

Luxembourg

EMN COUNTRY FACTSHEET

2017

MAIN DEVELOPMENTS IN MIGRATION AND INTERNATIONAL PROTECTION, INCLUDING LATEST STATISTICS



LEGAL MIGRATION AND MOBILITY

PROMOTING LEGAL MIGRATION CHANNELS

In 2017, the bill n° 7188¹ was introduced in the Parliament, which aims to facilitate intra-European mobility of third-country national researchers and students during their stay in the EU.

According to the bill, **students** who follow an EU or multilateral programme that includes mobility measures will no longer have to introduce a new application for authorisation of stay, but must notify the authorities of the first Member State and the ministry in charge of Immigration. The bill also intended to extend the permitted working hours for students from 10 to 15 hours per week, and aimed to amend the provisions regulating the authorisation of stay of interns.

The procedures were also simplified for **researchers**, for whom short-term mobility (up to a maximum of 180 out of 360 days) and long-term mobility (of between 180 and 360 days) was foreseen in the bill.

Furthermore, the bill proposed that students and researchers can be authorised to stay in Luxembourg for a duration of **nine months maximum** following

¹ Bill n°7188 intending to modify the amended Law of 29 August 2008 on free movement of people and immigration and aims to transpose Directive 2016/801/EU of the European Parliament and the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.



KEY POINTS

A new bill was put forward to facilitate and simplify the procedures for intra-EU mobility of third-country national students and researchers and incentivise their retention after completion of their studies or research.



The newly introduced compulsory Guided Integration Trail aims to empower and support applicants and beneficiaries of international protection.



A semi-open return structure managed by the Directorate of the Detention Centre was established in the City of Luxembourg for the accommodation of people whose transfer under the Dublin Regulation is pending.

their studies or research, in view of finding employment or establishing a business.

An agreement between Cape Verde and Luxembourg on concerted management of the migratory flow and solidary development² put in place a simplified access to short-term visas with multiple entries for a range of professions. Thus, it simplified the procedure for obtaining a 'salaried worker' authorisation of stay for a number highly-qualified or highly-specific professions (limited to 50 such authorisations per year). It foresaw

² Law of 20 July 2017 approving the agreement between the State of the Grand Duchy of Luxembourg and the Republic of Cape Verde on the concerted management of migratory flows and solidary development, made in Luxembourg on 13 October 2015. Memorial A n°672 of 27th July 2017

that that students from both countries can stay in the other country for two years to gain a first professional experience. In addition, it regulated the exchange of young professionals who wish to gain a first work experience in either state (limited to ten per year).

In 2017, Luxembourg also developed initiatives to provide **information** to migrants on **legal migration** channels. For instance, since November, the website³ that provides all essential administrative and procedural information to migrants considering a move to Luxembourg, is entirely available in English.

ECONOMIC MIGRATION

The Law of 8 March 2017⁴ transposed the **Seasonal Workers Directive** (2014/36/EU) and the **Intra-Corporate Transferees Directive** (2014/66/EU) into national law. More specifically it:

- introduced a new authorisation of stay for investors;
- created a mechanism for continuation of activity, allowing registered entities situated in a third country to continue their activities in Luxembourg under certain circumstances and grant a 'salaried worker' residence permit to third-country national workers affected;
- increased the period of validity of the EU Blue Card residence permit from two to four years;
- elaborated the conditions under which a third-country national corporate officer has the right to apply for a European Blue Card residence permit, a 'salaried worker' or 'independent worker' authorisation of stay (depending on the corporate officer's relationship with the employer).

FAMILY REUNIFICATION

The above-mentioned Law of 8 March 2017 removed the one-year waiting period that previously applied to third-country national sponsors wishing to apply for family reunification. The sponsor's spouse, registered partner or minor child can now join the sponsor **directly after his/her residence permit has been granted**. However, the one-year condition **remained** for the ascendants of the sponsors.

Moreover, as for **researchers** staying in Luxembourg in the context of short- or long-term mobility, the bill n° 7188 foresaw provisions to regulate the family reunification with his/her nuclear family.

³ www.quichet.lu

⁴ modifying the amended law of 29 August 2008 on the free movement of people and immigration; the amended law of 28 May 2009 on the Detention

MANAGING MIGRATION AND MOBILITY

No relevant changes were reported in 2017.



INTERNATIONAL PROTECTION INCLUDING ASYLUM

In 2017, 2 321 applications for international protection were registered in Luxembourg. Out of the 3 186 decisions on asylum applications that were taken in 2017, 1 206 were positive.

In February 2017, an '**ultra-accelerated procedure**' was put in place for international protection **applicants coming from safe countries of origin** (principally nationals of Western Balkan states). The list of safe third countries of origin was amended, and now also includes **Georgia**.

A **semi-open return structure** (SHUK) managed by the Directorate of the Detention Centre was established in the City of Luxembourg for the accommodation of people whose transfer under the Dublin Regulation was pending. The assignment to the SHUK being a measure of home custody, it is considered an alternative to detention.

By December 2017, Luxembourg had fulfilled its **relocation** commitments from Italy and Greece under the EU relocation scheme adopted in September 2015.

Regarding its commitment to **resettle** 240 refugees (through EU Joint and national resettlement programmes), Luxembourg resettled 234 people in total, 182 of whom were resettled from Turkey and Lebanon in 2017.



UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

During the year, 50 unaccompanied minors submitted an application for international protection in Luxembourg.

In July 2017, the Council of Government approved the creation of a **Commission** responsible for **determining the best interest of unaccompanied minor** applicants for international protection. The Commission will be presided by the Directorate of Immigration. Members of Luxembourg's Reception and Integration Agency, the National Office for Childhood, and Public Prosecution are also part of the Commission.

Centre; the law of 2 September 2011 regulating the access to the professions of craftsman, merchant, industrialist and certain liberal professions

The ad-hoc administrator representing the child in question will be invited to participate in the meeting.

In addition, the Directorate of Immigration concluded an **agreement with the International Organization for Migration (IOM) for a family evaluation process** in the context of which IOM will search for the parents of unaccompanied minors in their country of origin.



INTEGRATION

With the aim to facilitate the integration of foreigners, including third-country nationals, the Council of Government approved the elaboration of a new **multi-annual national action plan** on integration in September 2017.

The development and adaptation of the national education offer to accommodate diversity in the school population, played a central role in integration efforts. The introduction of bill n° 7072 into Parliament foresaw the setting up of a **mediation service** for the National Education system that also deals with issues related to the **integration of migrant children**, especially to address the language challenges they may face.

As for integration through **civic activities**, a national information and awareness raising campaign was launched by the Ministry of Family and Integration. Its aim was to motivate the foreign population to **register for the electoral roll** and to participate in municipal elections held on 8 October 2017.

The Law of 8 March 2017 on the Luxembourgish nationality reduced the required duration of residence for naturalisation from seven to five years, introduced *jus sol⁵* for the first generation and introduced a simplified way of acquiring nationality by 'option', as well as added new provisions to prevent cases of statelessness.

The Law of 8 March 2017 approving the Convention on the Reduction of Statelessness, the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession also intends to fight statelessness.

In 2017, there were also developments regarding the integration of applicants and beneficiaries of international protection.

In February 2017, Luxembourg's National Employment Agency (ADEM) set up a cell specifically dedicated to beneficiaries of international protection, to provide employers with **information regarding job applications and evaluations of the competences of beneficiaries of international protection**.

The Council of Government approved the **Guided Integration Trail** in March 2017.⁶ This multidisciplinary package of measures consists of both a language and a civic component. The package is split into three phases, accompanying applicants and beneficiaries of international protection through the different phases of integration in reception facilities, aiming to both empower and support them in developing their life journey. The participation in the project is compulsory for adult applicants.



IRREGULAR MIGRATION

As for measures adopted in view of fighting irregular migration and smuggling activities, the Council of Government adopted a draft bill⁷ that introduced modifications with regard to **air traffic companies**, increasing the financial penalties that may be imposed in case of non-compliance with required document controls and data transmission.

Furthermore, the new agreement between Luxembourg and Cape Verde explicitly mentioned the fight against document fraud and contained an article on the fight against irregular migration and on the readmission of people in an irregular situation.



RETURN

The Law of 8 March 2017 amending the Law on the Detention Centre **extended the permitted period of detention** of adults and families with children from 72 hours to seven days. A draft bill adopted by the Council of Government⁸ introduced further modifications. The most significant one concerned minors and the establishment of a **Commission to evaluate the best interest of the child** on an individual basis when deciding on the return of an unaccompanied minor.

Several references to return to the country of origin were also included in the recent agreement concluded with Cape Verde.

⁵ 'Right of birthplace'

⁶ Parcours d'Intégration Accompagné – PIA

⁷ Introduced to Parliament as bill n° 7238

⁸ Idem



ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

Regarding victims of human trafficking, the Law of 8 March 2017 **strengthening procedural guarantees** in penal matters allowed assistance services to accompany victims during interviews with the police to establish their status as victims. Moreover, **victims were informed** about the kind of support they are entitled to receive and about the actors able to provide them with assistance.

An **audio-visual information and awareness-raising campaign** on the phenomenon of trafficking in human beings was relaunched in June and July 2017.



MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

In 2017, Luxembourg was involved in several development activities involving migration and mobility, including significant financial contributions.

One example was the agreement concluded between **Luxembourg and Cape Verde**, dealing *inter alia* with the development of migrants' skills and resources.

Luxembourg also signed a new cooperation agreement with **Kosovo**⁹ regarding education and professional training, the Indicative Cooperation Programme IV with **Senegal**¹⁰ focusing on health and social protection as well as on vocational and technical training and employability, and a Memorandum of Understanding with EUCAP SAHEL **Niger** for the benefit of the Security and Defence Forces.¹¹

STATISTICAL ANNEX

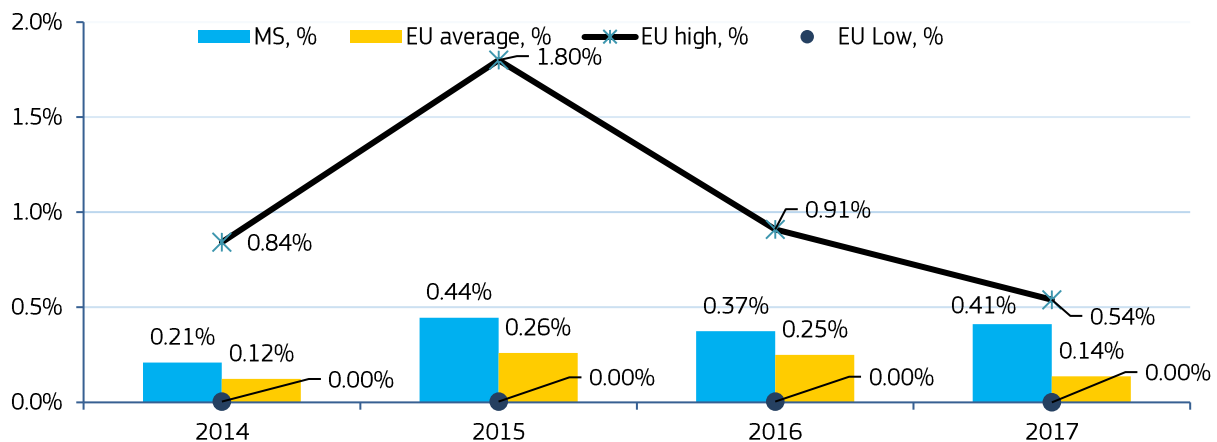
The Statistical Annex provides an overview of the latest available statistics for Luxembourg on aspects of migration and international protection (2014-2017), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

STATISTICAL ANNEX: MIGRATION AND ASYLUM IN LUXEMBOURG (2014-2017)



1. INTERNATIONAL PROTECTION AND ASYLUM

Figure 1: Asylum applications as a share of the total population in Luxembourg, EU average and EU high and low (2014-2017)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 30.03.18

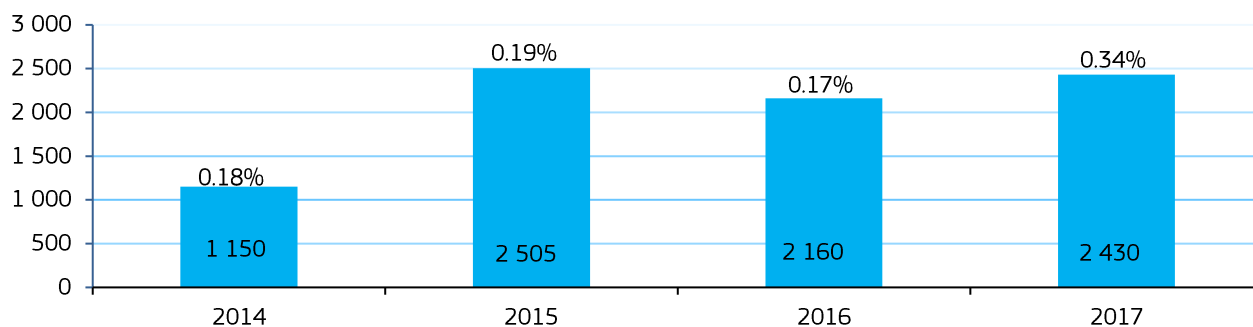
⁹ 2017-2020

¹⁰ 2018-2022

¹¹ A new project that aimed to acquire five new mobile garages for € 325 000, as one of multiple avenues of support delivered to the EUCAP SAHEL

Niger mission that contributes to reduction of the number of human tragedies that occur along migratory flows.

Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2014-2017)



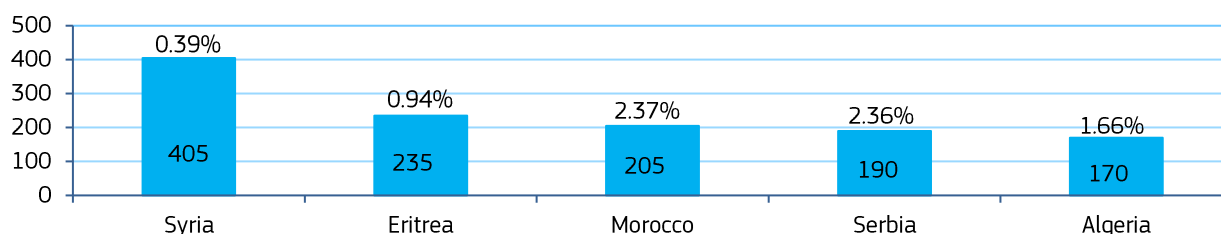
Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 30.03.18

Table 1: Asylum applications: Top five third-country nationalities (2014-2017)

| 2014 | | | 2015 | | | 2016 | | | 2017 | | |
|------------------------|-----|------------|-------------|-----|------------|-------------|-----|------------|-------------|-----|------------|
| Nationality | Nr | % of total | Nationality | Nr | % of total | Nationality | Nr | % of total | Nationality | Nr | % of total |
| Bosnia and Herzegovina | 170 | 15% | Syria | 635 | 25% | Syria | 335 | 16% | Syria | 405 | 17% |
| Montenegro | 145 | 13% | Iraq | 545 | 22% | Albania | 235 | 11% | Eritrea | 235 | 10% |
| Kosovo | 140 | 12% | Kosovo | 235 | 9% | Kosovo | 220 | 10% | Morocco | 205 | 8% |
| Albania | 120 | 10% | Afghanistan | 220 | 9% | Iraq | 180 | 8% | Serbia | 190 | 8% |
| Syria | 95 | 8% | Albania | 155 | 6% | Serbia | 155 | 7% | Algeria | 170 | 7% |

Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 30.03.18

Figure 3: Asylum applications: Top five third-country nationalities as a share of EU totals per given nationality (2017)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 30.03.18

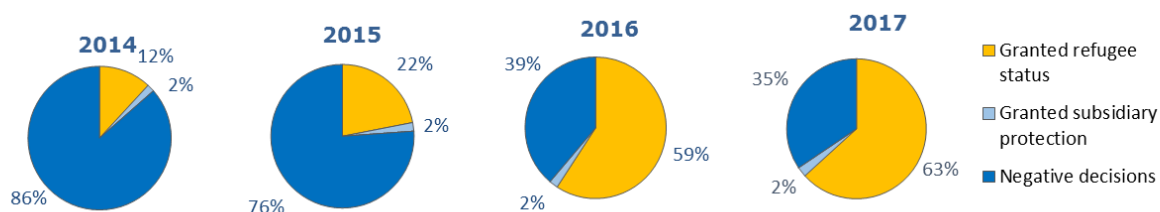
Note: the figure reads as: Luxembourg received 405 asylum applications from Syria or 0.39% of all asylum applications launched by Syria in EU in 2017.

Table 2: Asylum applications - First instance decisions by outcome (2014-2017)

| | Total decisions | Positive decisions | Of which: | | | Negative decisions |
|------|-----------------|--------------------|----------------|-----------------------|----------------------|--------------------|
| | | | Refugee status | Subsidiary protection | Humanitarian reasons | |
| 2014 | 885 | 120 | 105 | 15 | : | 765 |
| 2015 | 775 | 185 | 170 | 15 | : | 590 |
| 2016 | 1 255 | 765 | 740 | 25 | : | 485 |
| 2017 | 1 715 | 1 125 | 1 085 | 40 | : | 590 |

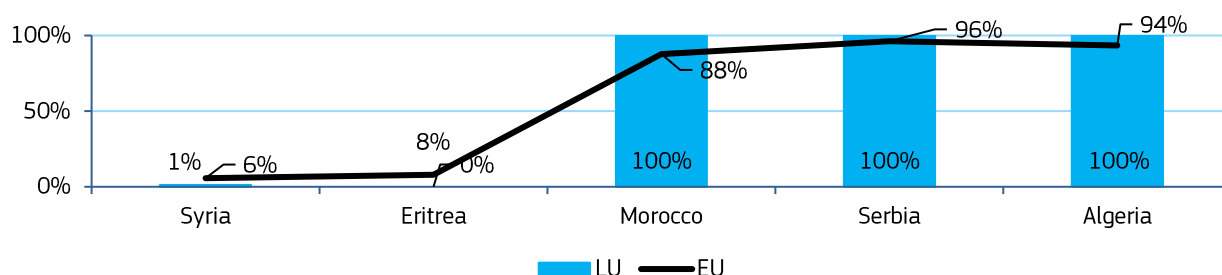
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.03.18

Figure 4: Asylum applications - First instance decisions by outcome (2014-2017)



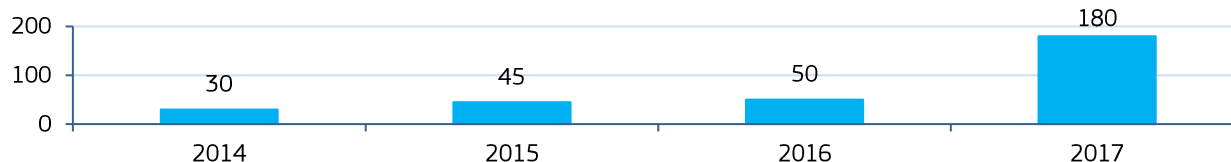
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.03.18

Figure 5: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2017)



Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.03.18

Figure 6: Third-country nationals resettled (2014-2017)



Source: Eurostat migration statistics ([migr_asyresa](#)), data extracted 02.05.18



2. UNACCOMPANIED MINORS

Figure 7: Unaccompanied minors applying for asylum (2014-2017)

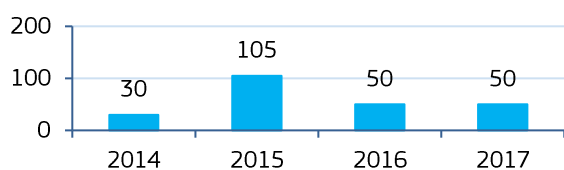


Table 3: Unaccompanied minors (2014-2017)

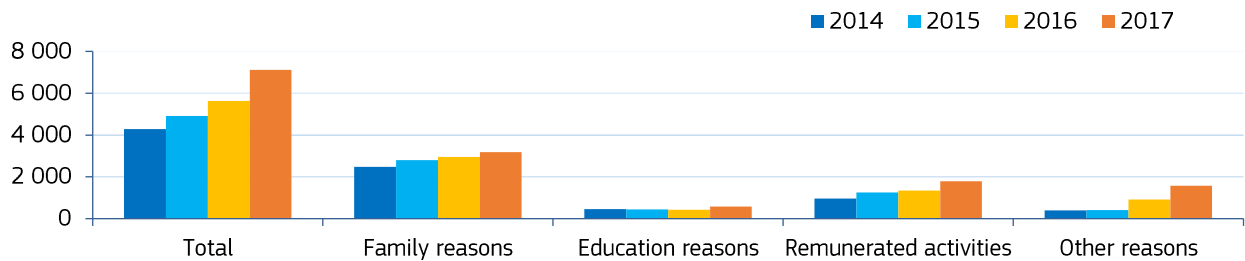
| | 2014 | 2015 | 2016 | 2017 |
|--|------|------|------|------|
| Unaccompanied minors (total) | n/a | 103 | n/a | n/a |
| Unaccompanied minor asylum applicants | 30 | 105 | 50 | 50 |

Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr_asyunaa](#)), data extracted 04.04.18; EMN NCPs



13. LEGAL MIGRATION AND MOBILITY

Figure 8: First residence permits, by reason (2014–2017)



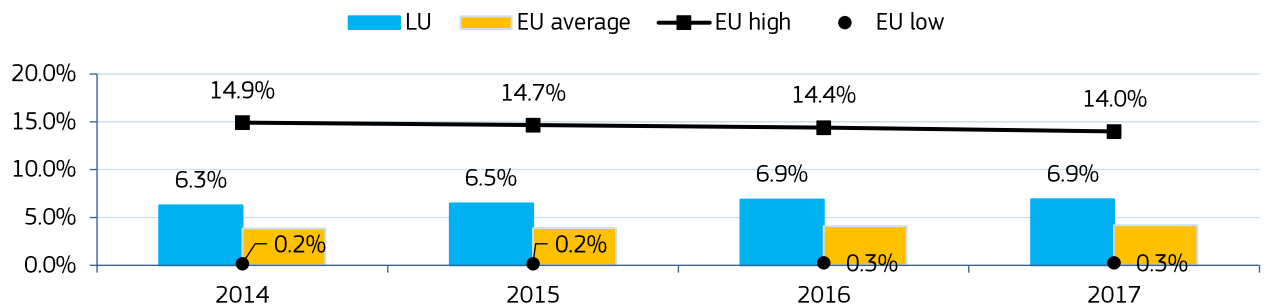
Source: Eurostat ([migr_resfirst](#)), data extracted 17.07.18; data for 2017 provided by EMN NCP.

Table 4: First residence permits: Top five third-country nationalities (2014–2017)

| 2014 | | 2015 | | 2016 | | 2017 | |
|-------------------------|--------|-------------------------|--------|-------------------------|--------|-------------|--------|
| Nationality | Number | Nationality | Number | Nationality | Number | Nationality | Number |
| United States | 665 | United States | 598 | Syria | 532 | n/a | n/a |
| China (incl. Hong Kong) | 387 | China (incl. Hong Kong) | 525 | China (incl. Hong Kong) | 483 | n/a | n/a |
| India | 256 | India | 355 | United States | 479 | n/a | n/a |
| Russia | 241 | Russia | 276 | India | 423 | n/a | n/a |
| Cape Verde | 201 | Montenegro | 250 | Russia | 258 | n/a | n/a |

Source: Eurostat migration statistics ([migr_resfirst](#)), data extracted 17.07.18

Figure 9: Resident population of third-country nationals as a share of total population in Luxembourg, EU average, EU high and low (2014–2017)



Source: Eurostat migration statistics ([migr_pop1ctz](#)), data extracted 30.03.18



4. IRREGULAR MIGRATION AND RETURN

Table 5: Number of third-country nationals refused entry at external borders (2014–2017)

| Third country nationals: | 2014 | 2015 | 2016 | 2017 |
|--------------------------------------|------|------|------|------|
| Refused entry at external borders | 5 | 5 | 10 | 5 |
| Found to be illegally present | 440 | 190 | 140 | 300 |
| Ordered to leave | 775 | 700 | 655 | 915 |
| Returned following an order to leave | 605 | 720 | 410 | 445 |

Source: Eurostat migration statistics ([migr_eirfs](#)), ([migr_eipre](#)), ([migr_elord](#)), ([migr_eirtn](#)) data extracted 02.05.18

Table 6: Third-country nationals returned (2014-2017)

| Year | Returned as part of forced return measure | Returned voluntarily | Returned through an Assisted Voluntary Return Programme |
|------|---|----------------------|---|
| 2014 | 153 | 488 | 183 |
| 2015 | 176 | 617 | 142 |
| 2016 | 113 | 456 | 234 |
| 2017 | 165 | 358 | 144 |

Source: EMN NCPs



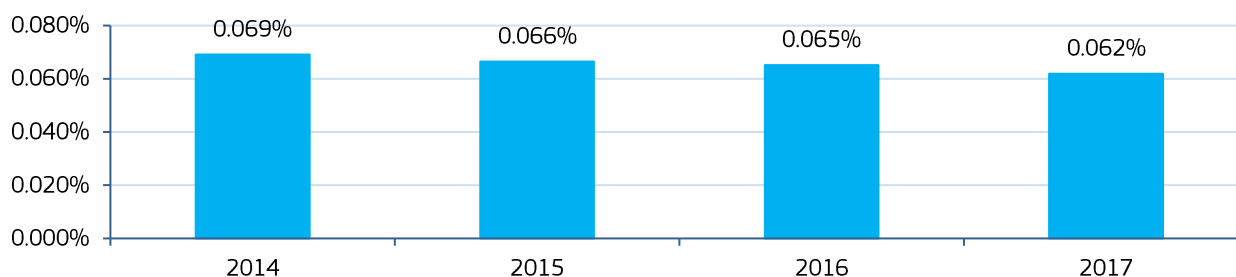
5. SECURING EUROPE'S EXTERNAL BORDERS

Table 7: Number of Schengen visas applications (2014-2017)

| | 2014 | 2015 | 2016 | 2017 |
|----------------------------------|--------|--------|-------|--------|
| Uniform visas (short-stay visas) | 11 567 | 10 267 | 9 902 | 10 004 |

Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

Figure 13: Uniform visa applications received in Luxembourg as a share of the total number of uniform visa applications in all Schengen states consulates (2014-2017)



Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

Table 8: Top five countries in which the highest number of visa applications for Luxembourg was lodged (2014-2017)

| 2014 | | 2015 | | 2016 | | 2017 | |
|--------------------|--------|--------------------|--------|--------------------|--------|--------------------|--------|
| Country | Number | Country | Number | Country | Number | Country | Number |
| Russian Federation | 5 518 | Russian Federation | 4 006 | Russian Federation | 3 525 | Russian Federation | 3 025 |
| China | 2 024 | China | 2 251 | China | 2 518 | China | 1 977 |
| India | 1 282 | India | 1 373 | India | 1 580 | India | 1 738 |
| Turkey | 1 214 | Turkey | 1 371 | Turkey | 1 456 | Turkey | 1 557 |
| United Kingdom | 521 | United Kingdom | 457 | United Kingdom | 546 | United Kingdom | 544 |

Source: DG Migration and Home Affairs.