



The Organisation of Reception Facilities for Asylum Seekers

Luxembourg

Second Focussed Study 2013

European Migration Network
Luxembourg National Contact Point

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The European Migration Network, created by Council Decision no. 2008/381/EC of 14 May 2008, has the objective of supplying up-to-date, objective, reliable and comparable information on migration and asylum in the Community institutions, to the authorities and institutions of the Member States and to the general public with a view to support policy- and decision-making with the European Union.



PREFACE

The opinions expressed in this report are those of the author. They do not necessarily reflect the positions of the Luxembourg Ministry of Family and Integration or the Ministry of Foreign Affairs.

The present report was drafted by Joaquim Monteiro, staff member of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Ass.-Prof. Dr. Christel Baltes-Löhr. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Sylvie Prommenschenkel (Directorate of Immigration, Ministry of Foreign Affairs), Germaine Thill (STATEC), and Marc Hayot (OLAI Reception and Integration Agency, Ministry of Family and Integration).

EMN FOCUSED STUDY 2013

The Organisation of Reception Facilities for Asylum Seekers in different Member States

Top-line “Factsheet” (National Contribution) Executive Summary (Synthesis Report)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Luxembourg has a case-by-case approach in terms of allocation of asylum applicants to reception facilities. Indeed, when deciding on the attribution of social aid, which includes accommodation, the Luxembourgish Reception and Integration Office (OLAI), takes into consideration two main criteria: the individual situation of the applicant (household composition, age of family members, potential specific needs, financial resources) and the availability of rooms. Specific reception facilities are foreseen for unaccompanied minors and female applicants when alone. During the first stage of accommodation, all applicants are accommodated in the sole initial/transit reception facility. Following the assessment of the applicant by the OLAI, applicants are allocated according to the two criteria described above. All reception facilities are collective open premises, but differ in type. The OLAI has a central coordinator role and manages directly the facilities or establishes cooperation agreements with NGOs, private hotel owners or local authorities. Overall, Luxembourg’s reception capacity has been increased substantially since 2008. In particular, following an important increase of applications in 2011 and 2012, the number of total premises available rose from 31 in 2009 to 55 in 2013, with a total reception capacity of approximately 2400 beds.

In attributing accommodation, national authorities do not take into consideration criteria such as the profile of the applicant, the type or length of the procedure. All applicants are treated equally and entitled to accommodation during the entire procedure until a final decision on their application is reached.

Synthesis Report (up three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1 Different types of Reception Facilities and different Actors (Maximum 4 pages)

This section of the Synthesis Report will address the organisation of reception facilities in different (Member) States. An overview will be provided of the different types of accommodation facilities, and different actors involved in the provision of reception facilities.

The Reception Conditions Directive (Directive 2003/9/EC, Article 13) and the Commission’s proposal for the recast Reception Conditions Directive (Article 17) stipulate that Member States shall ensure availability of material reception conditions to applicants for international protection. Housing constitutes an essential, if not the primary, element of

reception conditions. Provision of accommodation can be provided in a variety of possible manners. Directive 2003/9/EC (Article 14) makes broad reference to: a) accommodation premises for applicants who lodged their application at the border; b) accommodation centres which guarantee an adequate standard of living; c) private houses, flats, hotels or other premises adapted for housing applicants for international protection. Consequently, (Member) States have established different types of reception facilities, such as, collective/communal reception facilities, individual housing (private houses, flats or hotels arranged and paid for by the State), or, some also offer the applicant financial compensation which covers housing expenses.

This Section aims to provide an overview of the different types of reception facilities (Member) States have in place. It will also provide an overview on the number of facilities as well as their capacity. With regard to the organisation, this Section will furthermore address the different actors involved in the provision of reception facilities to applicants for international protection, specifying which authorities carry financial and executive responsibility and whether third parties are involved, such as for example, NGOs or other actors of civil society.

Q1. Please indicate in Table 1 below what type of reception facilities exist in your (Member) State.

In case your (Member) State offers a different type of facility which is not listed in the table below, please include and describe this by adding additional rows to the table below. Please also indicate how many of these facilities exist and indicate what their capacity is and how many applicants were accommodated in these facilities per year starting from 1 January 2008 to 31 December 2012.

Should your (Member) State not be able to provide the maximum capacity, please provide a brief explanation for this and specify the actual number of applicants accommodated in a certain type of facility on an annual basis for the period 2008-2012.

Table 1 Different types of Reception Facilities

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008-2012
Collective initial/transit reception centres	Yes	One	The Luxembourgish Red Cross indicates a total number of 150 available beds and manages the centre ¹ .	Due to a considerable increase of new asylum applications, in particular from 2011 onwards, the reception

¹ Luxembourgish Red Cross, [Activity report 2011](#), p.39.

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			However, statistics provided by the OLAI (Luxembourg's Reception and Integration Office), indicate a total number of 120 beds available and a maximum capacity for 150 individuals.	system was put under pressure ² . Hence, in the case of this particular reception centre and according to data provided by the Luxembourgish Red Cross average occupation rates (average of residents per month) were respectively for 2008, 2009 – 66 residents, 2010 – 76 residents, 2011 – 216 and 2012 – 161 individuals.
Collective open reception centres³	Yes	All reception facilities (55) are open collective reception centres ⁴ . Residents are allowed to leave the centre whenever they want. However, in some reception centres (run by the OLAI or NGOs), a 'curfew' is imposed. Doors are generally closed between midnight and	The maximum number of applicants who can be accommodated has been increased in recent years, in particular following a marked rise in applications from 2011 onwards. Data provided indicates a total capacity of 2479 beds available ⁶ . The evolution may also be verified through the number of	Numbers are not available for 2008, as the OLAI only became fully operational the following year. The OLAI provides an approximate average number of accommodated asylum seekers in its activity reports. The numbers also include asylum seekers who have exhausted the procedure,

² According to data available on the [Directorate of Immigration's website](#), the evolution of the number of asylum seekers is as follows : for 2008 – 463; for 2009 – 505 ; for 2010 – 791 ; for 2011 – 2170 and for 2012 – 2056.

³ Open centres means that applicants are free to enter and leave the centre whenever they want.

⁴ Luxembourgish Reception and Integration Office (OLAI), Internal working document. Estimations include state run structures, managed by NGOs, communal houses and private hotels.

⁶ OLAI internal working document, Calculation made by LU EMN NCP.

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		six o'clock in the morning. Also, residents have the right to be absent for three nights per month. However, these absences must be duly registered and allowed otherwise it will be considered an unjustified absence ⁵ .	structures at the disposal. In 2009 and 2010, the OLAI managed a total number of 31 different structures. The number of structures rose in 2011 to a total of 48 premises and 58 in 2012 ⁷ . For 2013, the OLAI indicates a total number of 55 different accommodation premises.	but are still allowed to live in the reception structure. In 2009, 1581 individuals were accommodated, in 2010 1250 individuals, in 2011 2360 individuals and in 2012 2300 individuals ⁸ .
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)	Yes	Two	Data obtained and relative to 2013 only lists one structure for specific female applicants with a maximum capacity of 65 beds ⁹ . However, another structure, also run by an NGO accommodates groups with specific needs. Their maximum capacity of accommodation is for 88 individuals.	Data on occupation was only provided for 2013. Hence, from the 65 available beds, 64 were occupied ¹⁰ . According to data provided by the NGO managing the second structure, average occupational rates were for 2008: 83%, for 2009: 85%, for 2010: 85%, for 2011: 112% and for 2012: 121%.
Special separate reception centres for unaccompanied minors	Yes	N/A	Unaccompanied minors are accommodated depending on their age. If they	

⁵ OLAI, Le guide pratique de la gestion des foyers pour demandeurs de protection internationale, page 9, point 6.

⁷ Numbers calculated by the LU EMN NCP based on information extracted from the [OLAI Activity reports for 2009, 2010, 2011 and 2012](#), respectively pages 8, 6, 5 and 4.

⁸ OLAI, [Activity reports 2009, 2010, 2011 and 2012](#), respectively page 7, page 6, page 7 and page 3.

⁹ OLAI, Internal working document.

¹⁰ OLAI, internal working document.

			<p>are less than 16 years old, the law establishes that the minor has to be accommodated a) with an adult relative resident in the country, b) in a host family, c) in a specialized structure or d) in any other accommodation facility suitable for minors¹¹. Generally, minors under 15 years are accommodated in national specialized structures as national/resident minors. Minors between 15 and 16 ½ years old are accommodated in the reception facility supervised by the Luxembourgish Red Cross and minors over 16 years in the reception facility supervised by Caritas Luxembourg. Minors over 16 years old might as well be accommodated with adult asylum applicants¹², which is the case</p>	
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¹¹ [Articles 10 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

¹² Ibidem

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			for both structures under supervision of NGOs. The Luxembourgish Red Cross facility has a maximum capacity of reception for 12 unaccompanied minors. Caritas Luxembourg facility hosts unaccompanied minors with other vulnerable groups in a reception facility with a maximum capacity of 88 beds. The number of unaccompanied minors therefore varies according to availability ¹³ .	
Private houses or flats: arranged and paid for by competent authorities	No			

¹³ The reason for the dispatching is to avoid several moves in a short period of time. In fact, the Luxembourgish Red Cross facility can only host unaccompanied minors until they reach majority.

Private hotels: arranged and paid for by competent authorities	Yes	The number of private hotels has risen substantially in last 4 years. In 2009, the OLAI listed 8 structures of this type. In 2012, the number rose to 21 different structures, three times more ¹⁴ .	The current maximum capacity for this type of structure is approximately 556 beds ¹⁵ . In its 2012 activity report, the OLAI puts forward the number of 490 beds available for that year ¹⁶ .	According to data extracted from the OLAI activity reports, this type of reception centres accommodated respectively 140 individuals in 2009, 100 individuals in 2010, 350 in 2011 and 490 individuals in 2012 ¹⁷ . The maximum capacity increase follows the sharp rise in asylum applications from 2011 onwards.
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family¹⁸	Yes	Each situation is individually analysed. Social aid (including housing) is determined taking into account the household composition, the age of the household members and the personal financial situation of the applicant. Any possible special	N/A	In Luxembourg, the OLAI only counts applicants accommodated with relatives (same family members or friends). For 2009, 51 individuals were accommodated with relatives. The number rose to 82 in 2010 and 108

¹⁴ OLAI, [Activity reports 2009, 2010, 2011 and 2012](#), respectively page 7, page 6, page 7 and page 3.

¹⁵ OLAI, internal working document.

¹⁶ OLAI, Activity report 2012.

¹⁷ OLAI, [Activity reports 2009, 2010, 2011 and 2012](#), respectively page 7, page 6, page 7 and page 3.

¹⁸ Please specify whether applicants receive (or have the possibility of receiving) a financial allowance in case they have individually arranged their accommodation.

		need is also considered ¹⁹ . Hence, applicants maintain the possibility of receiving a financial allowance in case they have individually arranged their accommodation.		in 2011 and dropped again to 84 in 2012 ²⁰ .
Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities	Yes	Premises such as scouts homes, cottage houses and camping sites were temporary used, following the large influx of asylum applicants in 2011 and 2012.	N/A	According to reports from the national media, numbers of individuals accommodated are controversial. Some mention 54 accommodated individuals in camping facilities ²¹ . Others put forward the number of 76 individuals ²² and even 150 individuals concerned at a certain moment ²³ . The maximum capacity of reception in cottage houses that might be used is 77 beds ²⁴ .

³⁰ [Article 4 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

²⁰ OLAI, [Activity reports 2009, 2010, 2011 and 2012](#), respectively page 7, page 6, page 7 and page 3.

²¹ <http://www.lequotidien.lu/politique-et-societe/28203.html> or <http://www.wort.lu/fr/view/les-demandeurs-d-asile-loges-dans-des-campings-faute-de-place-4f60f466e4b02f5ce8faf1a3>

²² <http://www.lessentiel.lu/fr/news/luxembourg/story/17497712>

²³ <http://www.zlv.lu/spip/spip.php?article6033>

²⁴ OLAI, internal working document.

Q2. Which authority(ies) carry financial responsibility over the reception facilities?

State authorities carry financial responsibility over all types of reception structures, in particular, the “Office Luxembourgeois de l’Accueil et de l’Intégration (Luxembourgish Reception and Integration Office, herein after OLAI)”²⁵, currently under the authority of the Ministry for Family and Integration. Even, in cases where local authorities provide the physical facilities, the OLAI pays a monthly financial compensation.

Q3. Which authorities carry executive responsibility²⁶ over the facilities:

Executive responsibility over the facilities is also carried by the OLAI. However, depending on the type of structure, the OLAI may also rely on external actors (private surveillance company, NGO) for the daily running of the reception facilities. Private surveillance companies are limited to surveillance and registration roles. In particular, in structures in which full board and accommodation is provided, the OLAI pays surveillance services (private company) while food is delivered (private catering company) or residents may buy food from a mobile grocery store. The OLAI also organizes the schooling of children and/or teenagers in close cooperation with the Ministry of Education and eventually local authorities in the case of primary school education, the latter being a responsibility of local authorities. In sum, the OLAI has a national coordinator role for the entire reception scheme and refers to external actors depending on the type of structures and situations involved.

Q4. In case reception facilities are run by local authorities/regional governments or with the involvement of an external service provider (e.g. NGOs or actors from civil society), please indicate whether the reception facilities are centrally coordinated (i.e. does one single authority still carry overall responsibility for the reception of applicants for international protection?)

The OLAI carries overall responsibility for the reception of applicants for international protection²⁷. The relationship (including duties, responsibilities and financial aspects) with NGOs, which in the case of Luxembourg are the Luxembourgish Red Cross and Caritas Luxembourg, is specified in annual individual cooperation agreements. For other reception facilities, such as hotels and/or communal houses, the OLAI also celebrates agreements of cooperation, which include financial compensation covering all accommodation costs (food, electricity, water, waste management). In matters of securitization/surveillance, the OLAI proceeds to a call for tender, which is followed by a signature of a contract.

Q5. In case reception facilities are run by local authorities/regional governments or with

²⁵ [Article 3 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

²⁶ Executive responsibility refers to the day-to-day running of the reception facilities and would also for example include including quality control of the services provided in the facility.

²⁷ [Articles 1 and 3 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

involvement of an external service provider (e.g. NGOs or actors from civil society), how is their involvement regulated?

The involvement of these actors is regulated through cooperation agreements.

Have any formal coordination mechanisms between the different actors been signed (for example cooperation agreements stipulating the division of competences)?

Cooperation agreements have been signed in particular with NGOs, which in the case of Luxembourg are limited to 2 NGOs (Luxembourgish Red Cross and Caritas Luxembourg) entitled to work in the field of reception of asylum seekers. The cooperation agreements are annual and stipulate division of competences, responsibilities, duties and financial compensations paid for by the OLAI. For other reception facilities, such as hotels and/or communal houses, the OLAI also celebrates agreements of cooperation which include financial compensation covering all accommodation costs (food, electricity, water, waste management) In matters of securitization/surveillance, the OLAI proceeds to a call for tender, which is followed by a signature of a contract.

Section 2

Take up of Reception Facilities: Factors determining access to the different types of facilities

(Maximum 4 pages)

This Section of the Synthesis Report aims to investigate which categories of applicants for international protection are entitled to reception facilities (standard or specific) and whether, on specific occasions/for specific reasons, authorities exclude such entitled applicants from reception facilities. It will map the competent authorities who decide on the allocation of applicants to (different) reception facilities, and will more specifically, provide an overview on what factors influence the allocation to accommodation. Such factors may, for example, relate to the capacity of centres, existence of a dispersal mechanism (for purposes of burden-sharing as to evenly distribute the costs throughout the country), the stage/type of procedure, profile of the applicant, duration of proceedings or any other factors. It will also be investigated whether Member States take into account the specific needs of vulnerable groups of applicants when deciding on allocation.

Q6. Please provide a short overview of which applicants for international protection are entitled to reception facilities provided by the State. Please complete Table 2 below:

Table 2 Categories of applicants entitled to reception facilities

Different categories of applicants depending on type/stage of procedure	Entitled to reception facilities (Yes/No)	Are these applicants entitled to standard or specific reception facilities ²⁸ ?
Applicants under Dublin II ²⁹	Yes	According to national law, if it is established that another country is responsible for examining the asylum application, the minister postpones a final national decision until the responsible country accepts to examine the application initially lodged. If the first country accepts to examine the asylum application, the minister declares him/herself incompetent to analyse the application and informs the applicant about the decision (in written form and motivated) and on his/her right to appeal from the decision. The applicant is transferred to the country responsible to examine the application ³⁰ . National law does not expressly state if Dublin II cases are entitled to social aid during the procedure. However, once an application is registered, which is the first step independently of the subsequent procedure, the applicant gets a registration certificate ³¹ , enabling him/her to accede to social aid and

²⁸ Specific reception facilities refer to facilities which divert from mainstream reception facilities, e.g. depending on the type of applicant, or stage/procedure.

²⁹ Applicants under Dublin II means those applicants for which a Dublin procedure has been initiated and who are awaiting a Dublin decision determining the responsible country for examining the asylum claim.

³⁰ [Article 15 of the Law of 5 may 2006 on the right to asylum and forms of complementary protection.](#)

³¹ [Article 6 of the Law on the right to asylum and forms of complementary protection.](#)

		reception facilities in particular ³² . The registration certificate shall be delivered within 3 days following the lodging of an application. However, should it reveal impossible to deliver the certificate within the allocated time frame, the summoning established by the judicial police provides temporary access to immediate social help ³³ . Hence, Dublin II cases are entitled to general reception facilities. However, applicants may, if decided by the minister, be placed in the detention centre ³⁴ .
Applicants in admissibility procedures³⁵	Yes	According to national law, an application may be declared inadmissible if lodged by an EU citizen, if asylum has been granted in another country or if the country of origin of the third country national is listed as a safe country. The decision on the inadmissibility shall be taken no later than 2 months following the lodging of the application ³⁶ . However, for any type of application, national Immigration authorities deliver a certificate of

³² [Articles 2 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

³³ [Article 6 of the Law on the right to asylum and forms of complementary protection.](#)

³⁴ [Article 10 of the Law on the right to asylum and forms of complementary protection.](#)

³⁵ Admissibility procedures refer to the stage of the application in which (Member) States determine whether an application will or will not be considered in substance based on the criteria laid down in Article 25 of Directive 2005/85/EC (the Asylum Procedures Directive) which stipulates circumstances in which Member States are allowed to declare application as inadmissible and are subsequently not required to examine the application.

³⁶ [Article 16 of the Law on the right to asylum and forms of complementary protection.](#)

		registration within three days ³⁷ . As for Dublin II applicants, as long as inadmissibility has not been established, applicants have access to general reception facilities.
Applicants subject to accelerated procedures	Yes	Article 20 of the national Law on International Protection sets the framework according to which an asylum application may be subject to an accelerated procedure ³⁸ . The minister has up to two months to take a decision on the application. Following a negative decision on the application, the applicant has 30 days to fulfil his/her obligation to leave the territory ³⁹ . As for previous cases analysed, applicants subject to accelerated procedures are entitled to general reception facilities during the entire time of the procedure. However, applicants may, if decided by the minister, be placed in the detention centre ⁴⁰ .
Vulnerable groups of applicants⁴¹ (with specific psychological/medical assistance needs)	Yes	One reception centre supervised by Caritas Luxembourg takes care of applicants with specific

³⁷ [Article 6 on the right to asylum and forms of complementary protection.](#)

³⁸ [Article 20 of the Law on the right to asylum and forms of complementary protection.](#) Paragraph 1 of article 20 mentions in particular that an application may be subject to accelerated procedure if the applicant comes from a safe third country, if the applicant has previously lodged another asylum application, constitutes a danger for public security, has omitted or refused to reveal personal information or given false information etc.

³⁹ [Article 22 of the Law on the right to asylum and forms of complementary protection.](#)

⁴⁰ [Article 10 of the Law on the right to asylum and forms of complementary protection.](#)

⁴¹ The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

		<p>psychological/medical needs. The centre has permanent professional supervision and is located near to one of the major hospitals in Luxembourg City. Also, according to data provided by the OLAI, one reception centre, daily managed by the Luxembourgish Red Cross is reserved for women⁴². For all other vulnerable groups, the general practice is a case-by-case approach in order to find the best possible solution. Decisions on the type and location of accommodation are taken considering the personal situation of the applicant, hence potential specific needs of an applicant⁴³.</p>
Unaccompanied minors awaiting decision for international protection	Yes	<p>Unaccompanied minors are accommodated depending on their age. If they are less than 16 years old, the law establishes that the minor has to be accommodated a) with an adult relative resident in the country, b) in a host family, c) in a specialized structure or d) in any other accommodation facility suitable for minors⁴⁴. Generally, minors under 15 years are accommodated in national specialized structures as national/resident minors.</p>

⁴² OLAI, Internal working document.

⁴³ [Articles 4 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁴⁴ [Articles 10 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

		Minors between 15 and 16 ½ years old are accommodated in the reception facility supervised by the Luxembourgish Red Cross and minors over 16 years in the reception facility supervised by Caritas Luxembourg. Minors over 16 years old might as well be accommodated with adult asylum applicants ⁴⁵ , which is the case for both structures supervised by NGOs.
Unaccompanied minors who have exhausted the procedure for international protection and are awaiting return	Yes	Unaccompanied minors are granted access to reception facilities until final return.
Applicants who have lodged an appeal procedure	Yes	As long as no final decision has been reached, applicants may remain within the reception facility where they already reside.
Applicants who have lodged a subsequent application	Yes	Subsequent applications are one of the conditions listed for the accelerated (or fast-track) procedure framework ⁴⁶ . In principle, as long as a procedure is on going, applicants may remain in the reception facility where they already reside. However, the Grand Ducal regulation setting the conditions to benefit from a social aid, also states that social aid may be limited or revoked if the applicant has previously lodged an asylum application ⁴⁷ .
Applicants who have received a positive decision on their	Yes	Applicants who have received a positive

⁴⁵ Ibidem

⁴⁶ [Article 20 of the Law on the right to asylum and forms of complementary protection.](#)

⁴⁷ [Article 5 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

<p>international protection application⁴⁸</p>		<p>decision on their application have access to the same social assistance services as nationals⁴⁹. In practice, during a “transitional” period following the decision, applicants may continue to reside in the reception facility in which they find themselves. During the transitional period, the OLAI provides social guidance to facilitate the integration process and proposes if necessary and depending on availability a “second stage” residence facility. These are individual housing facilities, property of governmental administration, where recognized refugees may reside up to three years⁵⁰. The OLAI also offers assistance with finding housing by referral to agencies in the field of housing (Fonds de Logement, Agence Immobilière Sociale).</p>	
<p>Applicants who have exhausted the procedure for international protection and who are awaiting return</p>		<p>Upon a final negative decision on the application, the applicant has thirty days to fulfil his/her obligation to leave the territory and has access to voluntary return support. Exceptionally, the minister may extend the time limit⁵¹. Depending on the individual situation, the applicant may also be held in a</p>	

⁴⁸ If possible please specify for what duration they are still entitled to reception facilities.

⁴⁹ [Article 50 of the Law on the right to asylum and forms of complementary protection.](#)

⁵⁰ [Article 55 of the Law on the right to asylum and forms of complementary protection.](#)

⁵¹ [Article 22 of the Law on the right to asylum and forms of complementary protection.](#)

		detention centre awaiting return ⁵² .
Other (e.g. applicants from other EU Member States, families with children with an irregular migrant status, applicants from safe third countries of origin etc. Please specify)	Please refer to explanations provided above.	

Q7. From the aforementioned categories of applicants who are entitled to reception, can any be excluded from reception facilities for particular reasons (e.g. because the applicant has sufficient financial means, or because the applicant has misbehaved in a reception facility, or any other reasons)?

Social aid, including access to a reception facility, is granted to all applicants if correctly registered with competent national authorities⁵³. However, the applicant may be excluded from the social aid if he/she is accommodated and supported by a national or legally residing foreigner who proves to have sufficient and stable financial resources for at least one year. Costs of stay include health costs and potential return costs of the applicant⁵⁴.

Social aid is determined according to the individual situation of the applicant (household composition, age of family members, financial resources, vulnerabilities)⁵⁵. Social aid may be limited or entirely revoked if a) the beneficiary omitted to reveal own financial resources, b) if the applicant or one of his/her family members behave violently; c) the beneficiary does not fulfil his/her obligations such as informing about absences from the reception facility, regularly present him/herself to national authorities; d) has already introduced an application in Luxembourg or fails to respect the internal reception facility's rules⁵⁶. Since, in principle, all applicants have access to social aid, limitations of the latter also apply to all categories of applicants.

Finally, social aid is also reassessed if the applicant starts a temporary remunerated occupation or stops once the certificate of registration expires, the applicant obtains a resident or work permit or the applicant obtain refugee status⁵⁷.

Q8. a) Does your (Member) State carry out an assessment of vulnerability, which could result in assignment to special reception facilities for vulnerable groups of applicants?

Assessment of vulnerability is carried out in practice. In particular, each applicant has the right to

⁵² [Article 22 of the Law on the right to asylum and forms of complementary protection](#) and [Article 120 of the Law of 29 August 2008 on Freedom of movement of persons and Immigration](#).

⁵³ [Article 2 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁵⁴ [Article 2 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid](#) and [Article 4 of the Law of 29 August 2008 on Freedom of movement of persons and Immigration](#).

⁵⁵ [Article 4 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁵⁶ [Article 5 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁵⁷ [Article 3 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

be heard by a ministerial agent during an interview⁵⁸. When registering for social aid, OLAI's social assistance services carry out a second vulnerability assessment in order to determine to which reception facility the applicant shall be assigned. Moreover, the applicant is supposed to inform the OLAI on any special need when applying for social aid⁵⁹.

Q8. b) If yes, please indicate whether the assessment of vulnerability is:

- a) **Obligatory and laid down in law** (Yes/No)
- a) **Standard practice** (Yes/No)
- b) **Optional** (Yes/No)

Within the framework of determining the amount of social and according to the Grand Ducal regulation, the individual situation of each applicant shall be taken into consideration, hence, potential vulnerabilities⁶⁰. Within the framework of examination of an application, national law only refers to general provisions such as an adequate training of the agent carrying out the assessment⁶¹. In sum, assessment of vulnerability is laid down in law and a standard practice.

Q9. Which authority/(ies) carry responsibility for deciding on the allocation of applicants for international protection to different reception facilities?

Briefly indicate the responsible authority(ies).

The Luxembourgish Reception and Integration Office (OLAI), under responsibility of the Ministry for Family and Integration⁶² carries responsibility for deciding on the allocation of applicants to different reception facilities.

Q10. How do these authorities allocate applicants to different types of reception facilities?

Please state whether one of the scenarios below, or a combination thereof, are applicable to your (Member) State and briefly describe:

i) Capacity;

Your (Member) State assigns applicants for international protection according to capacity, e.g. your (Member) State monitors occupancy rate of each reception centre and assigns applicants accordingly.

ii) Dispersal Mechanism;

Your (Member) State applies a dispersal scheme which defines how many applicants each

⁵⁸ [Articles 9 of the Law on the right to asylum and forms of complementary protection.](#)

⁵⁹ [Article 4 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁶⁰ [Article 4 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid. asylum and forms of complementary protection.](#)

⁶¹ [Articles 9 and 12 of the Law on the right to asylum and forms of complementary protection.](#)

⁶² [Article 3 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

reception centre at national/regional/local level ought to receive (either in percentages or based on a specific quota).

iii) Type of asylum procedure;

Your (Member) State takes into account the type of asylum procedure and assigns applicants accordingly to a specific reception facility. For example, one or more of the below is applicable to your (Member) State:

- Applicants who fall under the Dublin II Regulation are accommodated in specific reception facilities;
- Applicants subject to accelerated procedures are assigned to specific reception facilities;
- Etc.

iv) Stage of asylum procedure;

Your (Member) State takes into account the stage of the asylum procedure and assigns applicants accordingly to a specific facility. For example, one or more of the below is applicable to your Member State:

- Applicants during the admissibility procedure - when a (multiple) application is assessed for admissibility or when a Dublin examination is carried out – are temporarily placed in specific initial/transit reception facilities;
- Applicants who are awaiting a first instance decision are placed in specific reception facilities;
- Applicants who have lodged an appeal procedure are transferred to specific reception facilities;
- Failed/rejected applicants for international protection are transferred to specific reception facilities.

v) Profile of the asylum applicant;

Your (Member) State takes into account the profile of the applicant for international protection (e.g. special needs⁶³, nationality, or specific motives underpinning the application) and assigns applicants accordingly to a specific reception facility.

vi) Duration of the asylum procedure;

Your (Member) State moves applicants for international protection from one facility to another after a certain time period has elapsed.

vii) Other criteria (e.g. family composition)?

In Luxembourg, assignment to reception facilities is based on two main criteria: first the individual situation of the applicant, in particular special needs and/or composition of the family, and second availability of reception capacities. No dispersal mechanisms are used, although in practice attention is paid to avoid concentration of asylum applicants from the same country or region of origin. As explained above, the type or stage of the asylum procedure is not taken into account,

⁶³ The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

except when a final negative decision has been reached. In the latter scenario, applicants may be placed in the detention centre awaiting return⁶⁴.

Applicants may be moved to another reception facility due to technical issues like the closing of a reception facility, changes in the family composition or conflicts with other residents and/or among family members⁶⁵. No dispersal mechanism is used to allocate applicants to reception facilities.

Q11. Is the process for assignment of applicants to different reception facilities:

- a) Laid down in legislation (Yes/No);**
- b) Outlined in soft law/guidelines (Yes/No);**
- c) Not outlined in official documents, but there is a standard practice in place (Yes/No)**

The process for assignment of applicants to different reception facilities is not laid down in legislation except in the case of unaccompanied minors⁶⁶. For all types of applicants, the standard practice is to look into the individual situation of the applicant, taking into account special needs and in particular maintaining the family unit⁶⁷.

Q12. Provided there is sufficient capacity, does your (Member) State offer the applicant a choice for reception facility/location?

No, such a possibility is not foreseen.

Q13. a) Does your (Member) State provide for a possibility to relocate applicants for international protection to different reception facilities after initial assignment to a reception centre?

As explained in Table 1, in principle all applicants are initially accommodated in an initial/transit centre. Following an interview at the OLAI, and according to availability and taking into account the individual situation of the applicant including potential special needs, applicants are allocated to another reception facility where he or she remains until the end of the procedure unless changes occur (please refer to answer to Question 10).

Q13. b) If yes, which of the below criteria are applied, or a combination thereof, for relocation to a different reception centre:

- i) Capacity/bed management issues**
- ii) Change in family profile (e.g. birth of a child)**
- iii) Medical or special need reasons**

⁶⁴ [Article 22 of the Law on the right to asylum and forms of complementary protection](#) and [Article 120 of the Law of 29 August 2008 on Freedom of movement of persons and Immigration](#).

⁶⁵ OLAI, Interview realized on 1 July 2013.

⁶⁶ [Article 10 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid](#).

⁶⁷ [Articles 4 and 9 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid](#).

- iv) *Incidents at centres which may require transfer to alternative accommodation*
- v) *Time limits (procedural-driven)*
- vi) *Programme for voluntary return to the country of origin*
- vii) *Any other reasons?*

From the list of criteria above, change in family profile, medical or special need reasons, incidents at centres may dictate a relocation of the applicant. Relocation may also be linked to technical issues such as the closing of a reception facility.

Section 3 Quality: National Legislation on Material Reception Conditions

(Maximum 3 pages)

The Synthesis Report will review Member States' national legislation on basic material reception conditions (i.e. the provision of food, clothing, and financial allowance) that relate to the nature of the experience of being accommodated in a reception facility. Additionally, the Synthesis Report aims to provide an overview on some other quality criteria that relate to the nature of the experience of being accommodated in a reception facility, such as the available surface per applicant, the supervision rate (number of staff per applicant), and the possibility of leisure activities. Furthermore, to provide a more comprehensive overview of non-material reception conditions, a table is included in the Annex which will map additional rights granted to applicants for international protection in the (Member) State's reception system as laid down in national legislation. Member States are kindly requested to fill out table 1A in Annex 1 for this purpose.

Q14. According to national legislation in your (Member) State, what are applicants for international protection who are accommodated in reception facilities entitled to in terms of the following reception conditions:

- a) Food;***
- b) Clothing;***
- c) Financial allowance⁶⁸.***

Please briefly describe your national legislation in relation to aforementioned material reception conditions and make reference to the relevant provisions in national legislation.

According to national legislation, applicants are entitled to food and financial allowance, but no longer to clothing⁶⁹. Food is whether directly provided at the reception facility or applicants have the opportunity to buy food in the reception facility and cook for themselves. Alternatively, applicants accommodated in private hotels are also provided meals. The financial allowance also called pocket money is de facto provided and varies according to the food provision system. In case, meals are directly provided or delivered at the reception centre, beneficiaries get 25€ per month for one adult and 12,5€ for each minor child. Unaccompanied minors, aged between 16 and 18 years also get 25€ per month⁷⁰. In case food is not directly provided, the financial allowances are stipulated as follows per month: 225€ for one adult, 300€ for a household of 2 persons, 200€

⁶⁸ Please explain what costs the financial allowance is intended to cover (e.g. does it cover accommodation costs, does it include pocket money etc) and specify whether the financial allowance is provided de facto and/or whether it can be used to remunerate applicants who carry out work (small tasks) within the reception facility.

⁶⁹ [Article 1 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁷⁰ [Article 8 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

for an additional adult, 173€ for a teenager aged between 12 and 18 years, 140€ for a child under twelve years and 225€ for unaccompanied minors⁷¹. The monthly allowance is complemented with aids in nature or vouchers that can be used to buy personal hygiene products for instance.

Q15. Please indicate in Table 3 below for each type of reception facility in place in your (Member) State: the available surface per applicant (in square meters); the supervision rate (number of staff per applicant); and specify whether applicants have the possibility to take part in organised leisure activities.

Table 3 Other quality criteria for reception facilities that relate to the applicant's experience of being accommodated in a reception facility

<i>Type of accommodation</i>	<i>Available surface per applicant in square meters</i>	<i>Supervision rate (number of staff per applicant)</i>	<i>Possibility of leisure activities? Yes/No. If yes, briefly describe</i>
<i>Collective initial/transit reception centres</i>	<i>N/A</i>	<i>N/A</i>	
<i>Collective open reception centres</i>	<i>N/A</i>	<i>N/A.</i>	
<i>Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)</i>	<i>N/A</i>	<i>N/A</i>	
<i>Special separate reception centres for unaccompanied minors</i>	<i>N/A</i>	<i>N/A</i>	
<i>Private houses or flats: arranged and paid for by competent authorities</i>	<i>N/A</i>	<i>N/A</i>	
<i>Private hotels: arranged and paid for by competent authorities</i>	<i>N/A</i>	<i>N/A</i>	
<i>Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family</i>	<i>N/A</i>	<i>N/A</i>	
<i>Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities</i>	<i>N/A</i>	<i>N/A</i>	

The only minimum criteria to which authorities may refer when selecting structures is the Grand Ducal Regulation determining the criteria for renting, safety and hygiene applicable to rented accommodations⁷².

⁷¹ [Article 8 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

However, no specific legislation exists tailored to structures to accommodate asylum seekers. Article 10 of the Regulation establishes that a house that accommodates at least six or more persons shall be considered a collective accommodation structure. Article 11 on the other hand sets a limit of four occupants per room⁷³. Above all, the Regulation also refers to a minimum of square meters per room (9 m²), along other security and hygiene criteria⁷⁴.

The supervision rate varies according to the type of structure. As explained in Table 1, Luxembourg puts at the disposal different types of accommodation structures, but all of them can be considered as collective accommodation structures. Thus, supervision rates vary according to the type of structure. Accommodation structures run directly by the OLAI, benefit from at least surveillance (private security companies) services, but can also encompass social guidance. In some, where schooling is provided, supervision also includes teaching staff. In most of them, leisure activities are provided on a regular basis and may be targeting adults (workshops) or children (outdoor activities). In NGO run structures, social guidance is possible and basic medical care. In other types of structures, like rented hostels or hotels, the private owner has the responsibility to supervise his own premises. Generally, no leisure activities are provided in this type of accommodation centres.

Q16. Has your (Member) State developed guidelines or a handbook in relation to the reception offered to applicants for international protection?

[Yes/No. If yes, please briefly describe]

Yes, the Directorate for Immigration has elaborated a handbook reflecting the rights and duties applicable to asylum applicants and the OLAI organizes information meetings on reception conditions. Moreover, the OLAI has elaborated a set of “house rules” applicable to all the structures and a guide designed to support management requirements of such facilities⁷⁵.

Q17. What control mechanisms are in place to ensure that reception conditions are provided according to the standards specified in national legislation or other protocols/regulations?

Apart from self-evaluation or NGO’s criticism, no control mechanisms have been put in place.

Q18. Has there been a public debate about the quality of reception facilities in your Member State in the period from 2008 onwards - to date?

(Yes/No). If yes, please describe the parties involved and their main arguments.

Public debate reached a peak in the course of 2011, when national authorities had to respond to an important inflow of asylum applicants, in particular from the Balkan Region (Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, Albania) and most of them of Roma origin. The Minister of Immigration compared the situation in terms of asylum requests with the arrival of applicants for international protection during the Kosovo war in 1999 except there was no war going on⁷⁶. Moreover, the sudden rise in asylum applications put national institutions under pressure, in particular the reception capacity of asylum seekers. Reception facilities became quickly saturated and provisional, temporary accommodation possibilities needed to be found. The practical response, once available premises saturated, was first to use camping facilities and

⁷² [Grand Ducal Regulation of 25 February 1979 determining the criteria for renting, safety and hygiene applicable to rented accommodations](#)

⁷³ Ibidem

⁷⁴ Articles 5, 12, 13, 14 of [Grand Ducal Regulation of 25 February 1979 determining the criteria for renting, safety and hygiene applicable to rented accommodations](#)

⁷⁵ A copy of the document was provided to LU EMN NCP for study purposes.

⁷⁶ http://www.gouvernement.lu/salle_presse/actualite/2011/10-octobre/14-schmit/

scouts homes to temporary shelter asylum applicants, which spurred some criticism from the side of NGOs and has been reflected in the national media⁷⁷. Within the Directorate for Immigration staff was internally reassigned and new staff members hired and trained by the European Asylum Support Office in order to handle asylum procedures in a swifter manner. The Minister sought consultation with other EU Member States facing similar influxes and on 2 October 2012 a joint letter signed by the Belgian, Dutch, German, Swedish and Luxembourgish Ministers was addressed to the European Commission⁷⁸. Moreover, Luxembourg ratified the readmission agreement between the Benelux countries and the Republic of Kosovo on 16 May 2012⁷⁹. Finally, the Minister of Immigration also sought direct contact and consultation with his homologues in asylum seekers' countries of origin, in particular the Balkan region. In fact, the bulk in the rise of asylum applications stemmed from the Balkan region⁸⁰.

However, reception facilities are managed by the OLAI, an office under the auspices of the Ministry for Family and Integration. Following the first emergency measures in terms of accommodation after the wave of new asylum applications, the Minister called upon local administrations' support and solidarity. Some answered positively at the Minister's request to accept and accommodate asylum seekers on their territory. Hence, asylum applicants could be relocated from tents and camping to collective housing facilities. At a certain moment, a quota system for the distribution of asylum seekers in facilities across the country was under discussion. However, due to opposition by local authorities' syndicate, the initiative never concretized⁸¹. Another political response was the adoption of the Grand Ducal Regulation on Social Aid provided to asylum seekers⁸², which reduced social aid in particular in terms of pocket money. The decision again spurred criticism from NGOs and fueled some societal debates, including in the media⁸³. Critics argued that the social aid's reduction was only aimed to give a less attractive image of the country to potential asylum applicants.

Q19. Does primary research exist in your Member State, evaluating the quality of reception facilities?

No.

⁷⁷ See for example <http://www.lequotidien.lu/politique-et-societe/28203.html>

⁷⁸ http://www.gouvernement.lu/salle_presse/communiqués/2013/03-mars/14-bilan/immi.pdf

⁷⁹ http://www.gouvernement.lu/salle_presse/communiqués/2013/03-mars/14-bilan/immi.pdf

⁸⁰ <http://www.europaforum.public.lu/fr/actualites/2011/05/schmit-serbie/>

⁸¹ <http://www.wort.lu/fr/view/demandeurs-d-asile-le-syvicol-contre-le-systeme-de-quotas-4f60e9a2e4b02f5ce8fa9430>

⁸² [Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁸³ As example, see <http://www.lequotidien.lu/politique-et-societe/31527.html>

Section 4
Flexibility
(Maximum 3 pages)

The Synthesis Report will analyse the flexibility of reception facilities in (Member) States vis-à-vis the fluctuating and/or sudden influxes of applicants for international protection. (Member) States are asked to provide figures or estimations on the total number of applicants entitled to reception⁸⁴, the total number of applicants accommodated in reception facilities, as well as figures or estimations on the maximum capacity and average occupation rate of reception facilities. (Member) States are asked to describe whether they have experienced any (disproportionate) pressure on their reception systems during 2008-2012 and are asked to provide an overview of the different flexibility mechanisms that they have in place and/or have applied. The Synthesis Report will aim to identify good practices of (Member) States in handling (disproportionate) pressure on their reception system, and where relevant, reference will be made to the use (and effectiveness) of flexibility mechanisms.

Q20 Please fill out the national statistics in Table 4 below:

Table 4 National statistics on flexibility

	2008	2009	2010	2011	2012
Total number of applicants entitled to reception	463	505	791	2170	2056 ⁸⁵
Total number of applicants accommodated in reception facilities	N/A ⁸⁶	1591	1250	2360	2300 ⁸⁷
Maximum number of applicants that could be accommodated in reception facilities	Maximum capacity of reception has varied substantially in recent years and data is not available disaggregated by year and capacity. However, what is available and reflects to a certain extent maximum reception capacity is the number of available structures. In 2009, the OLAI managed a total of 31 different premises. The number was the same for 2010 and was increased to 48 and 58 respectively for 2011 and 2012 ⁸⁸ .				

⁸⁴ These statistics are requested to provide an overview on the number of applicants in reception as a whole, differentiating between those accommodated in reception facilities and those applicants who are entitled to reception, but who do not require accommodation (but do receive other services e.g. a financial allowance).

⁸⁵ Numbers provided by the [Directorate for Immigration](#). Data reflects the number of newly arrived applicants for international protection for the corresponding year. As explained above, in principle all applicants are entitled to accommodation.

⁸⁶ The OLAI, responsible entity for the accommodation of applicants for international application, only became fully operational in 2009. Hence, no numbers have been made available for 2008.

⁸⁷ Numbers provided by the [OLAI national reports](#).

⁸⁸ Ibidem

Average occupation rate ⁸⁹ in reception facilities	75%	75%	75%	100%	100%	
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Q 21. Please describe any pressure that your (Member) State may have experienced in relation to the reception of applicants for international protection during the period 2008-2012 and briefly explain possible reasons for such pressure. (Note that annual statistics from Eurostat on the number of applications for international protection, first decisions, etc. over the years 2008-2012 will be incorporated in the relevant section of the Synthesis Report. Hence, if relevant, you may refer to a period of pressure by comparing the number of applications with the capacity of your (Member) State's reception system).

Luxembourg faced a particular pressure on its reception capacity in 2011 and 2012. The number of individual asylum applicants rose from 463 in 2008 to 2056 in 2012. The rise in the number of applications was linked by national authorities to the lifting of Visa requirements for citizens from countries from the West Balkan region and Luxembourg's economic and social attractiveness⁹⁰.

Q 22. Which flexibility mechanisms are foreseen and/or have been used in case there are shortages or surpluses in reception facilities? Please answer this question by indicating in Table 5 below whether any of the below mechanisms exist in your Member State and whether they have been actually used:

Table 5 Flexibility Mechanisms

Type of mechanism	Does this exist in your (Member) State? (Yes/No)	If yes, please describe	Has this mechanism been used? (Yes/No) If yes, please describe
Early warning mechanism ⁹¹ (including any software programmes monitoring capacity and occupancy in reception facilities)	No		

⁸⁹ Average rates are estimations by the OLAI. However, following the increase in international protection applications in 2011 and 2012, existing reception structures were temporarily overcrowded.

⁹⁰ http://www.gouvernement.lu/salle_presse/actualite/2011/10-octobre/14-schmit/

⁹¹ An early warning mechanism refers to a monitoring system, e.g. a mechanism that monitors the inflow of applicants for international protection, evaluating in particular whether the (Member) State possesses the necessary capacity to deal with increased (or decreased) pressure. Such a monitoring system would enable identification of possible shortcomings (or excess capacity) at an early stage. An early warning mechanism could for example include a.o. any software programmes monitoring capacity and occupancy rate in reception facilities.

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Additional reception centres acting as buffer capacity	Yes	Following the high influx of asylum applicants in 2011 and 2012 and learning from past lessons, the OLAI holds a certain amount of beds on stand-by to face potential new migratory pressures.	No
Emergency plans	No		
Budget flexibility (to increase or decrease the budget when necessary)	Yes	The OLAI has access to a general budget line within the annual state budget in order to pursue its main missions. Financial resources may thus be directed accordingly to needs facing the OLAI.	
Employing more case-workers to speed up decision-making	Yes	Both the Directorate of Immigration in charge of the procedural aspects as well as the OLAI in charge of the reception centres have reinforced their human resources capacity.	The mechanism has been used following the rise in asylum applications, which started in 2011.
Fast-tracking procedures	Yes	According to national law, the minister may take a decision on an asylum application within a fast-track procedure if basically the applicant does clearly not meet the minimum criteria to be granted refugee status, omits or refuses to produce relevant information for the asylum procedure or comes from a country which is listed as safe	Following the increase in applications for international protection in 2011 and 2012, national authorities redefined the list of safe third countries. Thus, countries from the West Balkan region (from which the majority of applicants originated) were added to the safe

		country ⁹² .	countries list ⁹³ and applications treated under a fast-track procedure.
Application of different standards/modalities of reception conditions in emergency situations⁹⁴	Article 9 of the Grand Ducal regulation setting the conditions and modalities under which asylum seekers may benefit from social aid reflects article 14 of the Reception Conditions Directive. Hence, if maximum accommodation capacity is temporarily exhausted, asylum applicants may be accommodated in emergency structures. The time of accommodation shall be as short as possible ⁹⁵ .	Due to increased pressure on the reception capacity in 2011, applicants for international were temporarily accommodated in camping facilities and scouts homes. This was however before the adoption of the new Grand Ducal regulation setting the modalities to access social aid.	
Provision of financial vouchers/allowance to cover costs of private accommodation	No		
Review for specific categories of applicants who obtain priority access to reception	No		
The use of excess space for other purposes	No		

⁹² [Article 20 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

⁹³ [Grand Ducal regulation listing safe third countries of 21 December 2007](#) complemented by the [Grand Ducal regulation of 1 April 2011](#)

⁹⁴ Article 14 paragraph 8 of the Reception Conditions Directive 2003/9/EC stipulates that: “Member States can exceptionally set modalities for material reception conditions different from those provided for in Article 14 for a reasonable period which shall be as short as possible, when: an initial assessment of the specific needs of the applicant is required; material reception conditions, as provided for in article 14, are not available in a certain geographical area; housing capacities normally available are temporarily exhausted; the asylum seeker is in detention or confined to border posts. The different conditions must cover in any case basic needs”.

⁹⁵ [Article 9 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

Other?			
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Q 23. Please indicate best practices in handling (disproportionate) pressure as well as ability to adjust to fluctuating numbers of applications over time. Where possible, please refer to the use (and effectiveness) of any of the aforementioned flexibility mechanisms.

[Insert Response here]

Section 5 Efficiency <i>(Maximum 2 pages)</i>																														
<p><i>The <u>Synthesis Report</u> will provide an overview of the costs of the current reception facilities provided in the (Member) States, as well as the median and interquartile ranges of the duration of an applicant's stay and average occupancy rate in reception facilities. In Table 6 below, Member States are requested to fill out information on the total costs of reception, split up in direct and indirect costs, and Dublin and non-Dublin cases. (Member) States are kindly asked to also explain what is covered by such costs.</i></p> <p><i>The aim is to start collection of such statistics to gain an insight into what is covered under the total costs of reception in different Member States. The Synthesis Report will not aim to compare reception costs between Member States due to the complexity involved (e.g. Member States include different services under costs⁹⁶).</i></p>																														
<p>Q24. Please fill in the national statistics Table 6 below (please provide figures or, if not possible, estimates thereof):</p> <p>Table 6 National Statistics on Efficiency</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th></th> <th>2008</th> <th>2009</th> <th>2010</th> <th>2011</th> <th>2012</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">National budget allocated to the reception of applicants for international protection</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td style="text-align: left;">Total costs of reception</td> <td>16 858 000€</td> <td>17 030 000€</td> <td>17 660 000€</td> <td>22 240 000€</td> <td>27 536 246€⁹⁷</td> </tr> <tr> <td style="text-align: left;">Total direct costs⁹⁸</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td style="text-align: left;">Total indirect costs⁹⁹</td> <td>Not available,</td> <td>Not available</td> <td>Not available</td> <td>Not available</td> <td>Not available</td> </tr> </tbody> </table>		2008	2009	2010	2011	2012	National budget allocated to the reception of applicants for international protection	N/A	N/A	N/A	N/A	N/A	Total costs of reception	16 858 000€	17 030 000€	17 660 000€	22 240 000€	27 536 246€ ⁹⁷	Total direct costs⁹⁸	N/A	N/A	N/A	N/A	N/A	Total indirect costs⁹⁹	Not available,	Not available	Not available	Not available	Not available
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Total indirect costs⁹⁹	Not available,	Not available	Not available	Not available	Not available																									

⁹⁶ The European Platform for Reception Agencies (EPRA) has scheduled activities for the 4th quarter of 2013 to start dialogue on development of methods to improve comparability of reception costs between Member States.

⁹⁷ Information kindly provided by the OLAI.

⁹⁸ Direct costs refer to explicitly defined costs and budgets for the reception of applicants for international protection in each (Member) State.

⁹⁹ Indirect costs refer to costs that are not directly measurable (as costs are borne by a wide range of stakeholders and further relate to the applicant's access to general public services).

	however it is a very small % of the total cost ¹⁰⁰				
Total costs of reception including Dublin cases	See above	See above	See above	See above	See above
Total costs of reception excluding Dublin cases	N/A	N/A	N/A	N/A	N/A
Inflow of new applicants to reception facilities	463	505	786	2154	2056
Inflow/return of applicants who have temporarily left a reception facility	Not available, however it is a very small %	Not available	Not available	Not available	Not available
Outflow of applicants from reception facilities, who do not return later	N/A	N/A	N/A	N/A	N/A
Share of applicants in reception facilities who have received a final decision on their application	N/A	N/A	N/A	N/A	N/A
Median¹⁰¹ range of an applicant's stay	3 years	3 years	3 years	3 years	3 years
Interquartile¹⁰² ranges of an applicant's stay	N/A	N/A	N/A	N/A	N/A

Q25. Are cost (estimations) available for the flexibility mechanisms used in your Member State (see Question 22)?

[If yes, please provide these here.]

No cost estimations are at the moment available used for the flexibility mechanisms.

Q26. What is the tolerance time for extended stay of applicants in reception facilities who have already received a final decision on their application?

According to national law, upon a final negative decision on the asylum application, the applicant has 30 days to voluntarily leave the country¹⁰³. In practice, however, tolerance time may be

¹⁰⁰ Information kindly provided by the OLAI.

¹⁰¹ The median is the numerical value separating the higher half of the distribution of the lower half (middle value).

¹⁰² The interquartile ranges refer to the value of the first quartile (25 percentile) and the third quartile (75 percentile) in a distribution.

¹⁰³ [Article 22 of the Law on the right to asylum and forms of complementary protection.](#)

extended due to several possible reasons such as impossibility to return to the country of origin (lack of papers, health issues).

Section 6
Conclusions
(Maximum 2 pages)

This Section will outline the main findings of the Study and present conclusions as to what extent the organisation of the reception system impacts on the flexibility, efficiency, and quality of reception facilities.

Q27. Please summarise the organisation of reception facilities in your (Member) State, indicating main strengths and weaknesses (please specify any evidence for these findings)

The organisation of reception facilities is under the responsibility of the OLAI, a national authority under the auspices of the Ministry for Family and Integration. The OLAI has central coordinator role and provides social aid as laid down in law. Within the framework of attribution of the social aid, which includes accommodation, the OLAI takes into account the individual situation of the applicant (household composition, age of the family members, own financial resources and potential special needs). Accommodation is attributed based on the individual situation of the applicant and availability of rooms. Hence, Luxembourg does not use a dispersal mechanism or take into account the profile, type and/or length of the procedure to allocate applicants to reception facilities. All reception structures are collective open reception facilities, but encompass various types of premises. These can be entirely state run or the OLAI may delegate executive responsibility to NGOs, surveillance companies or private owners in the case of rented hotels.

Q28. Please summarise whether your (Member) State has experienced pressure on its reception facilities (in terms of both in-and outflow, and duration of the processing time of applications) and indicate what measures have been most successful in handling such pressure

Luxembourg faced an increased pressure on its reception facilities in 2011 and 2012 following the lifting of visa requirements for countries from the Balkan region. Applicants had to be temporarily accommodated in camping premises, which spurred criticism from some national NGOs. Moreover, to respond to the external pressure national authorities increased human resources allocated to the procedural treatment of applications and accommodation of applicants, sought cooperation with authorities from countries of origin, added countries of origin to the safe countries list, which enabled fast-track procedures and reviewed national legislation in terms of social aid. Finally, national authorities also called on local authorities' solidarity to provide new possibilities of accommodation for asylum seekers

Q29. Please describe best practices in controlling costs of reception facilities whilst ensuring quality (maximum half a page)

[Insert Response here]

Annex 1 Reception Conditions in different Reception facilities

Please fill out the table below concerning the rights granted to applicants for international protection as laid down in national legislation in different reception facilities.

Table A1.1 Reception conditions in different reception facilities

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate receptions centres for UAMs	Private houses or flats ¹	Private hotels ²	Individually arranged accommodation ³	Other premises	Comments
Food	Yes	Yes	Yes	Yes	No. Luxembourg does not provide this possibility of accommodation.	Yes	Generally, individually arranged accommodation is provided by a resident relative (family or friend), who has to prove to have the necessary conditions and sufficient resources for reception. However, depending on the	Yes	Food may be provided directly in the reception facility or alternatively applicants have the possibility to buy food at a mobile grocery store and cook for themselves.

¹ Arranged and paid for by competent authorities.

² Arranged and paid for by competent authorities.

³ E.g. houses/flats/hotels and/or staying with friends and family.

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							individual case, pocket money may still be provided.		
Clothing	No	No	No	No	No	No	No	No	
Financial allowance⁴	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	The financial allowance also called pocket money is de facto provided and varies according to the food provision system. In case, meals are directly provided or delivered at the reception centre, beneficiaries get 25€ per month for one adult and 12,5€ for each minor child. Unaccompanied minors, aged between 16 and 18 years also get 25€ per month ⁵ . In case food is not directly provided, the financial allowances are stipulated as follows per month:

⁴ Please explain what this consists of.

⁵ [Article 8 \(1\) of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

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									225€ for one adult, 300€ for a household of 2 persons, 200€ for an additional adult, 173€ for a teenager aged between 12 and 18 years, 140€ for a child under twelve years and 225€ for unaccompanied minors ⁶ .
Emergency health care	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	
Medical care	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Basic medical care is provided during the first three months following the lodging of an application. Voluntary sickness insurance is paid for by the OLAI during the entire procedure. After the first three months, the voluntary insurance gives full access to medical care, including dental care.
Psychological care	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	
Free legal	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	

⁶ [Article 8 \(2\) of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

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assistance									
Interpretation services	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	
Access to education	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	
Access to vocational training	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	All applicants for international protection have access to vocational training from the moment on their application has been registered until a final decision on their application has been reached ⁷ .
Access to employment (after which period of time?)	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	All applicants have a limited access to the labour market, nine months after lodging an application for international protection. Access to the labour market is not linked to the type of reception structure they live in but only to the time spent in Luxembourg ⁸ .
Other? Please add	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	According to national law, applicants are also entitled to free public transport, social

⁷ [Article 14 of the Law on the right to asylum and forms of complementary protection](#) and [Article 2 of the Grand Ducal Regulation of 21 July of 2006 determining conditions to access vocational training by applicants for international protection](#)

⁸ [Article 14 of the Law on the right to asylum and forms of complementary protection](#)

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									guidance, counselling in sexual or reproductive health as well as one-off help according to needs ⁹ . These can be vouchers to pay for infant milk, personal hygiene products, school supplies, language courses, special food needs, holiday camps or excursions for children and school canteen ¹⁰ .
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⁹ [Article 1 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid.](#)

¹⁰ [Annex to the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which asylum seekers may benefit from a social aid](#)