TEH3-03122021-FINAL.pdf)

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<sup>279</sup> Human Rights Advisory Commission (CCDH), “Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l’art 44 de la Convention relative aux droits de l’enfant par la Commission consultative des Droits de l’Homme du Grand-Duché de Luxembourg”, p. 24, Luxembourg, October 2020, URL: [https://ccdh.public.lu/content/dam/ccdh/dossiers\\_th%C3%A9matiques/droits-de-l'enfant/observations/2021/Rapport-parallele-au-Comite-des-droits-de-l'enfant-de-la-CCDH-version-finale.pdf](https://ccdh.public.lu/content/dam/ccdh/dossiers_th%C3%A9matiques/droits-de-l'enfant/observations/2021/Rapport-parallele-au-Comite-des-droits-de-l'enfant-de-la-CCDH-version-finale.pdf)

<sup>280</sup> UN Committee on the Rights of the Child (CRC), “Concluding observations on the combined fifth and sixth periodic reports of Luxembourg”, 21 June 2021, URL: <https://digitallibrary.un.org/record/3929470?ln=en>

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<sup>289</sup> Ibid.

<sup>290</sup> Reply to Parliamentary Question 3752 of 3 March 2021 on the “Participation des personnes non luxembourgeoises aux élections communales”, by the Prime Minister, Ministers of State and of the Interior on 2 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=94D942AD76C21BB2DEFD46E7AD498DA7ACD71E265C0965AAFFBBAB3C18430943C6D3B0E83CEC7E81A664046B4E34509E571FA1BF767B4063A4808B1057A3301B7](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=94D942AD76C21BB2DEFD46E7AD498DA7ACD71E265C0965AAFFBBAB3C18430943C6D3B0E83CEC7E81A664046B4E34509E571FA1BF767B4063A4808B1057A3301B7)

<sup>291</sup> Ibid.

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<sup>292</sup> Bill 7877 amending: 1° the amended electoral Law of 18 February 2003; 2° the amended Law of 27 July 1991 on electronic media. Introduced to Parliament on 2 September 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B9159532AB5A3F5AA71D75A1C5C2CE3312C779C67AD5E4313C13D49720E62DA9AF7584FEEB88DCDCAECB1C2D15DF1EF858673DC05FB59EE3811F08E5D751FB7C2](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B9159532AB5A3F5AA71D75A1C5C2CE3312C779C67AD5E4313C13D49720E62DA9AF7584FEEB88DCDCAECB1C2D15DF1EF858673DC05FB59EE3811F08E5D751FB7C2)

<sup>293</sup> Parliamentary Question 5285 on “Appel à projets “Zesummeliewen: lokal engagéieren a matmaachen”, 23 November 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=FFDE68FC1B93A60AC5A837EBB57862CC33C09B57DE1D6EB647B8006932CB44B003AC14424FECFED61591B9C629F3BBF553C47623B2837B34D0AE537D4D0994F20](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=FFDE68FC1B93A60AC5A837EBB57862CC33C09B57DE1D6EB647B8006932CB44B003AC14424FECFED61591B9C629F3BBF553C47623B2837B34D0AE537D4D0994F20)

<sup>294</sup> Reply to Parliamentary Question 5285 of 23 November 2021 on “Appel à projets “Zesummeliewen: lokal engagéieren a matmaachen” by the Minister of Family and Integration on 16 December 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=D0EA12D2BC4DDA889DD904A20707101B6C356C6088D753286331982012A51A8CDF8469DFE3D67A42BBF6D37AE504BEE75B6E1592F13C5349F54A513B41978903C](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=D0EA12D2BC4DDA889DD904A20707101B6C356C6088D753286331982012A51A8CDF8469DFE3D67A42BBF6D37AE504BEE75B6E1592F13C5349F54A513B41978903C)

<sup>295</sup> Ministry of Family Affairs, Integration and the Greater Region, News, “Launch of the call for project proposals 2022 ‘Zesummeliewen: lokal engagéieren a matmaachen’”, 8 October 2021, URL: <https://mfamigr.gouvernement.lu/en/actualites/2021/appelpan.html>

<sup>296</sup> Bill 7877 amending: 1° the amended electoral Law of 18 February 2003; 2° the amended Law of 27 July 27 1991 on electronic media. Introduced to Parliament on 2 September 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=A6279BDF01FFDBF797A180CCD4B99D825ED6466586BDE95B0A657BA8B3388158D12A7A67F70470D284439D8F046BA0FA5B01C8D2545BE251FAA2F58B529A2574E](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A6279BDF01FFDBF797A180CCD4B99D825ED6466586BDE95B0A657BA8B3388158D12A7A67F70470D284439D8F046BA0FA5B01C8D2545BE251FAA2F58B529A2574E) Opinion of the Association of Luxembourgish Cities and Municipalities (Syvicol) on Bill 7877, Parliamentary document 7877/04, Luxembourg, 6 December 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=B88C4B5268FA362F787BF64390AC141901A0B89A54A0AA5947CAD4B81266972CB0E5FE45E5A576FA060A4DDC9CE5FB765769D707601894D6AB1A163793591DC2E](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B88C4B5268FA362F787BF64390AC141901A0B89A54A0AA5947CAD4B81266972CB0E5FE45E5A576FA060A4DDC9CE5FB765769D707601894D6AB1A163793591DC2E)

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<sup>298</sup> Opinion of the Chamber of Public Servants and public employees on Bill 7877, Parliamentary document 7877/01, Luxembourg, 7 October 2021, p. 2. URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=62433531327B52557041CD3BCC6C1716B79317EC77CE9D5C32B3758AFE550E208B18FA10F0AACB591D4D5FBB8A361D57A5D4958440D5EFAE8EB86D03566B925](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=62433531327B52557041CD3BCC6C1716B79317EC77CE9D5C32B3758AFE550E208B18FA10F0AACB591D4D5FBB8A361D57A5D4958440D5EFAE8EB86D03566B925)

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- <sup>322</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January and on 31 January 2022.

<sup>323</sup> The Government of Luxembourg, “Lancement du nouveau ‘Plan communal intégration’: signature du ‘Pakt vum Zesummeliewen’ dans les communes de Wiltz, Mertzig et le ‘Réidener Kanton’”, 24 April 2021. URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/04-avril/23-plan-integration-cahen.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/04-avril/23-plan-integration-cahen.html)

<sup>324</sup> The 18 municipalities include the 11 municipalities of the Leader region Atert-Wark as well as Clervaux, Habscht, Junglinster, Kopstal, Roeser, Strassen and Wiltz.

<sup>325</sup> Ministry of Family Affairs, Integration and the Greater Region, “Signing of the ‘Pakt vum Zesummeliewen’: the municipality of Junglinster joins the new ‘Communal Integration Plan’”, Press Release, 6 July 2021, URL: [https://gouvernement.lu/en/actualites/toutes\\_actualites/communiqués/2021/07-juillet/06-pakt-zesummeliewen.html](https://gouvernement.lu/en/actualites/toutes_actualites/communiqués/2021/07-juillet/06-pakt-zesummeliewen.html)

<sup>326</sup> Ministry of Family Affairs, Integration and the Greater Region, “Pakt vum Zesummeliewen”, 12 December 2021, URL: <https://mfamigr.gouvernement.lu/en/le-ministere/attributions/integration/niveau-communal/plan-communal.html>

<sup>327</sup> The Government of Luxembourg, “Lancement du nouveau ‘Plan communal intégration’: signature du ‘Pakt vum Zesummeliewen’ dans les communes de Wiltz, Mertzig et le ‘Réidener Kanton’”, 24 April 2021. URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/04-avril/23-plan-integration-cahen.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/04-avril/23-plan-integration-cahen.html)

<sup>328</sup> 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 PAN) and the Fight Against Discrimination in 2018.

<sup>329</sup> Bill 7666 concerning the budget for State revenues and spending for 2021. Introduced to Parliament on 14 October 2020, p. 52, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=1A10786D34817FC20D50EF48F9BAF1EE1F9523B01277049B43291ABE57F0E07B48541512ABAF3DBC19CBB7A8BA5BFE0B\\$AEF9F294E1D01472E8FB6F91EBA25A9D](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=1A10786D34817FC20D50EF48F9BAF1EE1F9523B01277049B43291ABE57F0E07B48541512ABAF3DBC19CBB7A8BA5BFE0B$AEF9F294E1D01472E8FB6F91EBA25A9D)

<sup>330</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.

<sup>331</sup> The following stakeholders belong to the inter -ministerial committee integration: Employment Development Agency; Ministry of Foreign and European Affairs (Directorate of Immigration and National Reception Office); Ministry of Culture; Ministry of Digitalisation; Ministry of Economy; Ministry of Education, Children and Youth; Ministry of Equality between Women and Men; Ministry of Higher Education and Research; Ministry of Family, Integration and the Greater Region; Ministry of the Civil Service and Administrative Reform; Ministry of the Interior; Ministry of Justice; Ministry of Housing; Ministry of Health; Ministry of Labour, Employment and Social Economy.

<sup>332</sup> Ministry of Family Affairs, Integration and the Greater Region, “Activity Report 2021”, Luxembourg, February 2022, URL: <https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2021-rapport-activite-mfamigr.html>

<sup>333</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.

<sup>334</sup> LU EMN NCP, “Annual Report on Migration and Asylum 2020”, Luxembourg 2021, p.51, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)

<sup>335</sup> The Government of Luxembourg, “Launch of the 2021 projects under the National Action Plan on Integration”, Press release, 13 July 2021, URL: [https://mfamigr.gouvernement.lu/en/actualites.gouvernement%2Ben%2Bactualites%2Btoutes\\_actualites%2Bcommuniqués%2B2021%2B07-juillet%2B13-cahen-pan-integration.html](https://mfamigr.gouvernement.lu/en/actualites.gouvernement%2Ben%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2021%2B07-juillet%2B13-cahen-pan-integration.html)

<sup>336</sup> The Government of Luxembourg, “Launch of the call for project proposals 2022 ‘Zesummeliewen: lokal engagéieren a matmaachen’”, News, 8 October 2021, URL: <https://mfamigr.gouvernement.lu/en/actualites/2021/appelpan.html>

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<sup>337</sup> Ministry of Family Affairs, Integration and the Greater Region, “Plan d’action national d’intégration (PAN Intégration) – Appel à projets 2022: ‘Zesummeliewen - lokal engagéieren a matmaachen’”, URL: <https://mfamigr.gouvernement.lu/dam-assets/le-minist%C3%A8re/attributions/int%C3%A9gration/appel-a-projets-pan-2021/PAN-2022-Appel-%C3%A0-projets-FR.pdf>

<sup>338</sup> 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: The Government of Luxembourg, Information Portal Guichet.lu, “Concluding a Welcome and Integration Contract (CAI) with the State of Luxembourg”, 1 January 2020, URL: <https://guichet.public.lu/en/citoyens/immigration/nouveau-resident-luxembourg/arrivee-luxembourg/contrat-accueil-integration.html>

<sup>339</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 19 January 2022.

<sup>340</sup> Ministry of Family Affairs, Integration and the Greater Region, “Activity Report 2021”, Luxembourg, February 2022, URL: <https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2021-rapport-activite-mfamigr.html>

<sup>341</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 19 January 2022.

- <sup>342</sup> Ministry of Family Affairs, Integration and the Greater Region, “Activity Report 2021”, Luxembourg, February 2022, URL: <https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2021-rapport-activite-mfamigr.html>
- <sup>343</sup> Ministry of Family Affairs, Integration and the Greater Region, “Parcours d’intégration accompagné (PIA)”, Luxembourg, 13 September 2021, URL: <https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/integration/programme/parcours.html>
- <sup>344</sup> Ministry of Education, Children and Youth, “Rapport d’activités 2021”, Luxembourg, March 2022, p. 75, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menei.pdf>
- <sup>345</sup> Ibid.
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- <sup>347</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.
- <sup>348</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 19 January 2022.
- <sup>349</sup> Ibid.
- <sup>350</sup> Ministry of Family Affairs, Integration and the Greater Region, “Activity Report 2021”, Luxembourg, February 2022, URL: <https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2021-rapport-activite-mfamigr.html>
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- <sup>352</sup> European Parliament, Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund, Article 10, published in the Official Journal of the European Union on 15 July 2021, URL: <http://data.europa.eu/eli/reg/2021/1147/oj>
- <sup>353</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.
- <sup>354</sup> LU EMN NCP, “Annual Report on Migration and Asylum 2020”, Luxembourg 2021, p. 53, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)
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- <sup>356</sup> Department of Economic and Social Affairs, “Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all”, n.d, URL: <https://apps.who.int/iris/handle/10665/208286?locale-attribute=fr&>
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- <sup>358</sup> Ministries of Health and Social Security, “Présentation de la couverture universelle des soins de santé”, Press release, 27 October 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/10-octobre/27-cuss.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/10-octobre/27-cuss.html) and <https://gouvernement.lu/dam-assets/documents/actualites/2021/10-octobre/27-cuss.pdf>
- <sup>359</sup> Ministry of Family Affairs, Integration and the Greater Region, “Activity Report 2021”, Luxembourg, February 2022, URL: <https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2021-rapport-activite-mfamigr.html>
- <sup>360</sup> Ibid.
- <sup>361</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.
- <sup>362</sup> 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: LU EMN NCP, “2018 Annual Report on Migration and Asylum”, Luxembourg, 2019, p. 77, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2019/08/Annual-report-on-migration-and-asylum\\_2018\\_EN.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2019/08/Annual-report-on-migration-and-asylum_2018_EN.pdf)
- <sup>363</sup> Groupe d’Echange et de Soutien en matière d’Intégration au niveau Local – GRESIL, URL: <https://integratioun.lu/gresil/>
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<sup>371</sup> Ibid.

<sup>372</sup> Information obtained from the Adult Education Service (SFA) on 14 December 2021.

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<sup>374</sup> Parliamentary Question 4006 on “Réfugiés sous les statut “bénéficiaire de protection internationale”, 1 April 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=9B78A367BBC3AE4CA7F61927B8571C1160B79ED7F5A9BF6E48A8BAF470517254C0BBF87C799581DDCB9A997B94ACAB68\\$3244E6E2D438866D3CA05850FE9F3238](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=9B78A367BBC3AE4CA7F61927B8571C1160B79ED7F5A9BF6E48A8BAF470517254C0BBF87C799581DDCB9A997B94ACAB68$3244E6E2D438866D3CA05850FE9F3238)

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<sup>379</sup> CEFIS & LISER, under the coordination of the Ministry for Family, Integration, and the Greater Region, “Le racisme et les discriminations ethno-raciales au Luxembourg, Rapport d’étude quantitative et qualitative”, 7 March 2022, URL: [https://gouvernement.lu/en/actualites/toutes\\_actualites.gouv\\_mfamigr%2Ben%2Bactualites%2B2022%2BBracisme.html](https://gouvernement.lu/en/actualites/toutes_actualites.gouv_mfamigr%2Ben%2Bactualites%2B2022%2BBracisme.html)

<sup>380</sup> Information obtained from the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region on 12 January 2022.

<sup>381</sup> RIAL, Annual Report on Anti-Semitism in Luxembourg, June 2021, URL: <http://rial.lu/rapport-rial-2020/>

<sup>382</sup> Parliamentary Question 4619 on “Incidents antisémites”, 6 July 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=ED39084FDBAD6430ECB2E0AB29F0BE9DF47008B19ACE891E3319F4B0BBB3AFEF4A4FADA99C51009FCFF1AEBE126BB9FD\\$FD360B5B01C382FFDEDFC3E1A3693E2F](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=ED39084FDBAD6430ECB2E0AB29F0BE9DF47008B19ACE891E3319F4B0BBB3AFEF4A4FADA99C51009FCFF1AEBE126BB9FD$FD360B5B01C382FFDEDFC3E1A3693E2F)

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<sup>392</sup> The Government of Luxembourg, Information Portal Guichet.lu, “Obtaining Luxembourgish nationality by simple operation of law”, 8 October 2020, URL: <https://guichet.public.lu/en/citoyens/citoyennete/nationalite-luxembourgeoise/possession-automatique/effet-loi.html>

<sup>393</sup> The Government of Luxembourg, Information Portal Guichet.lu, “Acquiring/reclaiming Luxembourgish nationality”, 1 September 2020, URL: <https://guichet.public.lu/en/citoyens/citoyennete/nationalite-luxembourgeoise/acquisition-recouvrement.html>

<sup>394</sup> The Government of Luxembourg, Information Portal Guichet.lu, “Acquiring Luxembourgish nationality by option”, 3 September 2018, URL: <https://guichet.public.lu/en/citoyens/citoyennete/nationalite-luxembourgeoise/acquisition-recouvrement/option.html>

<sup>395</sup> The Government of Luxembourg, Information Portal Guichet.lu, “Acquiring Luxembourgish nationality by naturalisation”, 21 March 2022 URL: <https://guichet.public.lu/en/citoyens/citoyennete/nationalite-luxembourgeoise/acquisition-recouvrement/naturalisation.html>

<sup>396</sup> The Government of Luxembourg, Information Portal Guichet.lu, “Reclaiming Luxembourgish nationality”, 17 June 2020, URL: <https://guichet.public.lu/en/citoyens/citoyennete/nationalite-luxembourgeoise/acquisition-recouvrement/recouvrement.html>

<sup>397</sup> Ministry of Justice, “Procédures de nationalité luxembourgeoise clôturées – Année 2021”, Luxembourg, 2022, URL: [https://mj.gouvernement.lu/content/dam/gouv\\_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf](https://mj.gouvernement.lu/content/dam/gouv_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf)

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>

<sup>398</sup> Information obtained from the Ministry of Justice on 23 February 2022.

<sup>399</sup> Information obtained from the National Institute for Statistics and Economic Studies (STATEC) on 11 April 2022.

Not included in these figures are children who automatically become Luxembourgish citizens as a result of the acquisition of Luxembourgish nationality by one of their parents. Since 2018, these figures are no longer available.

<sup>400</sup> All 880 persons were naturalised on the basis of Article 14 of the amended Law of 8 March 2017 on the Luxembourgish Nationality. Published in Memorial A 289 of 17 March 2017, URL: <https://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a289/jo>

<sup>401</sup> 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>

<sup>402</sup> Law of 8 March 2017 on the Luxembourgish nationality abrogating: 1° the Law of 23 October 2008 on the Luxembourgish nationality; and 2° the Law of 7 June 1989 relating to the transposition of surnames and names of people that recover Luxembourgish nationality. Published in Memorial A 289 on 17 March 2017, URL: <http://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a289/jo>

<sup>403</sup> Ministry of Justice, "Procédures de nationalité luxembourgeoise clôturées – Année 2021", Luxembourg, 2022, URL: [https://mj.gouvernement.lu/content/dam/gouv\\_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf](https://mj.gouvernement.lu/content/dam/gouv_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf)

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>

<sup>404</sup> Article 89 of the Nationality Law provides for the recovery of the Luxembourgish nationality based on the direct maternal or paternal descent of an ancestor who held the Luxembourgish nationality on 1 January 1900.

<sup>405</sup> Information obtained from the National Institute for Statistics and Economic Studies (STATEC) on 11 April 2022.

<sup>406</sup> Ibid.

<sup>407</sup> Articles 28, 86 and 27 of the amended Law of 8 March 2017 on Luxembourgish nationality, respectively.

Source: Ministry of Justice, "Procédures de nationalité luxembourgeoise clôturées – Année 2021", Luxembourg, 2022, URL: [https://mj.gouvernement.lu/content/dam/gouv\\_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf](https://mj.gouvernement.lu/content/dam/gouv_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf)

<sup>408</sup> Source: Ministry of Justice, "Procédures de nationalité luxembourgeoise clôturées – Année 2021", Luxembourg, 2022, URL: [https://mj.gouvernement.lu/content/dam/gouv\\_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf](https://mj.gouvernement.lu/content/dam/gouv_mj/dossiers/dossier-nationalite/statistiques/Procédures-de-nationalite-luxembourgeoise-evacuees-%E2%80%93-Annee-2021.pdf)

<sup>409</sup> Information obtained from the National Institute for Statistics and Economic Studies (STATEC) on 11 April 2022.

<sup>410</sup> Ministry of Education, Children and Youth, "Rapport d'activités 2021", March 2022, p. 70, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>

Ministry of Education, Children and Youth, "Rapport d'activités 2020", March 2021, p. 72, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2020-rapport-activite-menej/2020-rapport-activite-menej.pdf>

<sup>411</sup> 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 exam are held in three languages which participants choose.

<sup>412</sup> Ministry of Education, Children and Youth, "Rapport d'activités 2021", March 2022, p. 75, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2021-rapport-activite-menej.pdf>

Ministry of Education, Children and Youth, "Rapport d'activités 2020", March 2021, p. 75, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2020-rapport-activite-menej/2020-rapport-activite-menej.pdf>

Ministry of Education, Children and Youth, "Rapport d'activités 2019", February 2020, p. 73, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-education-nationale-enfance-jeunesse/2020-rapport-activite-menej/2020-rapport-activite-menej.pdf>

<sup>413</sup> Law of 30 July 2021, amending: 1° the Law of 19 December 2020 temporarily adapting certain procedural provisions in civil and commercial matters; 2° the Law of 8 March 2017 on Luxembourgish Nationality. Published in Memorial A 626 of 18 August 2021, URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/07/30/a626/jo>

Law of 8 March 2017 on Luxembourg nationality and repealing: 1. the Law of 23 October 2008 on Luxembourg nationality; 2. the Law of 7 June 1989 relating to the transposition of the surnames and first names of persons who acquire or recover Luxembourg nationality, URL: <https://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a289/jo>

<sup>414</sup> Information obtained from the Ministry of Justice on 9 December 2021.

Reply to Parliamentary Question 3794 of 8 March 2021 on "Recouvrement de la nationalité", by the Minister of Justice on 17 March 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=9FEAF490B25D5A9B7DE7E08EF698D427A782ED14720ACEBB2157C24B87241521A5EB88AFFAC3B8C5F9826E198C044F825F8D28C95D9DABCADBF4572DB30F49871](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=9FEAF490B25D5A9B7DE7E08EF698D427A782ED14720ACEBB2157C24B87241521A5EB88AFFAC3B8C5F9826E198C044F825F8D28C95D9DABCADBF4572DB30F49871)

<sup>415</sup> Bill 7881 on the exchange of information relating to nationals of countries outside the European Union as well as the European Criminal Records Information System (ECRIS) concerning the: 1° transposition of Directive (EU) 2019/884 of the European Parliament and of the Council of 17 April 2019 amending Council Framework Decision 2009/315/JHA as regards the exchange of information relating to third-country nationals as well as the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA; 2° implementation of Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralized system to identify the Member States holding information relating to convictions concerning third-country nationals and stateless persons, which aims to complement the European Criminal Records Information System, and amending Regulation (EU) 2018/1726; 3° modification of the amended Law of 29 March 2013 relating to the organization of the criminal record. Introduced into Parliament on 10 September 2021, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=66C0BAF5DCD5DB2635F05B24CDC2877664199C1DDAA060DA0609FB5B4B6C36547420FDD19F4E9976E9FC54C986FFD20E519D38184A5210CED1BA15FFE65014095](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=66C0BAF5DCD5DB2635F05B24CDC2877664199C1DDAA060DA0609FB5B4B6C36547420FDD19F4E9976E9FC54C986FFD20E519D38184A5210CED1BA15FFE65014095)

<sup>416</sup> Grand Ducal Regulation of 29 January 2021 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 persons and immigration. Published in Memorial A 79 of 29 January 2021, URL: <https://legilux.public.lu/eli/etat/leg/rgd/2021/01/29/a79/jo>

<sup>417</sup> Information obtained from Service Affaires européennes (Ministry of Foreign and European Affairs) on 17 January 2022.

<sup>418</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>419</sup> Information obtained from Service Affaires européennes (Ministry of Foreign and European Affairs) on 17 January 2022.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid.

<sup>422</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>423</sup> Ministry of Foreign and European Affairs, “Activity Report 2021”, Luxembourg, March 2022, URL: <https://maee.gouvernement.lu/en/publications.gouvernement%2Ben%2Bpublications%2Brapport-activite%2Bminist-affaires-etrangeres-europeennes%2Bmaee%2B2021-rapport-activite-maee.html>

<sup>424</sup> European Commission, “Schengen: New rules to make the area without internal border controls more resilient”, Press release, 14 December 2021, URL: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_6821](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6821)

European Commission, “Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders”, 14 December 2021, URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A891%3AFIN&qid=1639757139340>

<sup>425</sup> Information obtained from Service Affaires européennes (Ministry of Foreign and European Affairs) on 17 January 2022.

<sup>426</sup> Ibid.

Information obtained from the Grand Ducal Police on 16 December 2021.

<sup>427</sup> Human Rights Advisory Commission (CCDH), “Rapport sur la traite des êtres humains au Luxembourg 2019-2020”, Luxembourg, 6 December 2021, p. 20, URL: <https://ccdh.public.lu/fr/actualites/20201/traite0.html>

<sup>428</sup> Information obtained from the Ministry of Justice, the Criminal Police Department and the Directorate of Immigration on 1 April 2022.

<sup>429</sup> LU EMN NCP, “2020 Annual Report on Migration and Asylum”, Luxembourg, 2021, p. 43, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)

<sup>430</sup> Information obtained from the Ministry of Justice, the Criminal Police Department and the Directorate of Immigration on 1 April 2022.

<sup>431</sup> LU EMN NCP, “2020 Annual Report on Migration and Asylum”, Luxembourg, 2021, p. 43, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)

<sup>432</sup> Information obtained from the Ministry of Justice, the Criminal Police Department and the Directorate of Immigration on 1 April 2022.

<sup>433</sup> Information obtained from the Ministry of Justice on 4 May 2022.

<sup>434</sup> LU EMN NCP, “2020 Annual Report on Migration and Asylum”, Luxembourg, 2021, p. 44, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)

<sup>435</sup> Law of 16 June 2021 amending the amended Law of 29 August 2008 on the free movement of people and immigration. Published in Memorial A 490 of 1 July 2021, URL: <http://data.legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

<sup>436</sup> Bill 7682 amending the amended Law of 29 August 2008 on the free movement of persons and immigration. Introduced into Parliament on 16 October 2020, pp. 3 & 5, URL: [https://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813\\$3B720993C9AEDDC5D06D72351744F628](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=525E8DE7EC39AB0091BD330E5CF56832A1D946309FDF115BA9DA3BF2FE9519EC9ABD42E6572A292A576DF6779B9EC813$3B720993C9AEDDC5D06D72351744F628)

<sup>437</sup> Reply to Parliamentary Question 4134 of 21 April 2021 on the fight against organised crime and human trafficking by the Minister of Justice and the Minister of Internal Security on 21 May 2021, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=2188FE13438D5093EC46BE456085E9001B02639ABE48CF330167F4C70E34DFB02A120CDAF65FE9E4A16CE04204D983A6\\$DDDE41D7B08D99E2407F5E8376825DF7](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=2188FE13438D5093EC46BE456085E9001B02639ABE48CF330167F4C70E34DFB02A120CDAF65FE9E4A16CE04204D983A6$DDDE41D7B08D99E2407F5E8376825DF7)

<sup>438</sup> Information obtained from the Ministry of Equality between Women and Men on 21 December 2021.

Information obtained from the Ministry of Justice on 27 November 2020 and 4 December 2020.

<sup>440</sup> Information obtained from the Ministry of Justice on 27 January 2022.

LU EMN NCP answer to Ad Hoc Query ON 2021.28 “Detection of vulnerabilities in the international protection procedure Part 1” requested on 27 April 2021, URL: [https://ec.europa.eu/home-affairs/document/download/762b2a81-a44b-48d3-baaa-9d40fda48aae\\_en](https://ec.europa.eu/home-affairs/document/download/762b2a81-a44b-48d3-baaa-9d40fda48aae_en)

<sup>441</sup> Information obtained from the Ministry of Justice on 27 January 2022.

<sup>442</sup> LU EMN NCP, “Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection in Luxembourg”, Luxembourg, 2021.

<sup>443</sup> Information obtained from the Ministry of Justice on 1 October 2021.

<sup>444</sup> Secretariat General of the Benelux, “Journée mondiale de lutte contre la traite des êtres humains: la coopération entre pays voisins est essentielle!”, Press release, 30 July 2021, URL: <https://www.benelux.int/fr/nouvelles/journee-mondiale-de-lutte-contre-la-traite-des-etres-humains-la-cooperation-entre-pays-voisins-est-essentielle>

<sup>445</sup> Secretariat General of the Benelux, “Coopération Benelux en vue de l’accueil des victimes de la traite des êtres humains”, Information leaflet, Brussels, 2021, p. 27, URL: [https://www.benelux.int/files/1116/1700/3419/brochure\\_TeH-def.pdf](https://www.benelux.int/files/1116/1700/3419/brochure_TeH-def.pdf)

<sup>446</sup> Secretariat General of the Benelux, “Journée mondiale de lutte contre la traite des êtres humains: la coopération entre pays voisins est essentielle!”, Press Release, 30 July 2021. URL: <https://www.benelux.int/fr/nouvelles/journee-mondiale-de-lutte-contre-la-traite-des-etres-humains-la-cooperation-entre-pays-voisins-est-essentielle>

Benelux, "Programme de travail commun 2021-2024", Brussels, January 2021, p. 9, URL: [https://www.benelux.int/files/8616/1372/7322/DEF\\_GWP\\_21-24\\_FR.pdf](https://www.benelux.int/files/8616/1372/7322/DEF_GWP_21-24_FR.pdf)

<sup>447</sup> Information obtained from the Ministry of Justice on 27 January 2022.

<sup>448</sup> Information obtained from the Directorate for Development and Humanitarian Affairs on 31 January 2022.

<sup>449</sup> Association de Soutien aux Travailleurs Immigrés (ASTI), URL: <https://www.asti.lu/>

<sup>450</sup> CID Fraen an Gender (Women and Gender), URL: <https://cid-fg.lu/en/>

<sup>451</sup> Comité de Liaison des Associations d'Etrangers (CLAE), URL: <https://www.clae.lu/>

<sup>452</sup> Finkapé - réseau Afrodescendant Luxembourg; URL: <https://www.finkape.lu/>

<sup>453</sup> Time for Equality, URL: <https://timeforequality.org/>

<sup>454</sup> In June 2021, a woman from Brazil whose residence status in Luxembourg was irregular, reported the physical and sexual abuse and the exploitation she experienced at her workplace to the police. After her interview the police confiscated her passport and subjected her to a voluntary return, that is, she was ordered to leave Luxembourg within 30 days. Source: ASTI, CID Fraen an Gender, CLAE, Finkapé - réseau Afrodescendant Luxembourg, Time for Equality, "Quand la victime est punie...", Press release, 24 June 2021, URL: <https://www.asti.lu/quand-la-victime-est-punie-communique/>

<sup>455</sup> European Union Agency for Fundamental Rights (FRA), "Step up rights protection of exploited migrant workers", 24 June 2021, URL: <https://fra.europa.eu/en/news/2021/step-rights-protection-exploited-migrant-worker>

ASTI, CID Fraen an Gender, CLAE, Finkapé - réseau Afrodescendant Luxembourg, Time for Equality, "Quand la victime est punie...", Press release, 24 June 2021 URL: <https://www.asti.lu/quand-la-victime-est-punie-communique/>

<sup>456</sup> Ministry of Foreign and European Affairs, "Information from the Minister for Immigration and Asylum, Jean Asselborn, following the press release 'When the victim is punished...' signed by five Luxembourg associations", Press release, 28 June 2021, URL: [https://maee.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes\\_actualites%2Bcommuniques%2B2021%2B06-juin%2B28-asselborn-information.html](https://maee.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2021%2B06-juin%2B28-asselborn-information.html)

<sup>457</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 2022, p. 25, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>458</sup> Information obtained from the Grand Ducal Police on 16 December 2021.

<sup>459</sup> Including a Police escort to their final destination.

<sup>460</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 7 February 2022, p. 25, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>461</sup> 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. 21, URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20210301-Bilan-2020-Asile,-immigration-et-accueil.pdf>

<sup>462</sup> Ibid, p. 25.

<sup>463</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 7 February 2022, pp. 25-26, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

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. 22, URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20210301-Bilan-2020-Asile,-immigration-et-accueil.pdf>

<sup>464</sup> LU EMN NCP, "2020 Annual Report on Migration and Asylum", Luxembourg, 2021, pp. 68-69, URL: [https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020\\_EN-3.pdf](https://emnluxembourg.uni.lu/wp-content/uploads/sites/225/2021/06/Annual-Report-on-Migration-and-Asylum-2020_EN-3.pdf)

<sup>465</sup> Information obtained from the Directorate of Immigration on 15 March 2022.

<sup>466</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, "Bilan de l'année 2021 en matière d'asile, d'immigration et d'accueil", Luxembourg, 7 February 2022, pp. 25-26, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>467</sup> Ibid., p. 26.

<sup>468</sup> Ibid., p. 27.

<sup>469</sup> Government Council, "Résumé des travaux du 26 novembre 2021", Press Release, 26 November 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiques/2021/11-novembre/26-conseil-gouvernement.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2021/11-novembre/26-conseil-gouvernement.html)

<sup>470</sup> Bill 7954 amending the amended Law of 29 August 2008 on the free movement of persons and immigration. Introduced to Parliament on 19 January 2022, URL: [https://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=BAB333C4F99811711F9EE04B554C6382092ED11C5409052FCBD533791D891A7F5FA61CB9B527A0C42B016AAECA88A504S014E9471E508CDE3EAFBCB5F4B0A044DB](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=BAB333C4F99811711F9EE04B554C6382092ED11C5409052FCBD533791D891A7F5FA61CB9B527A0C42B016AAECA88A504S014E9471E508CDE3EAFBCB5F4B0A044DB)

<sup>471</sup> Ibid., p. 6.

<sup>472</sup> Frontex, "Consolidated Annual Activity Report 2018", 12 June 2019, URL: <https://www.europarl.europa.eu/cmsdata/185405/CAAR%202018.pdf>

<sup>473</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>474</sup> Ministry of Foreign and European Affairs, “Activity Report 2021”, Luxembourg, March 2022, URL: <https://maee.gouvernement.lu/en/publications.gouvernement%2Ben%2Bpublications%2Brapport-activite%2Bminist-affaires-etrangeres-europeennes%2Bmaee%2B2021-rapport-activite-maee.html>

<sup>475</sup> Information obtained from the International Organization for Migration (IOM) on 21 December 2021.

<sup>476</sup> Ibid.

<sup>477</sup> Extended Parliamentary Question 110 with debate on the fight against illegal immigration, 7 December 2021, URL: <https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doQuestpaDetails&id=21830>

<sup>478</sup> Ministry of Internal Security, “Note interministérielle sur la criminalité liée aux stupéfiants au Luxembourg”, 2 March 2021, p. 10, URL: [https://www.aloss.lu/fileadmin/file/aloss/NOTE\\_INTERMINISTERIELLE\\_SUR\\_LA\\_CRIMINALITE\\_LIEE.pdf](https://www.aloss.lu/fileadmin/file/aloss/NOTE_INTERMINISTERIELLE_SUR_LA_CRIMINALITE_LIEE.pdf)

<sup>479</sup> Ibid.

<sup>480</sup> European Commission, “Return and Readmission”, URL: [https://ec.europa.eu/home-affairs/policies/migration-and-asylum/irregular-migration-and-return/return-and-readmission\\_en](https://ec.europa.eu/home-affairs/policies/migration-and-asylum/irregular-migration-and-return/return-and-readmission_en)

<sup>481</sup> Reply to extended Parliamentary Question 110 with debate on the fight against illegal immigration (agenda item 6) on 7 December 2021, URL: <https://www.chd.lu/ArchivePlayer/video/3478/sequence/187492.html>

<sup>482</sup> Protocol between the Benelux States (the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands) and Bosnia and Herzegovina, done at Brussels, on 5 December 2013, relating to the application of the 'Agreement between the European Community and Bosnia and Herzegovina on the readmission of illegally staying persons, done in Brussels, 18 September 2007 - Entered into force 1 August 2021, published in Memorial A 636, URL: <http://data.legilux.public.lu/eli/etat/leg/div/2021/06/01/a636/jo>

The above Protocol was approved by the Law of 7 June 2015 approving the Protocol between the Benelux States (the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands) and Bosnia and Herzegovina signed in Brussels on 5 December 2013, on the application of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of illegally staying persons signed in Brussels on 18 September 2007. Published in Memorial A 105 of 2015, URL: <https://legilux.public.lu/eli/etat/leg/loi/2015/06/07/n2/io>

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<sup>483</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 29, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>484</sup> Ibid, pp. 29-30.

<sup>485</sup> Law of 16 December 2021 amending inter alia the Law of 17 July 2020 introducing a series of measures to combat the Covid-19 pandemic and amending: 1° the amended Act of 25 November 1975 on the supply of medicinal products to the public; 2° the amended Act of 11 April 1983 regulating the marketing and advertising of medicinal products. Published in Memorial A 875 of 16 December 2021, URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/12/16/a875/jo>

<sup>486</sup> Information obtained from the Directorate of Immigration on 17 January 2022.

<sup>487</sup> 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.

<sup>488</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, “Bilan de l’année 2021 en matière d’asile, d’immigration et d’accueil”, Luxembourg, 7 February 2022, p. 31, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-asselborn-bilan-2021/Bilan-2021-Immigration,-Asile-et-Accueil.pdf>

<sup>489</sup> Ibid.

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. 28-29, URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20210301-Bilan-2020-Asile,-immigration-et-accueil.pdf>

<sup>490</sup> Ibid., p. 33.

Ministry of Foreign and European Affairs, “Activity Report 2021”, Luxembourg, March 2022, URL: <https://maee.gouvernement.lu/en/publications.gouvernement%2Ben%2Bpublications%2Brapport-activite%2Bminist-affaires-etrangeres-europeennes%2Bmaee%2B2021-rapport-activite-maee.html>

<sup>491</sup> Ministry of Foreign and European Affairs, “Luxembourg’s candidacy to the Human Rights Council 2022-2024”, URL: <https://maee.gouvernement.lu/en/directions-du-ministere/affaires-politiques/droits-de-l-homme/candidature-cdh-22-24.html>

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<sup>492</sup> "Power Up! Gender Justice for Adolescent Girls and Young Women in sub-Saharan Africa. The 'Education Plus' Initiative", co-organised by the Permanent Representation of Luxembourg in New Benin and UNAIDS, with also the collaboration of UNESCO, UNFPA, UNICEF and UN Women, 17 March 2021, URL: <https://www.unwomen.org/en/csw/csw65-2021/side-events/calendar-of-virtual-side-events#17Mar>

<sup>493</sup> "Together to End Child Labour: A high-level event to mark the International Year for the Elimination of Child Labour", co-organised by the Permanent Representation of Luxembourg in New York, ILO, UNICEF and the European Union Delegation in New York, 11 June 2021, URL: [https://www.ilo.org/newyork/events-and-meetings/WCMS\\_793230/lang--en/index.htm](https://www.ilo.org/newyork/events-and-meetings/WCMS_793230/lang--en/index.htm)

<sup>494</sup> "Launching 'A Seat At The Table'. A guide to crafting effective narratives at the United Nations about human rights and the people who defend them", co-organised by the Permanent Representation of Permanent Representation of Luxembourg in Geneva and the ISHR, 30 June 2021, URL: <https://ishr.ch/events/a-seat-at-the-table-ishr-publication-launch/>

<sup>495</sup> "Virtual side event: Human Mobility and Human Rights in the context of the adverse effects of Climate Change", co-organised by the Permanent Representation of Luxembourg in Geneva and the Platform on Disaster Displacement, 5 October 2021, URL: [https://eeas.europa.eu/headquarters/headquarters-homepage/106246/event-hrc-48-human-mobility-and-human-rights-context-adverse-effects-climate-change\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/106246/event-hrc-48-human-mobility-and-human-rights-context-adverse-effects-climate-change_en)

<sup>496</sup> UNRWA, "Luxembourg and UNRWA Sign Strategic Partnership Agreement, including EUR 12.3 million for Palestine Refugees", URL: <https://www.unrwa.org/newsroom/press-releases/luxembourg-and-unrwa-sign-strategic-partnership-agreement-including-eur-123>

<sup>497</sup> Ministry of Foreign and European Affairs, "Jean Asselborn réaffirme le soutien du Luxembourg aux réfugiés palestiniens dans le Proche-Orient lors de la conférence ministérielle de l'UNRWA", 16 November 2021, Press release, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/11-novembre/16-asselborn-unrwa.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/11-novembre/16-asselborn-unrwa.html)

<sup>498</sup> Directorate for Development Cooperation and Humanitarian Action, Ministry of Foreign and European Affairs, "Franz Fayot ouvre la Semaine africaine de la microfinance à Kigali et signe un MoU avec le Rwanda ", Press release, 19 October 2021, URL: [https://cooperation.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes\\_actualites%2Bcommuniqués%2B2021%2B10-octobre%2B19-fayot-sam.html](https://cooperation.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2021%2B10-octobre%2B19-fayot-sam.html)

<sup>499</sup> Ministry of State, the Ministry of Foreign and European Affairs and the Directorate for Development Cooperation and Humanitarian Action, "Visit by Filippo Grandi, United Nations High Commissioner for Refugees and signing of a new Strategic Partnership Framework with UNHCR", Press Release, 10 November 2021, URL: [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2021/11-novembre/10-visite-filippo-grandi.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/11-novembre/10-visite-filippo-grandi.html)

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