COUNTRY FACTSHEET: LUXEMBOURG 2012

EUROPEAN MIGRATION NETWORK

1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Luxembourg during 2012, including latest statistics. It has been prepared in conjunction with the European Commission's 4th Annual Report on Migration and Asylum (2012).

2. Legal Migration and Mobility

2.1. PROMOTING LEGAL MIGRATION CHANNELS

The website of the Ministry of Foreign Affairs and the Directorate of Immigration was updated in 2012 with information on conditions of entry, residence, employment and relative administrative procedures[1]. The website (www.Guichet.lu), providing information about administrative procedures for settlement in Luxembourg, was also updated. The **EU Immigration Portal** has been maintained by providing up-to-date information about immigration procedures in place in Luxembourg.[2] Finally, an information and guidance system on integration in the area of **employment** has been developed within the framework of the "Itineraries for Employment" project financed by the European Integration fund (EIF), for the benefit of third-country nationals.[3]

2.2. ECONOMIC MIGRATION

As a result of rising national unemployment rates, the Employment Agency was reformed by Law of 18 January 2012 creating the **Employment Development Agency (ADEM)** with the aim of moving from managing unemployment to proactively promoting work and employment development, with several new measures for third country nationals, e.g. the procedure concerning the labour market test granting residence permits to third-country nationals as salaried employees, has been simplified and will now be carried out **prior to their authorisation of**

stay (once the latter is granted the person can apply for a resident permit). In order to hire a third-country national, employers must first advertise the job vacancy through ADEM. If, within three weeks, ADEM has not proposed a national candidate / EU citizen who matches the job description for the advertised post, the employer may request a certificate from the Director of ADEM allowing him or her to recruit the person of his/her choice.

In the area of the **recognition of qualifications**, there have been no legal or policy changes; of the 5,142 diploma equivalencies issued in 2012, most of these concerned health profession qualifications and secondary school certificates. Some 764 applications were made for **validation of knowledge and experience acquired (VAE)**, which certifies professional or extraprofessional work experiences. Negotiations on the establishment of a **mobility partnership** with Cape Verde took place in 2012, but so far no *final* document has been agreed.

The **Employers Sanctions Directive** was transposed by the Law of 21 December 2012. Within the legal framework a regularisation process was set, between 2 January and 28 February 2013, by the Directorate of Immigration of the Ministry of Foreign Affairs, requiring two essential conditions to be met by candidates: 1) proof of having been employed for at least nine months in Luxembourg and 2) a permanent contract with remuneration equivalent to the minimum social wage for a weekly period of work of 40 hours. Regarding highly qualified workers, the **EU Blue Card Directive** was transposed on 8 December 2011 and entered into force on February 2012. During the same year, 183 residence permits were issued to EU Blue Card holders. With regards to **students**, in 2012, 10.4% of students in the University of Luxembourg were third country nationals. International students were attracted to Luxembourg thanks to international agreements targeting universities in third countries (such as Canada, Cape Verde, USA, China, India, Japan, Mali, Russia, Thailand and Uruguay) as well as to partnerships with universities in the EU.

---

[1] http://www.mae.lu/Site-MAE/VISAS-Immigration
[2] http://ec.europa.eu/immigration/
[3] http://www.clae.lu/html/m1sm4ssm1.html

International **researchers** are also the beneficiaries of various programmes, such as the ATTRACT programme, aimed at integrating researchers within an independent research team in a public research institution in Luxembourg. In order to provide foreign researchers with the necessary information on how to settle in Luxembourg, the Ministry for Higher Education and Research launched the Luxembourg guide for foreign researchers.[4]

2.3. FAMILY REUNIFICATION

In 2012, 1,274 residence permits were issued to third-country nationals family members of EU citizens, while 1,018 residence permits were issued to family members of third-country nationals. The law reforming the Employment Agency foresees that holders of a family member residence permit may register as **job seekers**. In order to access the labour market, third-country nationals arriving within the framework of family reunification schemes, have to pass a labour market test during their first year of residence. After one year, the market test is no longer carried out.

2.4. INTEGRATION

In 2012 the Government developed four priorities within its **National Action Plan for Integration and Against Discrimination 2010-2014.** Those are: integration as a two-way process; basic knowledge of the host society's language; history and institutions; intercultural dialogue and education. The Reception and Integration Contract (CAI), launched in 2011, has been signed by 972 candidates in the course of 2012, 40% of which were third-country nationals. The contract lasts for a maximum of two years and includes language training, orientation course and citizenship courses aimed at both EU citizens and third-country nationals. **Several initiatives were carried out to finance integration projects at the local level**, including a training session for municipality officials dealing with immigration issues. Several efforts were also made to promote the linguistic integration of adults and school integration for the children of migrants, following the introduction of "intercultural mediators", recently regulated by the Government[5]. In the area of political participation, the lack of the **right to vote** in national elections amongst foreign nationals was strongly criticised by the Young Socialists and the Luxembourgish Socialist Labour Party (LSAP)[6] during a press conference. Moreover, concern was expressed by various actors with regards to growing xenophobic tendencies. To tackle this phenomenon a huge media awareness-raising campaign called "**Making Luxembourg**" tried to put emphasis on the positive role that diversity plays in

Luxembourg.[7] Lastly, in September 2012, the Ministry of Justice initiated a national debate on the reform of the Law of 23 October 2008 on **Luxembourg nationality**. The debate, fuelled by civil society and academia, included issues such as the required qualifications for naturalization, conditions of 'honourability' and *jus soli*.

2.5 MANAGING MIGRATION AND MOBILITY[8]

The **Visa Information System (VIS)** has been implemented in various consular representations. In the context of EU-wide discussions on the possible re-introduction of internal border controls in the event of uncontrollable migratory pressure, the Minister of Immigration emphasised the need to improve the Schengen *acquis* without jeopardising the free movement of persons. In the field of border control, Luxembourg is ready for the installation of the **Schengen Information System (SIS II)**. Luxembourg participated in **Frontex** operations, e.g. by deploying a surveillance aircraft to provide support to the Poseidon operation at the Greek-Turkish sea border and Indalo operation in Spanish waters.

3. International Protection and Asylum

In 2012, Luxembourg continued to receive a high number of international protection applications (IPAs), although the numbers have decreased slightly when compared with 2011. More than half of IPAs originated from the five countries of the former Yugoslavia. As a result, authorities took measures to prevent the increase of unfounded international protection applications, following the introduction of visa exemption regimes with certain Balkan countries. Along with other Member States, Luxembourg in a joint letter with other Member States requested to the European Commission the introduction of a safeguard clause allowing the temporary reintroduction of visa obligations for third country nationals who are normally allowed to travel in the EU without a visa. Moreover, development projects and bilateral exchanges between Serbia and Luxembourg were put in place to understand better the causes of migration flows originating from the Balkan countries.

Regarding public opinion, particular criticism was directed at the new **Grand-Ducal Regulation of 8 June 2012 on social aid for international protection applicants**. The reform decreased significantly the monthly financial allowance for international protection applicants: from 107.9 to 25 Euros per applicant whose accommodation and food are provided for by the State, although monthly cash amounts may be supplemented with assistance in kind or purchase vouchers. According to the explanatory statement, the new Regulation is intended to encourage "awareness and responsibility on the part of

---

[4] http://www.innovation.public.lu/fr/publications/programmes-europeens/mobilite/foreign-researcher-guide/index.html
[5] Grand Ducal regulation of 10 May 2012 specifying the terms of recruitment, classification and remuneration of "intercultural mediators" by the national education department- Memorial A. No 98 of 16. May 2012.
[6] Le Quotidien, 16 March 2012, p. 6

---

[7] www.makingluxembourg.lu
[8] "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

international protection applicants". In contrast, the Luxembourg Refugee Collective (LFR) believes the decrease in allowances is unlikely to deter asylum applicants but will instead worsen the precarious situation that international protection applicants already experience. At EU level, **Luxembourg benefited from support from the European Asylum Support Office (EASO)** for the training of staff on the Community Asylum *acquis* in matters to build capacity to address the high numbers of international protection applications.

4. Unaccompanied Minors and other Vulnerable Groups

In 2012, 16 unaccompanied minors (UAMs) have introduced a request for **international protection**. UAMs' rights have been reinforced in 2011, by the Law of 1 July 2011 modifying the Law of Immigration transposing the Return Directive. Also the Bill n° 6507 transposing the Qualifications Directive enforces the protection of UAM's rights, providing the obligation to take into consideration the specific situation of vulnerable groups.

5. Actions against Trafficking in Human Beings

All cases of trafficking in human beings identified between 2009 and 2012 in Luxembourg relate to **transnational trafficking** crimes. In 2012, two persons have been sentenced for practicing trafficking in human beings and for arranging **trafficking** in human beings for the purpose of sexual exploitation and prostitution. In April 2012, the Luxembourg Minister of Equal Opportunities visited the Belgian Minister of Equal Opportunities and Home Affairs, to discuss issues related to **prostitution** and to increase exchanges of information and good practices through the vehicle of an international platform on prostitution and trafficking in human beings among the Benelux countries, France and Germany. Moreover, members of the Parliament have exchanged views with the representatives of the Group of Experts of the **Council of Europe** on Action against Trafficking in Human Beings (GRETA). Lastly, the Grand-Ducal police have participated in two large-scale operations at EU level: APHRODITE and BALDER, checking operations of trafficking in human beings and irregular migration.[9]

6. External Dimension of EU Migration Policy

In the area of **remittances**, within the development project of microfinance in Cape Verde, implemented by the NGO-ADA, Luxembourg's line of intervention targets the mobilisation of migrants' savings, in order to finance microfinance institutions in Cape Verde.[10] Moreover, **coherence has been ensured between**

migration and development policies through a programme aimed at improving the living conditions in Southern Serbia and to stem the heavy flow of applicants for international protection originating from this region. The project focused on: (i) the access to decent housing; (ii) preventing early school leaving; (iii) income-generation activities in traditional economic areas; (iv) improving access and quality to healthcare and; (v) community development. As a measure to mitigate **brain drain** and contribute to the development of their countries of origin, third-country nationals students are provided with the possibility to apply for a residence permit with an employee status after having completed their higher education diploma in Luxembourg. A two-year limit has been set in order to encourage the return to the country of origin and so the qualifications gained in Luxembourg are recognised within their countries of origin.

7. Irregular Migration

In 2012 several laws were passed on the approval of **readmission agreements** with Kosovo, Russia and Montenegro. In the context of the fight against irregular migration, the Palermo Protocol against the illegal trafficking of migrants (2000) was also approved. The use of **counterfeit IDs** has been detected by the Directorate of Immigration among third-country nationals registering themselves in local municipalities as European Union citizens. Such cases are handled by the Foreigners Department of the Judicial Police. To tackle this issue, non-systematic controls of registration certificates issued by local municipalities have been carried out. In the field of **returns** of third country nationals, the year 2012 witnessed an increase of 293% compared with that of 2011. Of these, 92% were voluntary returns and only 8% forced returns, some of which were carried out in cooperation with Frontex.

8. Provision and Exchange of Information to support Policy Development

Through its EMN NCP, Luxemburg actively takes part in EU level activities aiming at exchanging information. At the national level, Luxembourg brought together public authorities, international researchers and policy makers in the context of the **5th EMN NCP national annual conference** on 15 and 16 May 2012 on the topic of "**Migration policies and family life in transit**".

STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Luxembourg on aspects of migration and asylum (2010-2012), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

---

[9] Report 2012 of the Grand-Ducal Police, p. 34, http://www.police.public.lu/actualites/statistique/rapport_stat_2012/rapport-statistique-2012.pdf
[10] www.microfinance.lu

Statistical Annex: Immigration and Asylum in Luxembourg (2010-2012)

**Figure 1: First residence permits, by reason (2010-2012)**
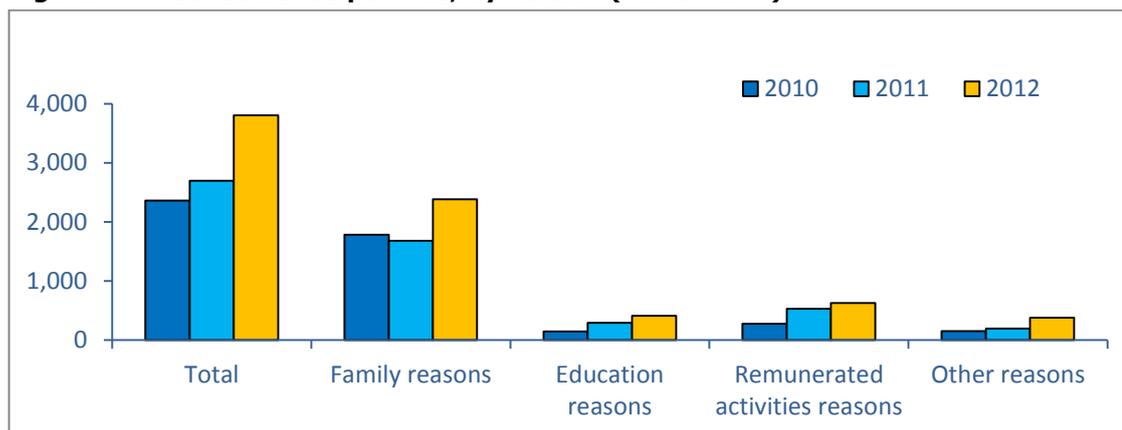
Source: Eurostat migration statistics (migr_resfirst)

Table 1: First residence permits: Top 5 nationalities (2010-2012)

2010	2011	2012
1. USA – 220	**1. USA** – 317	**1. USA** – 577
2. Brazil – 219	**2. Cape Verde** – 184	**2. China** – 285
3. Cape Verde – 180	**3. Brazil** – 165	**3. Montenegro** – 267
4. China – 143	**4. Montenegro** – 158	**4. Cape Verde** – 220
5. Montenegro – 120	**5. China** – 151	**5. Brazil** – 204

Source: Eurostat migration statistics (migr_resfirst)

Figure 2: Resident population of third-country nationals (2010-2012)
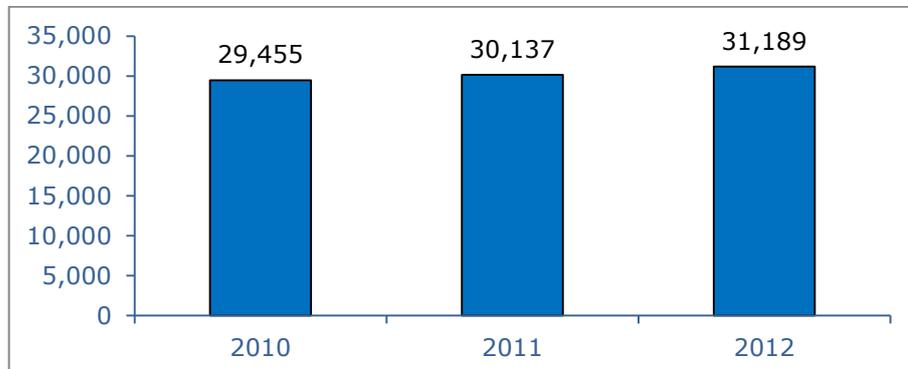
Source: Eurostat migration statistics (migr_pop1ctz)

Figure 3: Asylum applications (2010-2012)

Table 2: Asylum applications: Top 5 nationalities (2010-2012)

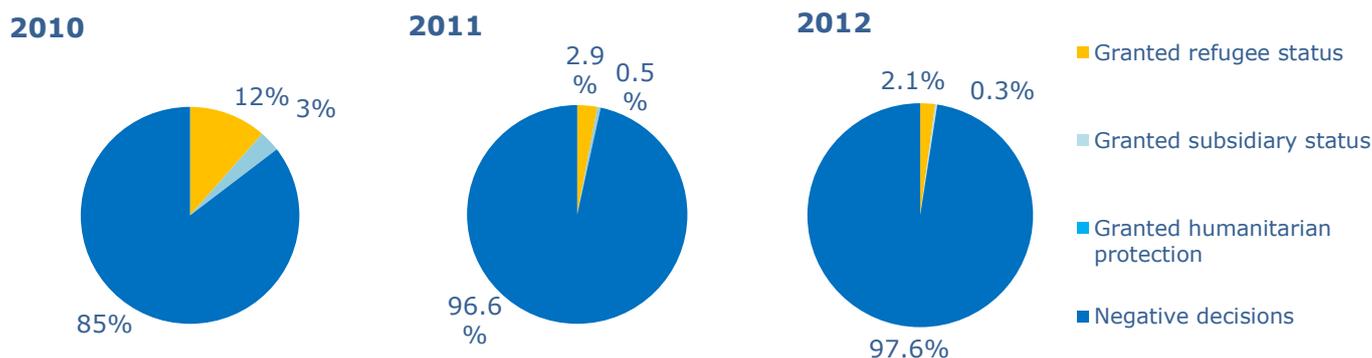| 2010	2011	2012
1. Kosovo – 160	**1. Serbia –** 950	**1. Serbia –** 385
2. Serbia – 150	**2. FYROM –** 450	**2. Albania –** 305
3. Iraq – 95	**3. Kosovo –** 140	**3. Montenegro –** 290
4. Algeria – 45	**4. Montenegro –** 105	**4. Bosnia and Herzegovina –** 285
5.-6. Iran, Somalia – 30	**5. Bosnia and Herzegovina –** 50	**5. Kosovo –** 210
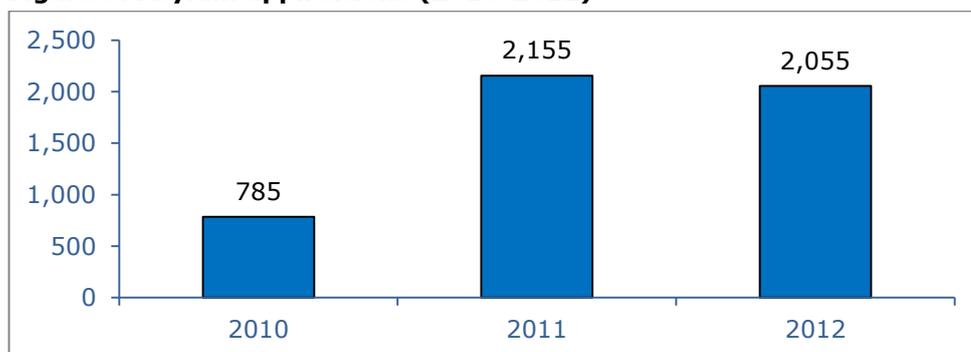
Source: Eurostat migration statistics (migr_asyappctza)

Table 3: Asylum applications - First instance decisions by outcome (2010-2012)

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
2010	475	70	55	15	*N/A*	410
2011	1,020	35	30	5	*N/A*	985
2012	1,650	40	35	5	*N/A*	1,610

Source: Eurostat migration statistics (migr_asydcfsta)

Figures 4-6: Asylum applications - First instance decisions by outcome (2010-2012)


Source: Eurostat migration statistics (migr_asydcfsta)

Table 4: Third-country nationals relocated and resettled (2010-2012)

	2010	2011	2012
Third-country nationals relocated	*N/A*	0	0
Third-country nationals resettled	5	0	0

Source: Eurostat migration statistics (migr_asyresa) and National contributions to EMN Annual Policy Report

Figure 7: Unaccompanied minors (2011-2012)
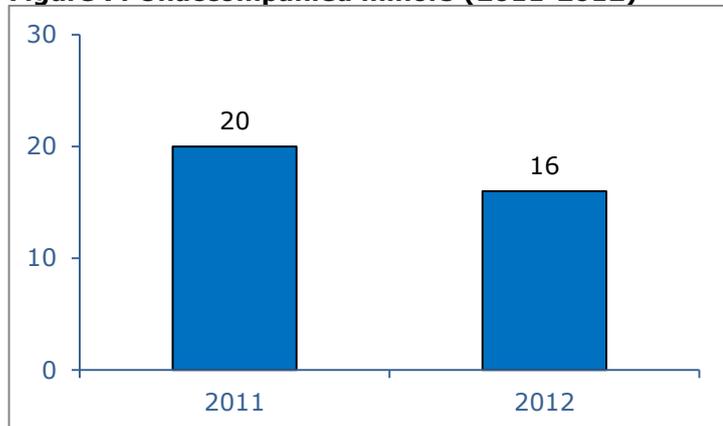
*Source: National contributions to EMN Annual Policy Report*

Table 5: Unaccompanied minors (2010-2012)

	2010	2011	2012
Unaccompanied minors (total)	*N/A*	20	16
Unaccompanied minors not applying for asylum	*N/A*	*N/A*	*N/A*
Unaccompanied minor asylum applicants	20	20	16

Table 6: Number of third-country nationals refused entry at external borders (2011-2012)

	2010	2011	2012
Third-country nationals refused entry at external borders	N/A	0	5

Source: Eurostat migration statistics (migr_eirfs)

Figure 8: Number of third-country nationals found to be illegally present (2010-2012)
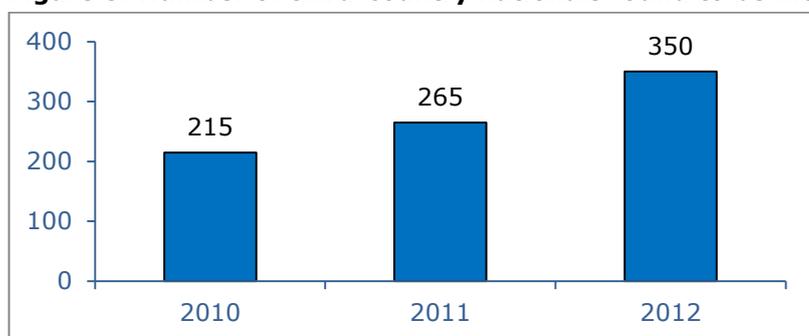
Source: Eurostat migration statistics (migr_eipre)

Table 7: Third-country nationals returned (2010-2012)

	Third-country nationals ordered to leave	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2010	150	59	143	*N/A*
2011	*N/A*	25	525	100
2012	1,945	*N/A*	*N/A*	*N/A*

Source: Eurostat migration statistics (migr_eiord) and National contributions to EMN Annual Policy Report

Table 8: Number of visas issued by type (2010-2012)

	2010	2011	2012
Total visas	*N/A*	*N/A*	18,104
Schengen visa (short-stay visas)*	7,567	8,810	10,376
National visa	*N/A*	545	6,271

*Source: Commission Staff Working Documents on the Annual Report on Immigration and Asylum; *DG HOME Statistics on Visa Policy website: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm*