

COUNTRY FACTSHEET: LUXEMBOURG 2013

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 2013, including latest statistics.

2. Legal Migration and Mobility

2.1. PROMOTING LEGAL MIGRATION CHANNELS

Information on conditions of entry, residence, employment and relevant administrative procedures is provided under the website of the Ministry of Foreign and European Affairs, (Directorate of Immigration)¹ while information about administrative procedures for settlement in Luxembourg is provided in the website www.guichet.lu.

2.2. ECONOMIC MIGRATION

Following the Court of Justice decision of 20th June 2013, the **Law on State's financial aid for higher education students was amended**. The Decision targeted an indirect discrimination between the children of resident workers and cross-border workers. The government approved the Law of 19 July 2013 that eliminated the residence condition but introduced a requirement that the third-country national worker must have worked in Luxembourg for the last five years. This situation was challenged by the administrative courts. A bill amending the law was under discussion at the Parliament² at the time this report was drafted.

The **transposition of the Single Permit Directive** (2011/98/EU) led to legislative amendments of the Law on free movement of persons and immigration in June 2013³. Information regarding work and residence has been now regrouped into one permit. Other changes included the following: the reduction of the deadline for processing applications; the indication of

the authorisation to work on all residence permits; the removal of some restrictions for third-country nationals (TCNs) on the access to the labour market, such as being limited to work in specific sectors; and extending the duration of the residence permit after renewal.

2.3. FAMILY REUNIFICATION

As a result of the single regularisation process, held from 2nd January to 28th February 2013 (see Section 7), **family members of third-country nationals** who have obtained a residence permit as a salaried worker, were **able to apply for a residence permit** within the first two months of the date of issue of the residence permit of the salaried worker. The period of validity is limited to the duration of the residence permit issued to the third-country national who was regularised.

Following the entry into force of the Law of 19 June 2013, which transposed the Single Permit Directive (2011/98/EU), **amendments to the resident permits issued for family member were also introduced**. As a result, the work permit for a third-country national who holds a residence permit as a "Family member" or for "private reasons" and who is also employed as a secondary activity, will no longer be delivered as a separate document.

2.4. INTEGRATION

The implementation of the **National Action Plan for Integration and Against Discrimination 2010-2014**, continued during 2013 and also introduced two additional priorities: 1) employment and 2) collection of statistics, elaboration of indicators and evaluation mechanisms of integration policies. Under the priority of employment, the non-governmental organisation CLAE (Comité de liaison des associations d'étrangers) in collaboration with the Luxembourg Reception and Integration Agency (OLAI) organised workshops to reflect on possible ways forward in the areas of education and employment. Regarding the use of indicators and evaluation mechanisms of integration

¹ For more information please see: <http://www.mae.lu/Site-MAE/VISAS-Immigration/Long-sejour-superieur-a-trois-mois>

² Parliamentary document n° 6670/00, introduced on 20 March 2014.

³ Law of 19 June 2013, Memorial A N°106 of 25 June 2013.

policies, the Economic and Social Council has been mandated to monitor the implementation regarding the priorities and the actions taken.

Also on 11th April 2013, the Bill N°6561 was introduced to the Chamber of Deputies. The **Bill foresees that persons applying for the Luxembourg nationality should fulfil a condition of a residence period of five years (previously of seven years)**. Some categories of persons should benefit from a reduced residence period of three years, before being able to apply, for example in some specific cases that reflect either a link with the country or belonging to a particular group. In addition, in June 2013, SYVICOL (Syndicat des villes et communes luxembourgeoises), in collaboration with OLAI, published and distributed to all municipalities an **"Integration Kit"**. The kit provides all available information concerning integration in Luxembourg, i.e. legal and institutional framework, statistics, national associations working on integration programmes etc. The tool is intended **to help municipalities with the elaboration of a structured and sustainable integration policy**. SYVICOL and OLAI are also collaborating on the elaboration of a guide for a Communal Integration Plan. The guide was expected to be finalised during 2014.

Finally, the Conventions on Social Security with Brazil were approved on 30th June 2013, while the Convention with Tunisia entered into force on 8th March 2013. During 2013 negotiations also took place regarding a Convention on Social Security with China and Japan.

2.5. MANAGING MIGRATION AND MOBILITY⁴

Since 14th November 2013, the Visa Information System (VIS) is operational in 11 regions and it is foreseen to become operational in all regions by 2015. The Schengen Information System (SIS II) has also become operational. Also, two Luxembourgish embassies, in United Arab Emirates (Abu Dhabi) and Thailand (Bangkok), are introducing biometric data in the VIS. In addition, **Joint consular services** were established in Cape Verde (Praia) and DR of Congo (Kinshasa). Regarding border control measures, during 2013, Luxembourg participated in three FRONTEX operations.

3. International Protection and Asylum

The **Law of 19 June 2013 transposed** into national law **the Qualification Directive** (2011/95/EU). The new law introduced different measures, for example: it extended international protection to the parents of a minor, or to an adult in charge of a minor who is beneficiary of international protection and it is not married; it reinforced the effective provision of

protection by responsible authorities; and it foresees a single period of validity of the residence permit for both categories, refugees and beneficiaries of subsidiary protection. The aim of the government is to treat both categories of beneficiaries of international protection on an equal footing including their right to family reunification. The law also facilitated the recognition of professional qualifications for beneficiaries of international protection.

Due to the influx of applicants from the Western Balkan countries between 2012 and 2013, new staff was hired. The fast track procedure was applied for most Western Balkan countries, using mainly the criteria of safe country of origin and manifestly unfounded claims. Furthermore, in order to improve the quality of the national asylum system, **Luxembourg intensified the cooperation with other Member States**, especially the Netherlands and Austria, and it is also cooperating with Germany and Switzerland.

At the end of 2012, the Ministry of Development and Humanitarian Action initiated a **development cooperation programme with Southern Serbia** (Vranje and Bujanovac). The action initiated as a result of the recent upsurge of international protection seekers from this area. The programme continued to be developed during 2013. Overall, it aims **to improve the living conditions in the region and thereby to contain the massive influx of international protection seekers from this region**. The project focuses on the following: (i) access to decent housing, (ii) fighting high levels of school dropouts, (iii) income-generating activities in the areas of traditional economic sectors, (iv) improving access and quality of care and (v) community development.

Also during 2013, the Council of Government agreed to the **reception of 60 Syrian nationals in Luxembourg**, however only 28 Syrian nationals were to be received in 2014.

Regarding the transposition and implementation of the Common European Asylum System (CEAS), a new asylum law is foreseen by 2014/2015. Similarly, the Dublin III Regulation was expected to be implemented in first half of January 2014.

In 2013, the **Republic of Kosovo was added to the list of safe countries of origin**, while **Mali was withdrawn** from this list because of concerns regarding long term security in the country.

4. Unaccompanied Minors and other Vulnerable Groups

The transposition of certain provisions⁵ of the Qualification Directive (2011/95/EU) introduced **additional precautions when detecting vulnerable persons**, including unaccompanied minors, as well as appropriate techniques to be used during the

⁴ "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

⁵ Article 20(3) and (4) of the Directive. Law of 19 June 2013

interviews. The government overall intends to introduce a new identification mechanism to ensure that specific needs of potential vulnerable persons are identified and that an adequate support is guaranteed during the procedure. Also, given that the practice of medical examination to determine the age of an applicant for international protection has been contested, its reform is foreseen in 2014.

5. Actions against Trafficking in Human Beings

On 11th April 2013, **Bill n. 6562** Reinforcing the Right of Victims of Trafficking in Human Beings **transposed the EU Directive on trafficking in human beings** (2011/36/EU). The Bill, approved by the Law of 9 April 2014, has designated the Consultative Commission on Human Rights as the national rapporteur. According to the legislative changes, a victim of trafficking will no longer be obliged to file a written complaint in order to be identified as a victim if there is sufficient evidence otherwise available. **Victims will be granted assistance** even if they refuse to cooperate during the reflection period. With regards to minors, the Bill foresees that when in doubt of the victim's age and when there are reasons to believe that the victim is a minor, the later will be presumed to be a minor and will receive immediate access to assistance and protection. Victims who are unaccompanied minors, must be provided with a guardian and in all cases minors must receive accommodation and special support. A **draft regulation** amending the Grand-Ducal Regulation on the assistance for victims of trafficking in human beings was also prepared in 2013. The future amendments would allow **to extend the assistance offered by social service organisations to men victims** of trafficking, as currently such assistance is limited to female victims⁶.

6. External Dimension of EU Migration Policy

During 2013 Luxembourg was involved in a **development project on microfinance in Cape Verde**, implemented by the non-governmental organisation ADA (Appui au développement autonome). The project focused on mobilising migrants' savings in order to finance micro financial institutions in Cape Verde.

7. Irregular Migration

From 2nd January to 28th February 2013, **a single regularisation process was implemented**. The process targeted irregular migrants holding specific requirements and aimed to issue residence permits to third-country nationals under the status of salaried workers. The regularisation process was introduced following the transposition of the Employer Sanctions Directive (2009/52/EC)⁷. Permits were granted to those persons who had already worked in the

precedent period. As a result, out of a total of 664 applications received, 543 were successful while 121 applications were refused. The majority of applications concerned workers in the HORECA⁸ sector. Following the results, the Minister of Labour, Employment and Immigration noted that **the HORECA sector is by far the most affected by the phenomenon of illegal employment of irregularly staying third-country nationals**. Therefore, a call for further efforts has to be made in order to improve the quality and effectiveness of the controls in this sector. Overall, the regularisation measure offered the opportunity, not only to individuals working in irregular situations of stay to regularise their residence status, but it was also intended for employers who hired individuals illegally, to legalise their situation. In addition, in order to correctly implement the Employer Sanctions Directive, **five new posts were created at the Inspectorate of Labour and Mines**. On 2nd October 2013, the so called **"Social Badge" was launched for a trial period**. The badge is intended to fight social dumping by improving the labour inspections and to facilitate the posting of workers. Overall, the employer is requested to first register the employees with the Inspectorate of Labour and Mines and subsequently the posted worker obtains the badge before being posted. The name of the worker and a bar code will figure on the badge. During inspections, the code can be scanned and it will provide the inspector with all the necessary information regarding the posted worker. The official launch of the badge was expected at the beginning of 2014⁹. The Benelux Protocols implementing EU readmission agreements with Moldova and with Serbia were also signed on 25th January 2013.

8. Provision and Exchange of Information to support Policy Development

Luxembourg continued to participate in EU information exchange activities, particularly through the European Migration Network (EMN). During 2013 the LU EMN National Contact Point held its 6th annual conference on 3, 4 and 5 June 2013 on the topic of "Freedom of movement, a human right?" The conference attracted the Ministry of Immigration and the Ministry of Family and Integration, as well as policy makers, international researchers and representatives of civil society.

STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Luxembourg on aspects of migration and asylum (2011-2013), 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".

⁶ The grand ducal regulation of 10th March 2014 established the Committee to Combat and Prevent Trafficking in persons

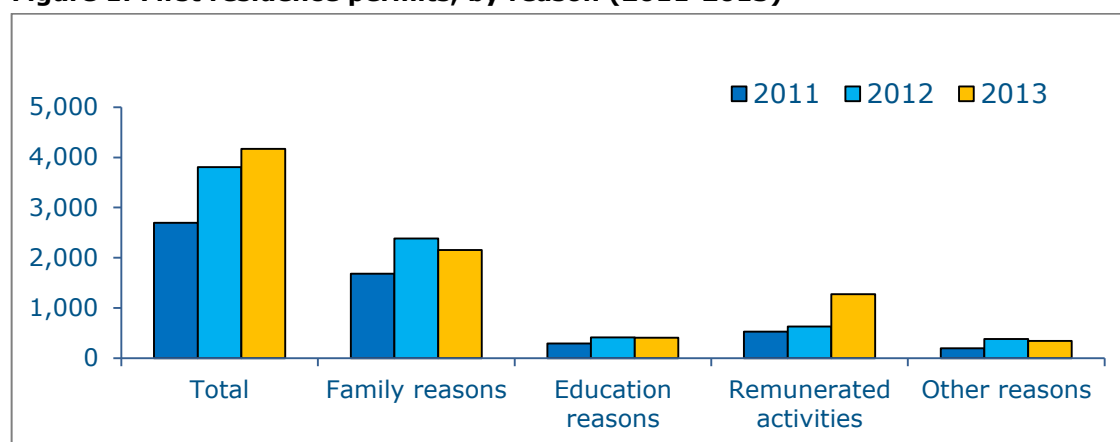
⁷ Transposed by Law of 21 December 2012.

⁸ Food and Service industry e.g. Hotels, Restaurants and Coffee places.

⁹ On 14 January 2014, the ITM launched an online application for the "Social Badge".

Statistical Annex: Immigration and Asylum in Luxembourg (2011-2013)

Figure 1: First residence permits, by reason (2011-2013)



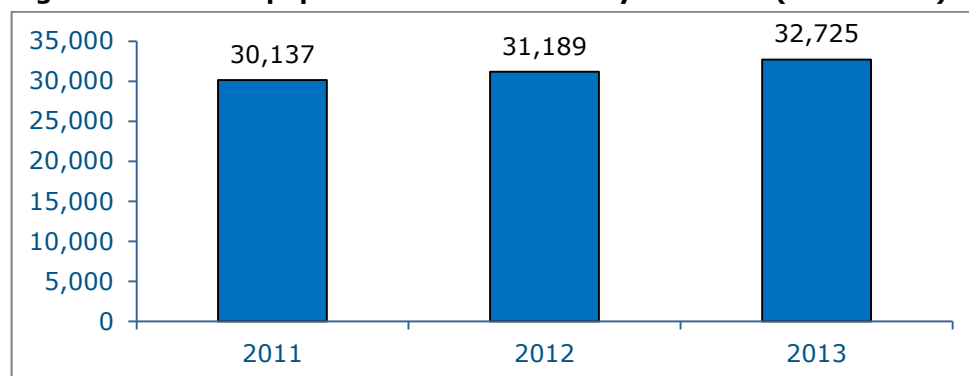
Source: Eurostat migration statistics (migr_resfirst), extracted 4 June 2014

Table 1: First residence permits: Top five third-country nationalities (2011-2013)

2011	2012	2013
1. USA – 317	1. USA – 577	1. USA – 643
2. Cape Verde – 184	2. China – 285	2. China – 472
3. Brazil – 165	3. Montenegro – 267	3. Brazil – 271
4. Montenegro – 158	4. Cape Verde – 220	4. Montenegro – 265
5. China – 151	5. Brazil – 204	5. Cape Verde – 207

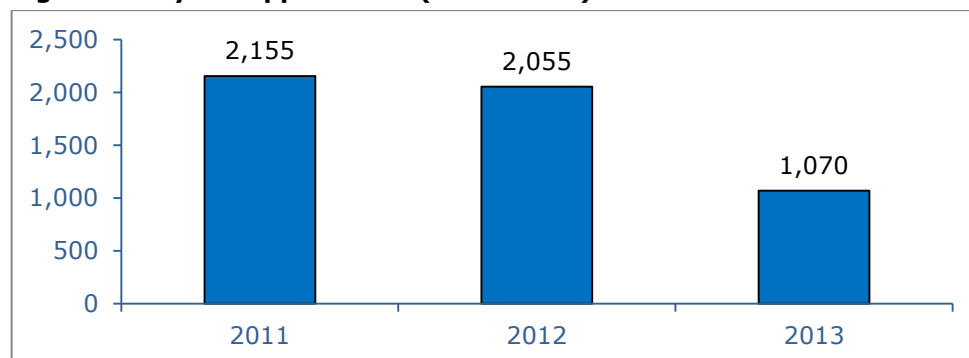
Source: Eurostat migration statistics (migr_resfirst), extracted 4 June 2014

Figure 2: Resident population of third-country nationals (2011-2013)



Source: Eurostat migration statistics (migr_pop1ctz), extracted 4 June 2014

Figure 3: Asylum applications (2011-2013)



Source: Eurostat migration statistics (migr_asyappctza), extracted 4 June 2014

Table 2: Asylum applications: Top five third-country nationalities (2011-2013)

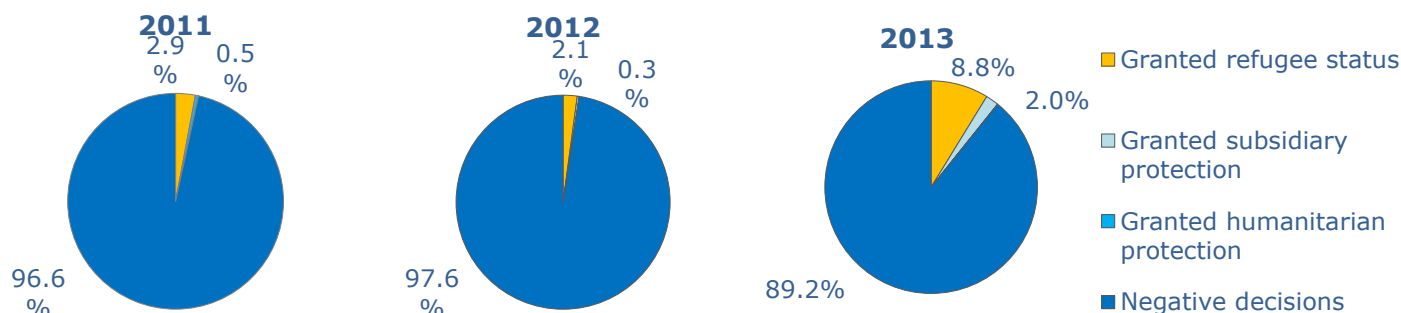
2011	2012	2013
1. Serbia – 950	1. Serbia – 385	1. Kosovo – 160
2. FYROM – 450	2. Albania – 305	2. Bosnia and Herzegovina – 145
3. Kosovo – 140	3. Montenegro – 290	3. Montenegro – 115
4. Montenegro – 105	4. Bosnia and Herzegovina – 285	4. Albania – 75
5. Bosnia and Herzegovina – 50	5. Kosovo – 210	5. Serbia – 60

Source: Eurostat migration statistics (migr_asyappctza), extracted 4 June 2014

Table 3: Asylum applications - First instance decisions by outcome (2011-2013)

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
2011	1,020	35	30	5	N/A	985
2012	1,650	40	35	5	N/A	1,610
2013	1,250	130	110	25	N/A	1,120

Source: Eurostat migration statistics (migr_asydcfst), extracted 4 June 2014

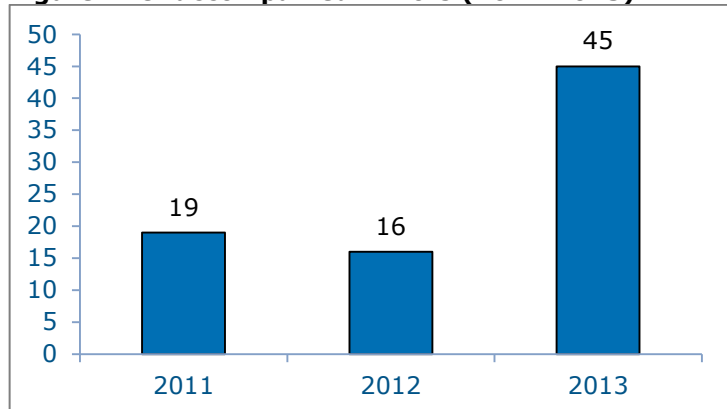
Figures 4-6: Asylum applications - First instance decisions by outcome (2011-2013)

Source: Eurostat migration statistics (migr_asydcfst), extracted 4 June 2014

Table 4: Third-country nationals relocated and resettled (2011-2013)

	2011	2012	2013
Third-country nationals relocated	0	0	0
Third-country nationals resettled	0	0	0

Source: Eurostat migration statistics (migr_asyresa), extracted 6 June 2014 and Commission Staff Working Document -Accompanying the 5th Annual Report on Immigration and Asylum 2013

Figure 7: Unaccompanied minors (2011-2013)

Source: EMN, A Descriptive Analysis of the Impacts of the Stockholm Programme 2010-2013; *Information provided by EMN LU National Contact Point

Table 5: Unaccompanied minors (2011-2013)

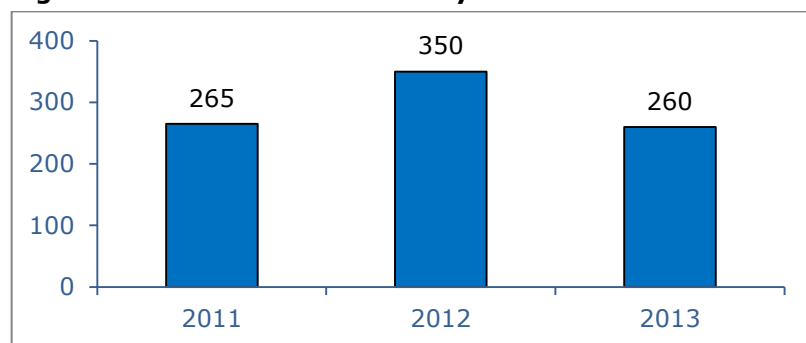
	2011	2012	2013
Unaccompanied minors (total) ¹⁰	19*	16	45
Unaccompanied minors not applying for asylum	N/A	N/A	N/A
Unaccompanied minor asylum applicants	19*	16*	45

¹⁰ The total number only refers to those unaccompanied minors that have applied for asylum.

Table 6: Number of third-country nationals refused entry at external borders (2011-2013)

	2011	2012	2013
Third-country nationals refused entry at external borders	0	5	0

Source: Eurostat migration statistics (migr_eirfs), extracted 4 June 2014

Figure 8: Number of third-country nationals found to be illegally present (2011-2013)

Source: Eurostat migration statistics (migr_eipre), extracted 4 June 2014

Table 7: Third-country nationals returned (2011-2013)

	Third-country nationals ordered to leave	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2011	N/A	25	525	100
2012	1,945	142*	1593*	94*
2013	1,015	84	595	116

Source: Eurostat migration statistics (migr_eiord), extracted 4 June 2014 and Commission Staff Working Document - Accompanying the 5th Annual Report on Immigration and Asylum 2013; *Information provided by LU NCP according to Ministry of Foreign Affairs, Annual Report, 2012

Table 8: Number of visas issued by type (2011-2013)

	2011	2012	2013
Total visas	N/A	18,104	12,065
Schengen visa (short-stay visas)*	8,810	10,373	11,138
National visa	545	6,271 ¹¹	927

Source: *DG HOME Visa statistics; Commission Staff Working Documents on the Annual Report on Immigration and Asylum (2011-2013)

¹¹ Residence permits. Including residence permits for EU nationals – relatives of EU nationals: 1,274; permanent residence permits and residence permits as a relative of an EU national: 638