

First Study 2018

Impact of visa liberalisation on countries of destination

Luxembourg



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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 authors. They do not necessarily reflect the positions of the Luxembourg Ministry for Family, Integration and the Greater Region or of the Ministry of Foreign and European Affairs.

The present report was drafted by Adolfo Sommaribas, staff members of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Prof. Dr. Birte Nienaber. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Christiane Martin (Directorate of Immigration, Ministry of Foreign and European Affairs), François Peltier (STATEC) and Marc Hayot (OLAI, Ministry for Family, Integration and the Greater Region).

Impact of visa liberalisation on countries of destination

Common Template of EMN Study 2018

Version: May 2018

Subject: Common Template for the EMN Study 2018 on the "***Impact of visa liberalisation on countries of destination***"

Action: EMN NCPs are invited to submit their completed Common Templates by **31 July 2018**. If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com

1 STUDY AIMS, SCOPE AND BACKGROUND

1.1 TARGET AUDIENCE

The target audience is national and EU officials/practitioners concerned with legal and illegal mobility and migration, including but not limited to cooperation with third countries on return and readmission, asylum trends and border control.

The results of the study will assist the target audience to take decisions on the need (or otherwise) to amend current policies and practices used to prevent and combat misuse and/or abuse of the visa-free regime¹, as well as identify the positive impact on Member States (MS) achieved since the introduction of visa liberalisation.

1.2 LEGAL FRAMEWORK

The border-free Schengen Area² cannot function efficiently without a common visa policy which facilitates the entry of visitors into the EU. The Treaty on the Functioning of the European Union (TFEU) makes a distinction between short stay and long stay for third-country nationals (TCN), covering short stays in the Schengen acquis in Article 77(2) and long stays as part of a Common Immigration Policy in Article 79(2), thus excluding long stays from the scope of this study

The EU has established a common visa policy for transit through or intended stays in the territory of Schengen States of no more than 90 days in any 180-day period. The Visa Code³ provides the overall framework of EU visa cooperation. It establishes the procedures and conditions for issuing visas for short stays in and transit through the territories of EU countries. It also lists the non-EU countries whose nationals are required to hold an airport transit visa when passing through the international transit areas of EU airports and establishes the procedures and conditions for issuing such visas.⁴

According to the Visa Code⁵ '*Bilateral agreements concluded between the Community and third countries aiming at facilitating the processing of applications for visas may derogate from the provisions of this Regulation*'. In line with this provision, Regulation (EC) No 539/2001⁶ establishes the visa requirements and visa exemptions for non-EU nationals entering the EU in view of a short stay. It also provides for exceptions to the visa requirements and visa waivers that EU countries may grant to specific categories of persons.

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The regulation provides a common list of countries whose nationals must hold a visa when crossing the external borders of a (Member) State and a common list of those who are exempted from the visa requirement.

The two lists are regularly updated with successive amendments to Regulation (EC) No 539/2001. The decisions to change the lists of non-EU countries are taken on the basis of a case-by-case assessment of a variety of criteria also known as visa liberalisation benchmarks. Those include, *inter alia*:

- migration management;
- public policy and security;
- social benefits;
- economic benefit (tourism and foreign trade);
- external relations including considerations of human rights and fundamental freedoms; and
- regional coherence and reciprocity.

Notably, these decisions are sometimes taken as a result of successful visa liberalisation dialogues with the third countries concerned.⁷ Furthermore, Regulation 1289/2013 establishes a suspension mechanism to respond to emergency situations such as abuse resulting from Visa exemption. In this regard, the instrument sets out conditions under which Visa requirements can be temporarily reintroduced.

1.3 LITERATURE REVIEW AND AIM OF THE STUDY

Visa policies are considered a major instrument to regulate and control mobility and cross-border movements. Border policies dealing with short-term mobility represent the bulk of cross-border movement of people. While on the one hand migration policies have received considerable attention from comparative researchers, much less is known about global shifts in border policies dealing with short term mobility.⁸ Visa requirements often reflect the relationships between individual nations and generally affect the relations and status of a country within the international community of nations.⁹

In the adopted strategy for “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”, the European Commission stated that visa liberalisation, which fosters mobility, has improved regional cooperation and creates more open societies. The Commission shall monitor the continuous fulfilment of the specific requirements, which are based on Article 1 of Regulation (EC) No 539/2001 as amended by Regulation (EU) No 509/2014 and which were used to assess the appropriateness of granting visa liberalisation, by the third countries whose nationals have been exempted from the visa requirement when travelling to the territory of Member States as a result of a successful conclusion of a visa liberalisation dialogue conducted between the Union and that third country.¹⁰

Finding actual evidence concerning the effects of visa liberalization appeared to be a difficult task.¹¹ Studies conducted in the past have revealed that visa restrictions were costly, they carried an administrative burden and required additional personnel. The imposition of travel requirements did not reduce only inflows but also outflows, and thus, overall movement of persons.¹² In 2016, the Western Balkan region’s total trade with the EU was over EUR 43 billion, up 80% since 2008.¹³ The importance of the visa liberalisation agreements has been demonstrated also by research that was pursued prior to the visa waiver agreements in light of the political commitments between the EU and its eastern neighbours, given the growing need for less division on the European continent.¹⁴ Furthermore, analysis showed that the prospects of visa liberalisation agreements constitute a powerful incentive for far-reaching reforms in the policy areas of freedom, security and justice.¹⁵ What has not been addressed thoroughly however, was whether measures affecting the granting of short-term visas could have an impact not only on short term travel but also on longer-term immigration and residence of foreign nationals.¹⁶ EU Member States have been facing different challenges caused by visa liberalisation, such as persisting irregular migration, and issues related to prevention and fight against organised crime.¹⁷

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Whereas the limited research done in this field proved that there were clear benefits for the EU to conclude such agreements with third countries, the overall impact of visa liberalisation agreements with the Western Balkan and the Eastern Partnership countries remains vastly under-researched. Methodological challenges, such as research conducted in a fragmentary manner or the lack of uniform data across (Member) States had so far not allowed for a comparable analysis of the impact of visa liberalisation on the countries of destination.

Consequently, this EMN study aims to offer a comparative overview of (Member) States experiences with the functioning of visa-free regime. It will identify challenges, best practices and positive experience in different Member States and Norway, and provide up-to-date information on the latest tendencies in this area of migration policy. The study will cover Western Balkan and Eastern Partnership countries which have successfully concluded visa liberalisation dialogues according to the relevant action plans and roadmaps.

1.4 SCOPE OF THE STUDY

While there are 60 countries around the world that benefit from visa-free travel to the EU, in some cases, decisions on visa-free access to the Schengen Area may follow from bilateral negotiations (i.e. visa liberalisation dialogues).¹⁸ The visa liberalisation dialogues were successfully conducted between the EU and the **former Yugoslav Republic of Macedonia, Montenegro and Serbia** (2009), **Albania, Bosnia and Herzegovina** (2010) as well as **Moldova** (2014), **Ukraine** (2017) and **Georgia** (2017). They resulted in granting visa-free travel to citizens of these countries.

This study will focus on those **Western Balkan and Eastern Partnership countries** which have successfully reached visa liberalisation agreements according to the relevant action plans and roadmaps, and more specifically on the **impact of visa liberalisation** on countries of destination. The visa-free regime is the most tangible benefit for the citizens of the Western Balkan countries in the process of their integration into the EU and one of the core objectives for the Eastern Partnership countries.

This study will consider the policies and practices of EU Member States and Norway following changes in migration flows raised by visa exemptions in the mentioned third countries. The scope of the study includes the period **2007-2017** and focuses on the immediate years prior to and after the visa waiver agreements entered into force.

Thus, the subjects of the study are third-country nationals¹⁹ from:

- Former Yugoslav Republic of Macedonia (19/12/2009);
- Montenegro (19/12/2009);
- Serbia (19/12/2009);
- Albania (15/12/2010);
- Bosnia and Herzegovina (15/12/2010);
- Moldova (28/4/2014);
- Georgia (28/3/2017); and
- Ukraine (11/6/2017).

This study will limit itself in three respects: First, it investigates the impact of short-term Visa liberalisation and thus excludes effects of long-stay residence and Visa permits. Notwithstanding this limitation, the study may display medium and long-term impact on countries of destination ensuing from short-term Visa liberalisation.²⁰

Second, the study is based on the presumption that Visa liberalisation yields effects on cross-border mobility.²¹ Where it relies on quantitative data on short-term Visa mobility, it cannot establish a causal link between Visa liberalisation and cross-border mobility but rather indicates a correlative effect between the two.

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Third, the study will not differentiate between TCNs from Visa exempt states who made use of the Visa free regime and those who entered the Union on a conventional short-term Visa regime. This limitation follows from the fact that Visa exemption is exclusively granted to TCNs who provide biometric passports and available data does not state the procedure pursuant to which (s)he entered the state of destination.

1.5 POLICY CONTEXT

At the political level, the Stockholm Programme underlined that the Visa Code “will create important new opportunities for further developing the common visa policy”. The Programme envisaged that “the access to the EU territory has to be made more effective and efficient” and that the visa policy should serve this goal.²² Visa liberalisation is one of the Union's most powerful tools in facilitating people-to-people contacts and strengthening ties between the citizens of third countries and the Union. At the same time, visa regimes are instrumental to restrict unlimited and unwanted migration and trans-border organised crime. Visa liberalisation is therefore granted to countries that are deemed safe and well-governed, meeting a number of criteria in various policy areas.

The EU has conducted bilateral negotiations with the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Moldova, Georgia and Ukraine.²³ Those dialogues were built upon ‘Visa Liberalisation Roadmaps’ for the Western Balkan countries and ‘Visa Liberalisation Action Plans’ (VLAP) for the Eastern Partnership countries. They included four blocks of requirements which the countries had to fulfil. These benchmarks related to document security, including biometrics; border management, migration and asylum; public order and security; and external relations and fundamental rights. These elements impinged both upon the policy and institutional framework (legislation and planning) as well as the effective and sustainable implementation of this framework.

During the visa liberalisation dialogues, the European Commission closely monitored the implementation of the Roadmaps and Action Plans through regular progress reports. It assessed the progress of all five Western Balkan countries in meeting the visa roadmap requirements first on 18 November 2008 and then on 18 May 2009.²⁴ Likewise, it has delivered progress reports on the implementation of the Action Plans on Visa Liberalisation for the Eastern Partnership countries.²⁵

Third countries that have concluded visa facilitation agreements with the EU should not only meet the benchmark criteria in advance, but continue complying with the visa liberalisation requirements after the agreement is reached. The Commission has the duty to monitor this compliance and report on those matters to the European Parliament and the Council, at least once a year in accordance with Article 1a (2b) of Regulation (EC) No 539/2011.

The European Commission published its First Report under the Visa Suspension Mechanism in December 2017. It focused on specific areas identified for each country where further monitoring and actions were considered necessary to ensure the continuity and sustainability of the progress achieved in the framework of the visa liberalisation process.²⁶

Visa liberalisation with third countries is linked to the return and readmission policy, as well as to asylum applications and border controls. The Frontex alert mechanism is crucial in this regard, providing a detailed analysis of the dynamic migration inflow trends from the two regions. The Frontex alert reports are instrumental for better understanding the phenomenon of the abuse of visa liberalisation, assessing its development and identifying concrete measures to tackle the challenges.²⁷ The contribution of the (newly adopted) Entry-Exit System is expected to be also significant as, among others, it aims at increasing the efficiency of (border) controls towards third-country nationals.

In this context, the following EMN products are relevant for this study:

- 2017 EMN Study “Challenges and practices for establishing the identity of third-country nationals in migration procedures”²⁸
- 2016 EMN Study “Illegal employment of third-country nationals in the European Union”²⁹
- 2015 EMN Study “Information on voluntary return: how to reach irregular migrants not in contact with the authorities?”³⁰

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- 2012 EMN Study "Visa policy as migration channel"³¹
- 2011 EMN Inform "Migration and Development"³²

2 METHODOLOGICAL CONSIDERATIONS

The National Reports should be primarily based on secondary sources. In particular, information on national policies and approaches will be a key source of information, while available evaluations and view of experts should provide evidence of good practices and challenges in existing approaches regarding visa liberalisation.

2.1 AVAILABLE STATISTICS

- **Eurostat data**³³: available period 2008 – 2017
 - Number of third-country nationals found to be illegally present – annual data (rounded) [migr_eipre]
 - Number of third-country nationals refused entry at the external borders – annual data (rounded) [migr_eirfs]
 - Number of third-country nationals ordered to leave – annual data (rounded) [migr_eiord]
 - Number of third-country nationals returned following an order to leave – annual data (rounded) [migr_eirtn]
 - Number of return decisions [migr_eiord];
 - Number of return decisions effectively carried out [migr_eirtn];
 - Number of voluntary and forced returns [migr_eirt_vol];
 - Number of asylum applications (monthly and yearly) [migr_asyappctzm and migr_asyappctza];
 - Number of rejected asylum applications [migr_asydcfsta];
 - Number of first residence permits, by reason [migr_resfirst]:
 - Number of first residence permits for family reasons;
 - Number of first residence permits for study reasons;
 - Number of first residence permits for the purposes of remunerated activity.
 - Third-country nationals who have left the territory by type of assistance received and citizenship [migr_eirt_ass]
 - Third-country nationals who have left the territory to a third country by type of agreement procedure and citizenship [migr_eirt_agr]
 - Third-country nationals who have left the territory to a third country by destination country and citizenship [migr_eirt_des]
- **Frontex data**³⁴: available period 2009 – 2017
 - Number of detections of illegal border-crossings by sea and land
- **Europol data**³⁵: available period 2007 – 2017
 - Data on criminal proceedings, investigations or suspects of criminal acts
- **European Commission, DG HOME Schengen Visa statistics**³⁶: available period 2010-2016
 - Uniform visas applied for in Schengen States' consulates in third countries;

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- Total uniform visas issued (including multiple entry visas) in Schengen States' consulates in third countries;
- Total uniform visas not issued in Schengen States' consulates in third countries.

- **National data**

The Study also requests national-level data (see study section tables). Any statistical indicator that does not have EU level data (e.g. Eurostat) will rely on national data (e.g. year 2007 for which Eurostat data is not available). Should the requested statistics not be available in (Member) State, EMN NCPs are asked to indicate this and specify, to the extent possible, the reasons why this is the case.

- **Other relevant datasets**

The European Visa Database:

<http://www.mogenshobolth.dk/evd/default.aspx>

University of Oxford's International Migration Institute:

<https://www.imi.ox.ac.uk/data/demig-data>

Aggregated data on the Schengen area as a whole:

<https://www.schengenvisainfo.com/schengen-visa-statistics-third-country-2016/>

The World Bank's World Development Indicators - Movement of people across borders:

<http://wdi.worldbank.org/table/6.13>

2.2 DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary 5.0 (2017) and should be considered as indicative to inform this study.

When discussing about illegal or irregular migration there is no unified terminology concerning foreigners. The UN and EU recommend using the term irregular rather than illegal because the latter carries a criminal connotation and is seen as denying humanity to migrants. Entering a country in an irregular manner, or staying with an irregular status, is not a criminal offence but an infraction of minor offences or administrative regulations. As a result, referring to Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly, 'illegal' is preferred when referring to a status or process, whereas 'irregular' is preferred when referring to a person.

Asylum seeker – In the global context, a person who seeks protection from persecution or serious harm in a country other than their own and awaits a decision on the application for protection under the Geneva Convention of 1951 and Protocol of 1967 in respect of which a final decision has not yet been taken.

Country of destination – The country that is a destination for migration flows (regular or irregular).

European Border Surveillance System – A common framework for the exchange of information and for the cooperation between EU Member States and the European Border and Coast Guard Agency (Frontex) to improve situational awareness and to increase reaction capability at the external borders for the purpose of detecting, preventing and combating irregular immigration and cross-border crime, and contributing to ensuring the protection and saving the lives of migrants.

Facilitators of the unauthorised entry, transit and residence – Intentionally assisting a person who is not a national of an EU Member State either to enter or transit across the territory of a Member State in breach of laws on the entry or transit of aliens, or, for financial gain, intentionally assisting them to reside within the territory of a Member State in breach of the laws of the State concerned on the residence of aliens. Definition is based on Article 1(1)(a) and (b) of Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.³⁷

Fraudulent travel or identity document – Any travel or identity document: (i) that has been falsely made or altered in some material way by anyone other than a person or agency lawfully

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authorised to make or issue the travel or identity document on behalf of a State; or (ii) that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or (iii) that is being used by a person other than the rightful holder.

Illegal employment of third-country nationals – Economic activity carried out in violation of provisions set by legislation.

Illegal employment of a legally staying third-country national – Employment of a legally staying third-country national working outside the conditions of their residence permit and / or without a work permit which is subject to each EU Member State's national law.

Illegal employment of an illegally staying third-country national – Employment of an illegally staying third-country national.

Irregular entry – In the global context, crossing borders without complying with the necessary requirements for legal entry into the receiving State. In the Schengen context, the entry of a third-country national into a Schengen Member State who does not satisfy Art. 6 of Regulation (EU) 2016/399 (Schengen Borders Code).

Irregular migration – Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.

Irregular stay – The presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of Regulation (EU) 2016/399 (Schengen Borders Code) or other conditions for entry, stay or residence in force in that Member State.

Overstay(er) – In the global context, a person who remains in a country beyond the period for which entry was granted. In the EU context, a person who has legally entered but then stayed in an EU Member State beyond the allowed duration of their permitted stay without the appropriate visa (typically 90 days), or of their visa and / or residence permit.

Passport – One of the types of travel documents (other than diplomatic, service/official and special) issued by the authorities of a State in order to allow its nationals to cross borders³⁸. All third-country nationals subject to the visa-free regime have to carry a biometric passport to qualify for visa-free travel in the EU (except for UK and Ireland). Non-biometric passport holders from the visa-free third countries require a Schengen visa to enter the EU.

Pull factor – The condition(s) or circumstance(s) that attract a migrant to another country.

Push factor – The condition(s) or circumstance(s) in a country of origin that impel or stimulate emigration.

Refusal of entry – In the global context, refusal of entry of a person who does not fulfil all the entry conditions laid down in the national legislation of the country for which entry is requested. In the EU context, refusal of entry of a third-country national at the external EU border because they do not fulfil all the entry conditions laid down in Art. 6(1) of Regulation (EC) No 399/2016 (Schengen Border Code) and do not belong to the categories of persons referred to in Art. 6(5) of that Regulation. Regulation (EU) 2017/458 subsequently amended the Schengen Borders Code to reinforce the rules governing the movement of persons across borders and the checks against relevant databases at external borders.

Regularisation – In the EU context, state procedure by which irregularly staying third-country nationals are awarded a legal status.

Return decision – An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.

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Schengen Borders Code – The rules governing border control of persons crossing the external EU borders of the EU Member States.

Short - stay visa – The authorisation or decision of a Member State with a view to transit through or an intended stay on the territory of one or more or all the Member States of a duration of no more than 90 days in any 180-day period.

Third-country national – Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the European Union right to free movement, as defined in Art. 2 (6) of Regulation (EU) 2016/399 (Schengen Borders Code).

Third-country national found to be illegally present – A third-country national who is officially found to be on the territory of a Member State and who does not fulfil, or no longer fulfils, the conditions for stay or residence in that EU Member State.

Travel document – A document issued by a government or international treaty organisation which is acceptable proof of identity for the purpose of entering another country.

Visa – The authorisation or decision of a Member State required for transit or entry for an intended stay in that EU Member State or in several EU Member States.

Visa Code – Regulation outlining the procedures and conditions for issuing visas for transit through or intended stays in the territory of the Schengen Member States not exceeding 90 days in any 180-day period.

3 ADVISORY GROUP

For the purpose of providing support to EMN NCPs while undertaking this Study and for developing the Synthesis Report, an “Advisory Group” has been established, consisting of the original study proposer, LV EMN NCP, interested EMN NCPs, i.e. BE, CZ, DE, EE, LU, NL, NO, SI, SE, the European Commission and the EMN Service Provider (ICF). EMN NCPs are thus invited to send any requests for clarification or further information on the study to the following “Advisory Group” members:

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European Commission	Ramona.TOADER@ec.europa.eu Tania.VERLINDEN@ec.europa.eu Irregular migration and return policy - Dir C Migration and Protection

4 TIMETABLE

Date	Action
12 December 2017	First meeting of the Advisory Group for the Study (ICF Brussels) First draft proposal of the Common Template for review by Advisory Group / Odysseus / COM
6 March 2018	Second meeting of the Advisory Group for the Study Discussion on the revised first draft and work on the second draft of the Common Template begins
26 March 2018	Review by Advisory Group / Odysseus / EASO / COM of the second draft
4 April 2018	Deadline for second draft review of the Common Template by NCPs / Odysseus expert / EASO / COM and work on final draft begins
25 April	Deadline for final draft review and preparation to launch the study
8 May	Launch of the study
31 July	Submission of completed common template by NCPs

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Date	Action
14 September	Circulation of the 1st draft of the Synthesis Report to all NCPs + EC + EASO + Odysseus experts to provide comments
28 September	Deadline for the NCPs to provide comments on 1st draft
12 October	Circulation of the 2nd draft of the SR to all NCPs + EC + EASO + Odysseus experts to provide comments
26 October	Deadline for the NCPs to provide comments on 2nd draft
9 November	Circulation of the 3rd draft of the SR to all NCPs+ EC + EASO + Odysseus experts to provide final comments
16 November	Deadline for the NCPs to provide the final comments
30 November 2018	Finalisation of the Study, publication and dissemination

5 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template outlines the information that should be included in the National Contributions to this Study in a manner that makes the contributions reasonably comparable. The expected maximum number of pages to be covered by each section is provided in the guidance note. For national contributions the total number of pages should **not exceed 30 pages**, excluding the statistics.

A description of how each section will appear in the Synthesis Report is included at the beginning of each section so that EMN NCPs have an indication of how the contributions will feed into the Synthesis Report.

A limit of **40 pages** will apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

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National Contribution from Luxembourg

Disclaimer: The following information has been provided primarily for the purpose of contributing to a Synthesis Report for this EMN Study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' (Member) State.

Top-line "Factsheet"

National Contribution (one page only)

Overview of the National Contribution – drawing out key facts and figures from across all sections of the Study, with a particular emphasis on the elements that will be of relevance to (national) policymakers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.

Historically, Luxembourg has developed during the last 68 years strong links with the Western Balkan countries. In 1970, a labour agreement was signed between the Grand Duchy of Luxembourg and the Former Republic of Yugoslavia to provide for workers to come to work in Luxembourg.³⁹ This bilateral agreement created a diaspora from the Western Balkans in Luxembourg. Montenegrin nationals represent the largest third-country national population while the Serbians and the Bosnians represents the 3rd and 4th largest nationality groups.⁴⁰ There has been a significant number of naturalisations from the West Balkan countries during the last 10 years. This diaspora was a significant "pull factor" during the Yugoslav Wars (1991-1999) and the economic crisis of 2008.

This study was unable to verify direct and automatic links between the entering into force of the visa liberalisation agreements with the West Balkans countries and Eastern Partnership countries and an impact for Luxembourg. The large majority of increases, independently if it is legal migration, irregular migration or international protection did not occur during the next year following the entering into force of the agreements. These increases occurred generally during the second year or later.

Concerning visa liberalisation agreements with the Western Balkan countries, the first findings are a dramatic increase of international protection applicants from those countries since the agreements came into force. In the international protection field and in the framework of the return decisions, the visa liberalisation agreement had a negative impact generating stress for all the public administrations during 2011 and 2012, which have to deal with international protection and the return mechanism. During 2011, there was a significant increase of applicants from Macedonia and Serbia and in 2012 from Albania and Bosnia-Herzegovina. This situation placed the Luxembourgish authorities under significant stress to deal with this significant inflow of applicants, whose applications were, in the large majority of cases (80%), rejected.

However, this situation obliged the Luxembourgish government to take measures in order to deal in a very efficient manner with these inflows of international protection applicants as well as to overhaul the entire international protection procedure. These measures can be divided into two different: procedural measures and implementation measures. The most significant procedural measures are: a) the introduction of the fast track procedure and the implementation of the ultra-expedite procedure; b) the introduction of these countries in the list of safe countries of origin. These measures allow the authorities to deal more efficiently with the massive influx of international protection

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applicants coming from the region. The implementation measures are: a) No access to social aid for the applicant benefiting from a commitment to cover all expenses by a Luxembourg national, EU citizen or TCN residing in Luxembourg; b) substantial decrease in monthly cash amounts of social aid for adult individuals and households; c) Recruitment and reallocation of staff in the Directorate of Immigration and the Luxembourg Reception and Integration office; d) implementing the Assisted voluntary return Balkans (AVR Balkans) which only covers the return bus ticket; and e) strengthen cooperation with the authorities of the Western Balkan countries.

During 2017, there was an increase in the number of international protection applicants from Georgia and Ukraine, even though both countries are included in the list of safe countries of origin.

As Luxembourg does not have external borders with the exception of the International Airport, it is not possible to obtain pertinent information concerning the detection of irregular entries in the territory. Nevertheless, there is some evidence that some individuals from these countries have taken advantage of the visa liberalisation agreements to come to work irregularly in Luxembourg, even if it is not possible to quantify the scale of the phenomenon.

The findings of this study do not show an increase in the number of applications for authorisation of stay or residence permits (remunerated and study activities), so the EU visa liberalisation agreements did not have any impact in the legal migration field. The increase of application was visible after the second year of entering into force of these agreements but the numbers were not significant in regard with number of applications made by third-country nationals during the same period.

However, the short-stay visits (i.e. friends, family, tourism, etc.) seem not only to have been facilitated, but also increased. In some cases, these short-visits have also been used not only to visit family and friends but also to be familiarized with the Luxembourgish society and to explore job opportunities and look for housing. This is probably the only positive impact that the visa liberalization agreements have had.

Seen that the visa liberalisation agreements only allow travelling without a visa, but they do not allow working and staying in the country, and based on the data collected there is not possible to establish a link between them and any significant impact with regard to economy and to criminality (especially related to traffic of human beings or smuggling, where the numbers are very low and not directly related in most cases to nationals concerned by this study).

Section 1: The National Framework

National Contribution (**max. 6 pages**, excluding statistics)

The aim of this Section is to provide an insight into the scale and scope of Member States experiences after the visa-free regime at national and EU level, as evidenced by quantitative and qualitative information. The section will also analyse the short and long-term trends after the visa-free regime entered into force, pull factors and links between the countries of origin and destination.

The synthesis report will aim to include infographics and visuals, therefore please take that into account when answering the questions / filling the tables by adding any innovative or visual presentations in your national reports that can carry through into the synthesis report. We also welcome any photos/images which are captioned, relevant and (data) protected with your national contribution.

When answering the questions in this section please consider the statistical data as presented in the tables listed below and detailed in Section 1.2:

Table 1.2.1: Total number of external border-crossings (persons) by nationals of visa-free countries;

Table 1.2.2: Total number of detections of irregular border-crossings from nationals of visa-free countries;

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Table 1.2.3: Total number of short-stay visa applications by third country;

Table 1.2.4: Total number of short-stay visa application refusals by third country;

Table 1.2.5: Total number of asylum applications received from visa-free countries;

Table 1.2.6: Total number of positive decisions on asylum applicants from visa-free countries;

Table 1.2.7: Total number of negative decisions on asylum applicants from visa-free countries;

Table 1.2.8: Total number of positive and negative decisions on asylum applicants (top five nationalities, not limited to visa-free countries);

Table 1.2.9: Total number of residence permits applications (all residence permits) by third country;

Table 1.2.10: Total number of identity document fraud instances by third country;

If you do not have data as requested in the above tables, please explain why this is the case after each table in the relevant box.

Please do not leave any answer box or table cell blank or empty and insert N/A, NI or 0 as applicable.⁴¹

SECTION 1.1: DESCRIPTION OF NATIONAL SITUATION

Q1.1 Please provide an analysis of the short term (within two years) and long-term (beyond two years) trends which appeared in your Member State after the commencement of visa-free regimes disaggregated by region and third countries of interest.⁴²

Please answer this question by making a link with the data presented in Tables 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5 and 3.2.2.

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

Visa facilitation agreements apply to visas for the Schengen area for an intended stay of no more than 90 days per period of 180 days. All visa facilitation agreements are invariably associated with a readmission agreement via a suspense condition clause.

Since visa policy is a European competency due to freedom of movement in the Schengen area, visa facilitation agreements are negotiated by the European Commission and not by individual Member States.⁴³ In recent years, the European Union had signed visa facilitation-and readmission agreements.

In regard to the Western Balkans countries the first trends to see since visa liberalisation came into force was a dramatic increase of international protection applicants from those countries. The figures as well as the findings obtained from the interviews seem to confirm the link between the two phenomena. The short-stay visits (i.e. friends, family, etc.) seem not only to have been facilitated but also increased.⁴⁴ In some cases these short-visits have also been used not only to visit family and friends but also to get familiarized with the Luxembourgish society and to explore job opportunities and look for housing.⁴⁵

As Luxembourg does not have external borders with the exception of the International Airport, it is not possible to obtain pertinent information concerning the detection of irregular entries in the territory. Nevertheless, there is some evidence that some individuals from these countries have taken advantage of the visa liberalisation agreements to come to work irregularly in Luxembourg⁴⁶, even if it is not possible to quantify the scale of the phenomenon. A certain number of persons in irregular migration situation were able to get regularised during the general regularisation implemented during the period 2 January to 28 February 2013.

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The findings of this study do not show an increase in the number of applications for authorisation of stay or residence permits, so the EU visa liberalisation agreements did not have any impact in the legal migration field.⁴⁷

In the international protection field and in the framework of the return decisions (See table 3.2.2), the visa liberalisation agreement had a negative impact generating stress for all the public administrations, which have to deal with international protection and the return mechanism.⁴⁸

When EU visa liberalisation was introduced in 2009 for Macedonia, Montenegro and Serbia, the number of international protection applicants was less in 2009 than for the year before: there were only 6 applications of Macedonian nationals during 2009 in comparison to 7 in 2008; 5 applications of Montenegrins in 2009 in comparison to 14 in 2008 (73,3% decrease) and the number was stable in the case of Serbians (18 for both years). However, in 2010 there was an increase in applications from Macedonia and above all in Serbia (727,8%) nationals. Only applications from Montenegrin nationals declined.

In 2011, the numbers began to increase exponentially rising to 3092,9% in comparison with 2010 in the case of Macedonia nationals (from 14 to 447), 104% for Montenegrin nationals (from 0 to 104) and 538,9% in the case of Serbian nationals (from 149 to 952).

In 2012, the trend began to decrease with regard to Serbians (60%) and Macedonians (62%) while the Montenegrin nationals continued to increase (178,8%). From 2013, the trend began to decrease drastically for the three nationalities, even if we take into consideration the fluctuations observed during this period (2013-2016) in regard with the Montenegrins and Serbians. Applications from Serbian nationals have increased 158,7% in 2016 and 24,1% in 2017. Representing 7,5% (2016) and 8,2% (2017) respectively of all the international protection applications.

In the case of Albania and Bosnia Herzegovina the situation was similar but with less fluctuations over the years. Numbers decreased between 2009 and 2010, however, during 2011, there was an increase in the number of Albanian nationals and of Bosnians. During 2012, there was a significant increase during 2012 of 853,1% in the case of applications from Albanians and 444,2% in the case of Bosnians nationals.

The situation during the following years was not stable as the fluctuations continued until 2017. However, concerning the Bosnians the general trend has decreased since 2017. In 2011, the international protection applications from Western Balkan countries represented 73,4% of the total number of applications registered (1587 of a total of 2164 applications). This percentage decreased in 2012 to 69,6% (1432 of a total of 2056 applications) and falls under 50% during the following years (see table 1.2.5)

Along with France, Germany, Belgium, the Netherlands and Sweden (and in preparation of the JHA Council of 25 October 2012), Luxembourg sent a joint letter to the European Commission in order to introduce of a safeguard clause allowing the temporary reintroduction of visa obligations for third country nationals, residents of which are normally allowed to travel in the EU without a visa. The main reason for the proposed amendment was the situation described in certain Member States struggling to manage the considerable migratory influx of individuals originating from the Western Balkan countries⁴⁹. The six signatory Member States⁵⁰ of this letter raised concerns about the scale of the phenomenon, which they felt was becoming a challenge for both the administrative and judicial capacities of the various competent services in the EU.

Eastern Partnership - Moldova, Georgia, Ukraine:

In the Eastern Partnership, the situation varies according to the country.

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In Luxembourg, the Moldavian and Georgian nationals are not numerous (see table 1), so there is no significant diaspora.

In the case of Moldovan nationals in Luxembourg, no significant trend can be observed. There were no applications for international protection in the two years before the entering into force of the agreement in 2014, only 2 cases during 2014 and no cases during the next two years. In 2017 there were 5 applications for international protection from Moldovan nationals in Luxembourg.

Concerning Georgia, the situation varied greatly during 2008 and 2014. During the two years before the entering into force of the agreement in 2017 there was an increase in the number of the applications: from 8 to 23 in 2015, and to 64 in 2016. In 2017, the number of applications increases up to 138 representing a growth rate of 115,6%.

The number of applications of Ukrainian nationals is not consistent and it fluctuates passing from 2 cases in 2013 to 24 in 2014 and 28 in 2015 to decrease significantly during 2016 (0) and then increase significantly during 2017 (36 applications).

Q1.2. What are the main links between the countries of origin and your Member State or the applicable 'pull factors'⁵¹ disaggregated by region and third countries of interest?

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

In 1970, a labour agreement was signed between the Grand Duchy of Luxembourg and the Former Republic of Yugoslavia to provide for workers to come to work in Luxembourg.⁵² This bilateral agreement created a diaspora from the Western Balkans in Luxembourg. Since 1988, there has been an increase of asylum seekers coming to Luxembourg from the Balkans. However, the numbers increased substantively in 1992.⁵³ The asylum seekers coming from the Former Republic of Yugoslavia during the 1990's came in two major waves: 1992/1993 with almost 2000 applicants mainly coming from Bosnia-Herzegovina, and a second wave during 1998/1999 with approximately 4.600 applications (mainly Kosovars).⁵⁴

Confronted with a large inflow of asylum seekers - in part due to the diaspora network already established in Luxembourg - the government did not apply the asylum determination procedure established by the Geneva Convention. The government established an ad hoc determination status on the 20 March 1992: a temporary humanitarian status⁵⁵, which was later limited to Bosnians on 3 July 1992⁵⁶ and was abrogated with the signature of the Treaties of Dayton. On 1 July 1992, the Luxembourgish government took a more restrictive approach in regard to the influx of refugees coming from former Yugoslavia by introducing both visas at the Benelux level⁵⁷ and more reinforced controls at the border to avoid the illegal crossing of these individuals.⁵⁸

According to the national census of 2011, Montenegrin nationals represented the 10th foreign nationality in Luxembourg and the largest of a third country.⁵⁹

This large diaspora, which was already formed during the 1970's, has undoubtedly created a pull factor for individuals coming from the West Balkans countries because of its size (see Table n° 1). The existence of a large community in Luxembourg originating from the Former Republic of Yugoslavia explains the increase in bilateral exchanges of different types between Luxembourg and the West Balkan countries. Some examples are:

Three municipalities in Luxembourg are twinned with municipalities located in the territory of the former Republic of Yugoslavia⁶⁰:

- a) Wiltz -Zavidovici (Bosnia-Herzegovina) ;

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- b) Esch/Alzette-Zemun (Serbia) ;
- c) Dudelange- Berane (Montenegro).

Table n° 1: Resident Population of West Balkans and Eastern Partnership in Luxembourg (2011 – 2017)

Nationality	1/1/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017
Albania	367	394	502	539	579	637	659
FYROM	355	698	541	522	525	507	479
Bosnia Herzegovina	2261	2191	2303	2269	2310	2156	2168
Montenegro	3814	3782	3862	3898	3917	3818	4410
Serbia	2161	2756	2506	2429	2390	2367	2329
Georgia	20	24	32	43	52	62	64
Moldavia	42	46	49	55	59	58	56
Ukraine	427	452	443	470	545	653	742

Source: Statec, CTIE, 2018

Montenegrin nationals represent the largest third-country national population while the Serbians and the Bosnians represents the 3rd and 4th largest nationality groups.⁶¹ There has been a significant number of naturalisations from the West Balkan countries during the last 10 years. In this period 4.116 nationals from the West Balkans countries obtained Luxembourgish nationality representing 11,7% of all the naturalisations of foreign residents (See table n° 2).

Table n° 2: Naturalisations from nationals from West Balkans and Eastern Partnership countries (2007 – 2017)

Nationality	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Albania	18	21	33	9	8	8	5	10	8	15	27	162
Bosnia- Herzegovina	77	69	270	202	114	74	60	56	70	71	161	1,224
Georgia	0	2	0	3	1	0	1	0	0	0	2	9
FYROM	16	12	51	37	12	16	11	4	11	8	30	208
Moldova	0	4	1	1	2	4	0	2	1	2	3	20
Montenegro	6	23	138	218	148	126	99	118	127	134	264	1,401
Serbia	1	10	249	194	80	68	49	79	55	55	97	937
Serbia Montenegro	63	75	38	0	1	0	0	0	0	0	2	179
Ukraine	5	10	2	22	23	35	17	23	14	13	20	184
Total	186	226	782	686	389	331	242	292	286	298	606	4,324
Total naturalisations + options	1,302	1123	3954	4175	3064	2929	2442	3089	3095	3131	6904	35,208
Percentage	14.3%	20.1%	19.8%	16.4%	12.7%	11.3%	9.9%	9.5%	9.2%	9.5%	8.8%	12.3%

Note: This table excludes nationality recoveries by non-residents and does not include children who

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become Luxembourgish after the naturalisation of their parents.
Source: Ministry of Justice, 2018⁶²

When analysing the net migration balance for 2016 and 2017 it is possible to conclude that there is a positive balance from the countries of the West Balkans under study (see table n°3) with the exception of Albania in 2017. From this information, it is impossible to establish a link between this net migration balance and the visa liberalisation.

Table n° 3: Net migration balance from countries of the West Balkans and Easter Partnership (2016 – 2017)

Nationality	2016			2017		
	Arrivals	Departures	Net balance	Arrivals	Departures	Net balance
Albania	163	81	82	114	130	-16
Bosnia-Herzegovina	136	63	73	111	55	56
Georgia	28	14	14	23	27	-4
FYROM	69	20	49	39	34	5
Republic of Montenegro	165	48	117	120	39	81
Moldova	9	3	6	19	0	19
Serbia and Montenegro	5	6	-1	3	1	2
Republic of Serbia	214	60	154	182	115	67
Ukraine	142	49	93	180	52	128
Yougoslavia	1	1	0	5	1	4
Total	932	345	587	796	454	342
Total net migration	22888	13442	9446	24,379	13,831	10,548
Percentage	4.1%	2.6%	6.2%	3.3%	3.3%	3.2%

Source: Statec, CTIE, 2018 © LU EMN NCP

Eastern Partnership - Moldova, Georgia, Ukraine:

There are no clear established links between the countries of the Eastern Partnership and Luxembourg.

As mentioned in the answer to Q. 1.1. part B, visa liberalisation arrangements with Moldova did not generate a massive influx of international protection applicants (there were only 5 applications during 2017).⁶³ Even though there has been a positive net migration during the last two years the absolute numbers are not significant (see table n° 3 above).⁶⁴ During this period, there has not been an increase in applications filed by Moldovan nationals for authorisation of stay of any kind.⁶⁵ (see table 1.2.9).

In Luxembourg there were only 56 Moldavian residents in Luxembourg on 1st January 2017 being the smallest community of the nationalities targeted by this study.

Concerning Ukrainian nationals, there was an increase in applications for international protection: 36 applications have been filed in 2017. There has been a growing Ukrainian community in Luxembourg in recent years even before the visa liberalisation scheme entered into force. The

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community began to grow more substantially in 2015 (an increase of 16% in regard to 2014, 19,8% during 2015 and 13,6% during 2016).

From the net migration balance the Ukrainians represented 1,2% of the total net migration during 2017 (1% in 2016).⁶⁶ During 2005 and 2013, the arrival of Ukrainian nationals in Luxembourg was between 38 and 62 persons per year. However, beginning in 2014 arrivals increased substantially (120). After 2014, the numbers continued to increase: by 143 in 2015 and 180 during 2017. It is mainly female migration coming from Ukraine over all these years. Based on available information for 2005-2015, female Ukrainian nationals who filed a declaration of arrival with the municipalities are between 26 and 35 years old.

Concerning Georgian nationals, there has been a substantial increase in the number of applications for international protection since 2015. The profile of Georgian nationals applying for international protection is single male, aged 20 to 35 years old, multiple drug addiction, jobless and they do not belong to any minority group.⁶⁷ Concerning this group it may be assumed that one of the pull factors is the economic situation of the country⁶⁸ and not any direct link with the country. They apply for international protection but often they do not assist to the interviews and seem to be more interested in obtaining the material reception conditions.⁶⁹ The situation regarding legal migration is different with the number of Georgian nationals living in Luxembourg being relatively low (64 individuals were residing on 1 January 2017 on the territory (See table n° 1). The net migration balance for Georgian nationals was negative at the end of 2017 (-4).

Q1.3. Which national institutions and/or authorities are involved in implementing the visa liberalisation process and what is their respective role in this process?⁷⁰

As the European Commission at the European level through DG Migration and Home Affairs⁷¹ handles the visa liberalisation process, the responsible institution is the Ministry of Foreign and European Affairs at the national level through two main departments:

a) The Visas and Passports Office is the responsible institution for dealing with the issuance of the short-term visas to the nationals of the countries, which require them.⁷²

b) The Directorate of Immigration is part of the process and is responsible for establishing the list of safe countries of origin. This can be considered as a compensatory measure to the implementation of the visa liberalisation agreements which allows the Refugees department of the Directorate of Immigration to treat the international protection applications using the fast-track or ultra-expedited procedures (see answer to Q.1.4).

In addition, the Return department manages the return of third-country nationals coming from the West Balkans countries outside of the Assisted Voluntary Return and Reintegration Programme (AVRR-L).

Q1.4. Were there changes in your national legislation in connection with the introduction of the visa-free regimes? If yes, please explain their scope and impact on nationals coming from the third countries analysed in this study?

Due to the introduction of the EU visa liberalisation process, the Luxembourgish government added these countries to the list of safe countries of origin even before the visa free regime entered into force. The Grand-ducal regulation of 21 December 2007 establishing the list of safe country of origin⁷³ in accordance with the amended law of 5 May 2006 regarding the right of asylum and other

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complementary forms of protection added Albania, Bosnia-Herzegovina, Macedonia, Montenegro and Ukraine in the list of safe countries of origin.⁷⁴

On 19 April 2011, the Minister in charge of Migration and Asylum introduced, bill n° 6278⁷⁵ to Parliament introducing an effective recourse (appeal process) against the negative decision of the Minister in charge of Immigration and Asylum during the fast-track procedure for examining international protection applications. The lack of an appeal procedure has resulted in the fast-track procedure not being used during a certain time. This bill was approved by Parliament and become the Law of 19 May 2011.⁷⁶

On 1 April 2011, Serbia was added to the safe country of origin list⁷⁷ and Georgia was added on 5 December 2017.⁷⁸ Of all the countries benefiting from visa liberalisation schemes, Moldova is the only country not on the safe country of origin list.

As a result of the large influx of international protection applications following the enter into force of the visa liberalisation agreements with the West Balkan countries the government decided to reduce the amount of financial aid by grand ducal regulation of 8 June 2012.⁷⁹

In 2013, Luxembourg approved the protocols of application of the readmission agreement between Montenegro and the European Union. During the same year it also signed three protocols of application of the application of the readmission agreement between the Benelux and Moldova, Serbia and Bosnia-Herzegovina.

On 5 November 2014, five bills were deposited at the Chamber of Deputies concerning the approval of the implementing protocol between the Benelux countries and the relevant third country on the application of the EU readmission agreements with Moldova⁸⁰, Bosnia and Herzegovina⁸¹, Georgia⁸², FYROM⁸³ and Serbia.⁸⁴ They were approved by the Law of June 2015.⁸⁵

On 9 February 2017, the Ministry of Foreign and European Affairs introduced the ultra-expedited-track procedure for dealing with international protection applications from the West Balkan nationals.⁸⁶ This procedure consists in treating the international protection applications from countries benefiting from visa liberalization agreements in very short deadline: the treatment of the application (interview, analyse of the case, decision, translation and notification) will be done in the first 9 working days. Then the appeal procedure will be done in the next six weeks. This procedure is done inside the framework of the fast-track procedure and guarantees the rights of the applicant.⁸⁷

Q1.5. Where there any public/policy debates related to the visa liberalisation process in you (Member) State? If yes, what were the main issues discussed and how did this impact national policy?

No.

Q1.6. Do you have any other remarks relevant to this section that were not covered above? If yes, please highlight them below.

The social consultations of Caritas Luxembourg of third-country nationals coming from the Western Balkans (see table n° 4 below), show that the picks and the most important growth rates of the different Western Balkan did not occur the following year after the entering into force of the visa liberalisation agreements. In some cases, this growth happened several years later.

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Table n° 4: Number of social consultations addressed to Caritas Luxembourg by nationals of Western Balkan countries (2008-2017)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Serbia	70	50	59	202	225	210	160	111	133	76
Montenegro	181	154	100	93	134	287	169	144	99	57
FYROM	18	15	7	42	62	26	28	50	49	39
Albania	17	24	14	15	27	31	43	18	75	72
Bosnia	31	78	64	82	114	179	178	136	82	48
Total Balkans	317	321	244	434	562	733	578	459	438	292
Total all nationalities	1535	1964	1490	1676	1696	2066	1807	2455	2861	3161
% of Western Balkan nationals	20,7	16,3	16,4	25,9	33,1	35,5	32,0	18,7	15,3	9,2

Source: Caritas Luxembourg, 2018 © LU EMN NCP

This table also shows that over one or several years in the period 2008-2017, only three nationalities reached more than 100 consultations: Serbia, Montenegro and Bosnia.

During 2012 and 2013, is when the number of consultations reached its highest numbers of nationals of West Balkan countries (33,1% and 35,5% respectively). The number of consultations of Serbians increased by 242% between 2010 and 2011, passing from 59 consultations to 202. This shows that this increase happened during the second year after the visa liberalization agreement entered into force. These number increased again in 2012 (225 consultations) and stayed high in 2013 (210 consultations) but dropped regularly afterwards until arriving to 76 in 2017.

The number of consultations for Montenegrins was already high in 2008 (181). This was before the visa liberalization agreement entered into force. However, this number was only topped during the period 2008-2017 in 2013 with 287 consultations. This happened four years after the entering into force of the agreement. These numbers dropped regularly afterwards until reaching 57 consultations in 2017. Curiously, in the two years following the entering into force of the agreement, the number of consultations decreased until 2012.

Regarding the Macedonians, the number of consultations increased from 7 to 42 between 2010 and 2011 and reached its highest level in 2012 with 62 consultations. On the other hand, the number of consultations from Albanian nationals remained weak during the period 2008-2017 arriving to its highest level in 2016 with 75 consultations.

Finally, regarding Bosnian nationals, the number of consultations did not follow the trend mentioned above. During the first two years following the entering into force of the agreement the number of consultations increased substantially (28% between 2010 and 2011 and 39% between 2011 and 2012). However, the highest increase was during 2013 (57% increase in comparison with 2012). Then the numbers dropped regularly until 48 consultations in 2017.

Impact of visa liberalisation on countries of destination**SECTION 1.2: STATISTICAL INFORMATION**

Please provide, to the extent possible, the following statistics (with their source) along with, if necessary, an explanatory note to interpret them in particular when the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differs from the below, or of first-hand research) or when they reflect any particular trends (e.g. a change in policy). If statistics are not available, please try to indicate an order of magnitude and why they are not available. When available, statistics from Eurostat should be used and presented annually covering the period between 2008 and 2017 inclusive. For year 2007, national data should be provided, if available.

At a minimum please provide data two years before and after the waiver agreement date for each third country (as highlighted in green in each table). Ideally, the study aims to present data for the whole period if available (e.g. from Eurostat).

When filling in the tables please do not leave blank cells and follow these conventions:

N/A – not applicable, in cases where the question is not applicable to your (Member) State please insert N/A in relevant cells.

NI – no information, in cases where there is no data available please insert NI in relevant cells.

0 – insert 0 whenever you have collected data and the result was 0.

*Impact of visa liberalisation on countries of destination*Table 1.2.1: Total number of external border-crossings (persons) by nationals of visa-free countries⁸⁸

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of external border-crossings (persons) by nationals of visa-free countries													
FYROM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Montenegro	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Serbia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Albania	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Bosnia and Herzegovina	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Moldova	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Georgia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Ukraine	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Total													
Total number of external border crossings (persons)⁸⁹													

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Luxembourg cannot provide this information because it does not have any land border crossings with the exception of the only external border that is Luxembourg International Airport.

*Impact of visa liberalisation on countries of destination*Table 1.2.2: Total number of detections of irregular border-crossings from nationals of visa-free countries⁹⁰

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of detections of irregular border-crossings from nationals of visa-free countries												
FYROM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Montenegro	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Serbia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Albania	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bosnia and Herzegovina	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Moldova	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Georgia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ukraine	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total												
Total number of detections of irregular border-crossings⁹¹												

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Luxembourg cannot provide this information because it does not have land border – crossings. The only external border is Luxembourg international airport.

*Impact of visa liberalisation on countries of destination*Table 1.2.3: Total number of short-stay visa applications by third country⁹²

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
FYROM	I	NI	NI	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Source: Passport and Visa office, 2018
Montenegro	NI	NI	NI	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Note: The information of visas issued to Ukrainian nationals for 2017 was not provided as the visa liberalisation enter into force on 11 June 2017.
Serbia	NI	NI	NI	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Albania	NI	NI	NI	NI	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Bosnia and Herzegovina	NI	NI	NI	NI	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Moldova	NI	NI	NI	NI	NI	NI	NI	NI	N/A	N/A	N/A	N/A	
Georgia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Ukraine	NI	NI	NI	NI	NI	NI	NI	571	595	552	NI	NI	
Total													
Total number of short-stay visa applications – all third countries⁹³													

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

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The old visa system used by the Passport and Visa Office (AE.VIS system) was changed to the VIS system. The old database was coded in another software so the information cannot be extracted. In addition, Luxembourg does not have any diplomatic missions in those countries and its interests are represented by other Member States.⁹⁴ Visas are issued in those countries by the consular services of other Member States (by France in Albania (Tirana), by the Netherlands, in Bosnia-Herzegovina, Georgia (Tbilisi) and FRYOM (Skopje), by Belgium in Serbia (Belgrade) and Ukraine (Kiev), by Slovenia in Montenegro (Podgorica) and by Hungary in Moldova (Chisinau)). In the past the diplomatic missions representing Luxembourg have issued the visas to the applicants but in most of the cases did not consult with the Luxembourgish authorities (only Belgium did inform the Luxembourgish authorities according to a consular agreement between the two countries⁹⁵).⁹⁶

*Impact of visa liberalisation on countries of destination*Table 1.2.4: Total number of short-stay visa application refusals by third country⁹⁷

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of short-stay visa application <u>refusals</u> by third country												
FYROM				N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Montenegro				N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Serbia				N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Albania					N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bosnia and Herzegovina					N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Moldova										N/A	N/A	N/A
Georgia												
Ukraine												
Total												
Total number of short-stay visa application <u>refusals</u> – all third countries⁹⁸												

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

See comment table 1.2.3

*Impact of visa liberalisation on countries of destination*Table 1.2.5: Total number of asylum applications received from visa-free countries⁹⁹

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	7	6	14	447	170	33	16	34	45	40	Source: Directorate of Immigration, 2018. Data provided based on the nationality of applicants for international protection.
Montenegro	NI	14	5	0	104	290	113	140	71	11	13	
Serbia	NI	18	18	149	952	384	62	63	63	153	190	
Albania	NI	14	26	24	32	305	75	118	131	226	137	
Bosnia and Herzegovina	NI	31	34	18	52	283	146	165	69	82	47	
Moldova	NI	1	0	4	4	0	0	2	0	0	5	
Georgia	NI	1	2	7	16	7	19	8	23	64	138	
Ukraine	NI	3	0	6	0	2	2	24	28	0	36	
Total	-	89	91	222	1607	1441	450	536	419	581	606	
Total number of asylum applications – all third countries¹⁰⁰	426	463	505	786	2164	2056	1070	1091	2447	2035	2322	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for 2007.

*Impact of visa liberalisation on countries of destination*Table 1.2.6: Total number of positive decisions on asylum applicants from visa-free countries¹⁰¹

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of positive decisions on asylum applicants from visa-free countries												
FYROM	NI	NI	NI	NI	0	0	0	2	0	0	0	Source: Directorate of Immigration, 2018. Data based on the nationality of applicants of international protection.
Montenegro	NI	NI	NI	NI	0	0	9	0	0	4	0	
Serbia	NI	NI	NI	NI	1	5	1	3	4	0	1	
Albania	NI	NI	NI	NI	1	0	1	4	10	2	3	
Bosnia and Herzegovina	NI	NI	NI	NI	0	0	2	4	0	0	0	
Moldova	NI	NI	NI	NI	0	0	2	0	0	0	0	
Georgia	NI	NI	NI	NI	0	0	0	0	0	0	1	
Ukraine	NI	NI	NI	NI	0	0	0	0	1	0	4	
Total	NI	NI	NI	NI	2/47	5/63	15/162	13/178	15/228	6/790	9/1206	Note: The numbers in this line are in regard to the total number of positive decisions during the respective years.

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for the period 2007 to 2010.

*Impact of visa liberalisation on countries of destination*Table 1.2.7: Total number of negative decisions on asylum applicants from visa-free countries¹⁰²

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											
Total number of <u>negative</u> decisions on asylum applicants from visa-free countries	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	NI	NI	148	249	26	27	24	0	19	Source: Ministry of Foreign and European Affairs, Annual Report, 2008 to 2017
Montenegro	NI	NI	NI	NI	35	289	127	132	73	29	15	Note: For the years 2011 to 2016 it includes negative decisions rendered in the normal procedure and fast-track procedure. In 2017 it includes also the decisions rendered in the ultra fast-track procedure.
Serbia	NI	NI	NI	NI	416	585	37	42	27	20	57	
Albania	NI	NI	NI	NI	10	160	110	83	61	107	128	
Bosnia and Herzegovina	NI	NI	NI	NI	12	231	158	137	99	38	41	
Moldova	NI	NI	NI	NI	0	0	0	0	0	0	0	
Georgia	NI	NI	NI	NI	0	0	2	0	6	0	2	
Ukraine	NI	NI	NI	NI	0	0	1	0	5	8	12	
Total	NI	-/227	-/185	-/240	621/701	1514/ 1875	461/886	421/712	295/525	202/438	274/526	Total = total n° of decisions 5 top nationalities/total number of negative decisions

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available in the Annual Reports of the Ministry of Foreign and European Affairs for the years 2007 to 2010.

*Impact of visa liberalisation on countries of destination*Table 1.2.8: Total number of positive and negative decisions on asylum applicants (top five nationalities, not limited to visa-free countries)¹⁰³

Indicator	Period of interest (2007-2017) (insert all available data)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017		
Total number of <u>positive</u> decisions on asylum applicants (top five nationalities, not limited to visa-free countries)													
Nationality 1	NI	NI	NI	NI	IQ 10	IQ 24	IQ 36	SY 42	SY 58	SY 538	SY 463	Source: Ministry of Foreign and European Affairs, Annual Report, 2008 to 2017.	
Nationality 2	NI	NI	NI	NI	IR 9	IR 14	IR 35	IQ 26	ER 28	IQ 101	IQ 347	Note: Positive decisions include refugee status and subsidiary protection status.	
Nationality 3	NI	NI	NI	NI	Kos 6	RS 5	AF 19	ER 14	IQ 21	ER 26	AF 194		
Nationality 4	NI	NI	NI	NI	AZ 3	Kos 4	SY 15	IR 13	TR 14	PS 19	ER 102		
Nationality 5	NI	NI	NI	NI	ET 3	AF 4	ME 9	Kos 9	AL 13	IR 18	IR 24		
Total	n.i.a.	107	152	102	31/47	51/63	114/162	104/178	134/228	702/790	1130/1206		
Total number of <u>negative</u> decisions on asylum applicants (top five nationalities, not limited to visa-free countries)													
Nationality 1	NI	NI	NI	NI	RS 416	RS 585	Kos 212	BA 137	Kos 116	Kos 115	AL 128	Source: Ministry of Foreign and European Affairs, Annual Report, 2008 to 2017	
Nationality 2	NI	NI	NI	NI	MK 148	ME 289	BA 158	ME 132	BA 99	AL 107	IQ 116	Note: For the years 2011 to 2016 it includes negative decisions rendered in the normal procedure and fast-track procedure. In 2017 it include also the decisions	

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												rendered in the ultra fast-track procedure.
Nationality 3	NI	NI	NI	NI	Kos 49	Kos 276	ME 127	Kos 96	ME 73	BA 38	RS 57	
Nationality 4	NI	NI	NI	NI	ME 35	MK 249	AL 110	AL 83	AL 61	ME 29	Kos 45	
Nationality 5	NI	NI	NI	NI	BA 12	BA 231	RS 37	RS 42	RS 27	IQ 27	BA 41	
Total	NI	-/227	-/185	-/240	660/701	1630/ 187 5	644/886	490/525	376/525	316/438	387/526	Total = total n° of decisions 5 top nationalities/total number of negative decisions

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available in the Annual Reports of the Ministry of Foreign and European Affairs for the years 2007 to 2010.

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Table 1.2.9: Total number of residence permits applications (all residence permits) by visa-free country¹⁰⁴

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											
Total number of residence permits applications (all residence permits) by visa-free country	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	NI	NI	NI	18	12	27	20	34	25	Source: Directorate of Immigration, 2018. Data is related to temporary authorisation of stay applications and not to residence permits as the first is the requisite to obtain the later.
Montenegro	NI	NI	NI	NI	NI	68	117	85	95	100	47	Note: The Directorate of Immigration could not extract the total number of applications for the period 2007 – 2011.
Serbia	NI	NI	NI	NI	NI	56	101	75	83	95	84	
Albania	NI	NI	NI	NI	NI	17	27	33	45	60	79	
Bosnia and Herzegovina	NI	NI	NI	NI	NI	49	38	56	66	69	80	
Moldova	NI	NI	NI	NI	NI	2	7	4	3	4	8	
Georgia	NI	NI	NI	NI	NI	3	1	3	8	5	6	
Ukraine	NI	NI	NI	NI	NI	34	38	68	94	113	126	
Total	NI	NI	NI	NI	NI	247	341	351	414	480	455	
Total number of residence permits applications (all residence permits)¹⁰⁵	NI	NI	NI	NI	NI	NI	NI	NI	NI	4171	4619	

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**Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

The Directorate of Immigration was not able to extract the total number of applications for the period 2007–2011. Data is based on the temporary authorisation of stay applications and not on the applications for residence permits. It is more relevant to base the findings on the authorisation of stay applications. Only when the authorisation of stay is granted, the person concerned can apply for a residence permit. This data does not include information related to residence cards issued to family members of an EU or EEA citizen, which are included in the data of residence permits sent to Eurostat.¹⁰⁶

*Impact of visa liberalisation on countries of destination*Table 1.2.10: Total number of identity document fraud instances by visa-free country¹⁰⁷

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Montenegro	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Serbia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Albania	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Bosnia and Herzegovina	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Moldova	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Georgia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Ukraine	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Total	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Total number of identity document fraud instances¹⁰⁸	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Impact of visa liberalisation on countries of destination**Section 2: Positive impact of visa liberalisation on (Member) States****National Contribution (max. 6 pages, excluding statistics)**

The aim of this Section is to analyse the positive impact of short-term visa liberalisation on countries of destination (i.e. Member States) and third-country nationals as evidenced by quantitative and qualitative information.

The synthesis report will aim to include infographics and visuals, therefore please take that into account when answering the questions / filling the tables by adding any innovative or visual presentations in your national reports that can carry through into the synthesis report. We also welcome any photos/images which are captioned, relevant and (data) protected with your national contribution.

When answering the questions in this section please consider the statistical data as presented in the tables listed below and detailed in Section 2.2:

Table 2.2.1: Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries;

Table 2.2.2: Total number of first-time residence permit applications received from visa-free country nationals;

Table 2.2.3: Total number of first residence permits issued for remunerated activities reasons to visa-free country nationals;

Table 2.2.4: Total number of first residence permits issued for education reasons to visa-free country nationals;

Table 2.2.5: Total number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries.

If you do not have data as requested in the above tables, please explain why this is the case after each table in the relevant box.

Please do not leave any answer box or table cell blank or empty and insert N/A, NI or 0 as applicable.

SECTION 2.1: DESCRIPTION OF NATIONAL SITUATION

Q2.1. What impact did the visa liberalisation have on your (Member) State? Please provide a short description of your national situation.

The visa liberalisation process was handled by the European Commission in regard to the West Balkan and the Eastern Partnership countries based on a roadmap establishing the conditions that each one of the third-countries concerned had to fulfil.¹⁰⁹ These conditions deal fundamentally with the security of documents, border management, and fight against irregular migration and organised crime, corruption and fundamental rights.¹¹⁰

Visa liberalisation agreements had mainly an effect on the number of international protection applicants coming from Western Balkan countries, the number of negative decisions regarding international protection applications (see Q.2.1 and table 1.2.7), and the increase of the number of return decisions issued to those individuals (see Q.4.1.8).

The abolition of visas for the nationals of these countries has facilitated short time stays of these nationals for family or friendly visits in Luxembourg (See Q.2.2.3).

Q2.1.1 If applicable, please categorise your answer to Q2.1 by third country:

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

From the international protection application angle:

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In the case of the West Balkan countries, the percentage of the international protection applications from these countries represent 17,6% of the applications received in 2009 before the first visa liberalisation agreement (ME, MK and RS) entered into force (see table 1.2.4).

2010 was a transition year, and the percentage of applications rose to 26,1%. In the second year (2011) of the visa waiver agreement with FYROM, Montenegro and Serbia, there was a massive influx of international protection applicants from these countries (73,3% in 2011 and 69,6% in 2012). This consisted mainly of Serbians belonging to Roma and Albanian minorities.¹¹¹

The introduction of Serbia in the list of safe countries of origin in 2011¹¹² (even though, this measure did not stop the inflow) allowed the Directorate of Immigration to treat the international protection applications through the fast-track procedure. Nevertheless, in 2011, 67,3% of the rejection of the international protection applications of West Balkans applicants were taken in the framework of the normal procedure (419 over 623 rejection decisions).

In 2011, the recognition rates were almost 0 for the citizens of the FYROM, Montenegro, Serbia¹¹³ and Bosnia.

The number of rejections from Western Balkan countries represented 88,6% of the total number of negative decisions in 2011, followed by 80,7% in 2012 and 80,2% in 2014.

In the rest of the period concerned, the percentage of negative decisions varied between 45 and 54%.¹¹⁴

One interesting observation is that the numbers of applications for international protection did not increase significantly during the first year after entering into force of the visa liberalisation agreement. They did, however increase during the second year. This conclusion is not only valid for the first visa liberalisation agreement (ME, MK and RS) but also for the second agreement (AL & BA) (see table n° 1.2.4).

In most cases, the international protection recognition rate for applicants from these countries is equal or close to zero and it has rarely been over 10% during 2011 to 2017.

The highest recognition rates of the West Balkan nationals¹¹⁵ are the following:

Table n° 5: Recognition rate of West Balkans nationals by nationality (2014 – 2016)

Year	Nationality	Recognition rate
2014	FYROM	10%
2015	Albania	18,7%
2015	Serbia	11,8%
2016	Montenegro	12,1%

Source: Directorate of Immigration, 2018

As a consequence of the influx in applications for international protection from nationals of visa liberalisation countries, the Luxembourgish government reduced the monthly amount of financial

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aid (cash allowance)¹¹⁶ (see Q. 1.4). This amendment generated critics from UNHCR¹¹⁷ and from civil society.¹¹⁸

The marked increase in asylum applications from visa liberalised countries led to the situation becoming politically sensitive to the extent that the political party "Alternative Demokratesch Reformpartei" (ADR) began referring to "asylum tourism".¹¹⁹ The influx of international protection applicants coming from the Western Balkans (especially from RS and MK) led to six Member States (BE, DE, FR, LU, NL and SE) addressing a letter to the European Commission requesting both better collaboration with Frontex for the protection of EU external borders and adoption of the safeguard clause on the protection of the external borders before the end of 2012.¹²⁰ As the majority of applications for international protection from visa liberalised nationals were rejected, it was determined that the large majority were "economic migrants".¹²¹

The Luxembourgish authorities insisted on the low probability of their being granted international protective status, they acknowledged the difficult situation of Roma within their home countries¹²² and considered that this situation is a European problem, which Luxembourg, specifically, must also face. The discussion within the parliamentary commission revealed that "the problem must be solved in the country of origin by acting against discrimination and setting up minimum social criteria for all."¹²³

In order to implement an efficient voluntary return policy, the Luxembourgish government provided that rejected international protection applicants whose country of origin is considered "safe" should not benefit from any assistance for voluntary return in the framework of the IOM AVVR-L programme (Assisted Voluntary Return and Reintegration - Luxembourg).¹²⁴ In order to deal with the returns of citizens coming from safe countries of origin, the Luxembourgish authorities decided that nationals of Serbia, Macedonia, Montenegro who submitted their application for international protection after 31 December 2009, and nationals of Bosnia-Herzegovina and Albania who submitted their application after 31 December 2010 (the dates when the visa liberalisation scheme went into effect) were therefore excluded from the scheme.¹²⁵

However, as the increase in the number of applicants for international protection during 2011 and 2012 came largely from nationals of West Balkans countries, a specific return programme was then implemented for persons coming from these countries, benefiting of the visa liberalisation scheme and considered to be ineligible for the AVRR-L programme. This programme consists of support from the Luxembourgish Government by way of return bus transportation to their home country.¹²⁶ This programme is financed from the general budget of the Directorate of Immigration of the Ministry of Foreign and European Affairs. The number of returns by bus to the Western Balkans under this new programme was very important in 2012. However, the number of returnees declined the following years.¹²⁷ However, this programme still represents 70% of the total number of voluntary and forced returns in 2017. Simultaneously, the number of applications for international protection from applications from the West Balkans (Kosovo excluded) remain significant (25,4% in 2016 et 18,3% in 2017).

From the point of view of short-term visits, Luxembourg has experienced a growth in tourism¹²⁸ from third-country nationals of certain Balkan countries (Serbia, Albania) with the visa liberalisation regime (see Q2.2.3 and Table 2.2.1). In the case of the Western Balkan countries, there has also been an increase of family and friend visits from nationals of these countries to Luxembourg due to the large diaspora established in Luxembourg.¹²⁹

With regard to temporary authorisations of stay applications (data available from 2012), no significant trend could be detected during the period in question (table 1.2.9). Only in 2013, the third year after the visa waiver agreement, one can observe a more substantial increase of applications from Montenegrins, from 68 in 2012 to 117 in 2013 (+72%), and from Serbians, growing from 56 in 2012 up to 101 in 2013 (+80,4%).

In regard to first time residence permits applications (see table 2.2.2. – data available from 2012), it is not possible to determine significant trends. The highest number of applications introduced

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during 2012 and 2017 regarding Western Balkan nationals was in 2012 (1717 which represented 37,9% of the total number of applications). However, 1258 applications (73,3%) concerned long term residence permits of nationals legally established in Luxembourg with at least 5 years of residence. The proportion of long term residence permits is almost identical during 2013 (71%). The numbers regarding Moldavian and Georgian nationals do not exceed 10 applications per year between 2012 and 2017. The applications of Ukrainian nationals strongly increase during 2014 - 2015 (+80%), to slow down during the following years + 30% between 2015 - 2016 and +7% between 2016 - 2017.

If we take into consideration the total number of first time residence permits issued, it is possible to conclude that the visa liberalization agreements did not have a significant impact on the labour market, the education field (see tables n° 2.2.3 and 2.2.4) or on family reunification. This is due to the issuing of residence permits in principle after an authorization of stay is granted. In order to obtain this authorization, an individual has to file an application in his/her country of origin at the diplomatic mission which represents the interests of Luxembourg and must fulfil all the conditions required by the type of authorization of stay that s/he is applying for.¹³⁰ The absence of visa requirements can facilitate the entry to the country and allow the individual to be better acquainted with the host society and establish some contacts through a short period of stay.¹³¹

During the period 2011 - 2017, the majority of at first issue residence permits issued to the Western Balkan nationals (excluding Kosovo), were for a long-term residence permit, followed by a residence permit for family reasons. These two categories are far away ahead of the other types of residence permits.

Table n° 6: First issuance residence permits issued to nationals from West Balkans countries excluding Kosovo (2011 - 2017)

First issuance residence permit (total number of concerned countries)	No.	%
Family reasons	3598	40,8
Long-term residence permit	3827	43,4
Protection and humanitarian reasons	125	1,4
Other (private reasons, sufficient resources, au pair)	338	3,8
Educational reasons	129	1,5
Remunerated activities	802	9,1
Total	8819	100,0

Source : Directorate of Immigration, 2018 © LU EMN NCP

For the Western Balkan countries, it is important to mention that the most significant numbers emerged several years after the entry into force of the visa liberalisation agreements and they do not reflect a substantive increase.¹³²

As referenced previously, during the period 2011 to 2017, the first issuance residence permit category was the long-term residence permit, follow by the resident permit for family reasons (residence card of a family member of an EU citizen or residence permit of a family member of a TCN).

With regard to family reasons:

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3113 first residence permits have been granted to the nationals of the five Western Balkan countries. The great majority of these residence permits were granted during 2016 (524) and 2012 (514). During the period study the largest number of residence permits for family reasons were granted to Montenegrins in 2012 (233).

Table n° 7: First issuance of residence permit for family reasons

	2011	2012	2013	2014	2015	2016	2017	Total
FYROM	25	24	19	25	26	44	49	212
Montenegro	142	233	192	147	208	196	154	1272
Serbia	82	135	92	106	129	142	136	822
Serbia and Montenegro	10	9	2	0	1	1	1	24
Albania	7	18	16	23	48	47	43	202
Bosnia-Herzegovina	71	95	48	80	96	94	100	584
Moldova	4	7	3	8	3	10	6	41
Georgia	0	1	2	3	2	2	2	12
Ukraine	42	35	37	63	92	70	90	429
	383	557	411	455	605	606	581	3598

Source : Directorate of Immigration, 2018 © LU EMN NCP

With regard to remunerated activities:

Between 2011 and 2017, there were 578 first residence permits for remunerated activities issued to nationals of all five countries. The number varies by year with the largest single increase between 2013 and 2014: (2011 (46), 2012 (49), 2013 (127), 2014 (47), 2015 (78), 2016 (117) and 2017 (114)).

The three main nationalities with significant numbers during the period 2011 to 2017 are Montenegro (201), Serbia (151) and Bosnia-Herzegovina (131). However, their average per year remains relatively small: 28,7, 21,6 and 18,7 respectively. The highest single group during the years were Montenegrins salaried workers during 2013, which amounted to 59 residence permits. The numbers regarding independent worker residence permits are very low in comparison to the total number of residence permits issued for all remunerated activities.

Residence permits for education reasons (table n° 2.2.4) remained low for the entire duration: FYROM (7), Montenegro (6), Serbia (27), Albania (26) and Bosnia-Herzegovina (5).

Eastern Partnership - Moldova, Georgia, Ukraine:

The situation described above for the West Balkan countries contrasts with the case of Ukraine nationals, that without benefiting of a visa liberalization agreement had received since 2011 until 2017, 765 first issuance residence permits of which 202 residence permits for remunerated activities reasons (an average of 28,9 per year). 48 first permits have been issued for education reasons (table n° 2.2.4). A total of 429 residence permits for family reasons were granted during the period, representing 55,9% of the overall number of residence permits issued to Ukrainian nationals. In 2017, 90 of the 175 residence permits granted to Ukrainians were for family reasons (51,4%).

In the case of Moldova and Georgia, the numbers of first residence permits are relatively low between 2011 and 2017. For Moldova, only 61 first residence permits were issued during this period, of which 36 were residence cards for a family member of an EU citizen.

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Concerning Georgians 39 residence permits were issued to Georgian nationals during the period 2011 - 2017.

This demonstrates that for Moldavians and Georgians the number of residence permits for remunerated activities (8 and 14 respectively) and education reasons (4 and 7) is very low (2011-2017) and in the case of Moldova the visa liberalisation agreement had no impact on the granting of residence permits.¹³³

Q2.2. Did your (Member) State assess the impact of visa liberalisation as positive? If yes, please explain the reasons for your positive assessment and how this was reached (i.e. who was involved in the assessment and how they reached this conclusion). If no, explain why this is the case.

No. However, it may be surmised that visa liberalisation had a positive impact for the number of West Balkans nationals already living in Luxembourg who could bring over their family members and friends for short-term visits because they were not obliged to apply for a visa.¹³⁴ This also allows the visitors to be acquainted with the Luxembourgish society and explore the labour and educational opportunities and challenges for migrating in a later phase.¹³⁵

Q2.2.1. Did your collaboration with relevant third countries improve within the field of migration since the introduction of visa liberalisation?¹³⁶ If yes, please provide a short description and specific examples.

Yes. Following the influx of international protection applications (mostly unfounded) of the West Balkans countries of 2011 and 2012 after the visa liberalisation scheme entered into force, the Luxembourgish government had direct talks with the authorities of these countries which has contributed to the reduction of the number of applications from some of these countries. During all the period analysed, Luxembourg has continued with its efforts to negotiate, conclude and apply the readmission agreements and their implementation protocols, not only in the context of the European Union but also in the framework of Benelux (see answer to Q.1.4).

Concrete examples are:

Albania:

- A) Working visit of the Minister of Foreign and European Affairs to Albania on 3 October 2017. During this visit the Minister expressed his recognition of the cooperation of the Albanian authorities and the efforts taken by them in order to reduce the number of unfounded international protection applications. However, the Minister stressed his concern that the number of applications remains high and explained that Luxembourg considers Albania as a safe country of origin, that all the applications are treated with an ultra-expedite procedure and that the recognition rate is almost 0%.¹³⁷

Montenegro:

- a) Working visit of the Prime Minister of Montenegro to the Grand Duchy of Luxembourg on 24 March 2014 where he had meet with the Prime Minister and the Minister of Family and Integration, where the Luxembourg Prime Minister stressed that 99,9% of the asylum applications made by economic reasons were rejected and that it will be more honest and responsible to inform Montenegrin nationals that their possibility of receiving international protection is rather small.¹³⁸

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- b) Visit of the Minister of Foreign and European Affairs to Podgorica, Montenegro on 30 March 2017 where the migratory issue was raised and the Minister recognised that the collaboration of the Montenegrin government has help reduced the number of asylum applications.¹³⁹

Macedonia:

- a) Working visit of the Ministry of Foreign and European Affairs to Macedonia on 10 February 2010.¹⁴⁰
- b) Working visit of the Deputy Minister of Macedonia to Luxembourg on 28 April 2015.¹⁴¹
- c) Working visit of the Minister of Foreign and European Affairs to Macedonia on 4 October 2017.¹⁴² During this visit the Minister praised the contribution of the Macedonian authorities to control the migration flux through the Balkan route and for the results obtained by the authorities in regard with the reduction of the number of international protection applications of Macedonian nationals.¹⁴³

Serbia:

- a) Working visit of the Deputy Prime Minister and Ministry of Interior of the Republic of Serbia to Luxembourg on 5 May 2011. During this meeting, the Deputy Prime Minister recognized that the "false asylum seekers" came to Luxembourg for economic reasons, benefiting especially of the financial aid granted to asylum seekers. The Luxembourg Minister in charge of Immigration stated that the modus operandi of these individuals was to come to Luxembourg and benefit of the social aid and health care.¹⁴⁴ The Serbian Minister said that his government was responding appropriately to deal with the problem (enforcing external border controls, sensitising the concerned communities (Roma and Bosnians). He added that another priority was the fight against criminal organisations that smuggles Serbians into Europe.¹⁴⁵
- b) Working visit of the Luxembourg Minister of Foreign Affairs to Belgrade on 17 May 2011. The Minister stressed that, despite the recent inflow of asylum seekers, notably from this country, Luxembourg continues to support the liberalisation, which represents an essential, concrete instrument with which to bring the populations of the Balkans and the European Union closer.¹⁴⁶
- c) Working visit of the Luxembourg Minister of Family and Integration to Serbia on 28 April 2012. The Minister discussed with the Deputy Prime Minister and Minister of Interior the migration influx of Serbian nationals to Luxembourg.¹⁴⁷
- d) Working visit of the Deputy Prime Minister and Ministry of Foreign Affairs of the Republic of Serbia to Luxembourg on 6 May 2015.¹⁴⁸
- e) Working visit of the Ministry of Foreign Affairs to the Republic of Serbia on 9 September 2015¹⁴⁹ and on 30 March 2017. In this last visit, the Ministry recognises the cooperation of the Serbian authorities and stressed that the recognition rate of international protection applicants from Serbia was almost 0%. In addition, he insisted that the individuals who introduced unfounded applications must be confronted with a return decision in the shortest deadlines.¹⁵⁰

Q2.2.2. Did your (Member) State identify specific economic benefits?¹⁵¹ If yes, please list them and provide a short description for each.

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No. At this stage it is impossible to identify any specific economic benefits coming from the visa liberalisation agreements.¹⁵²

In the case of the West Balkan countries it is possible to conclude that the transport of persons between those countries and Luxembourg has intensified after the entrance of the visa liberalization agreements. Before the visa liberalization agreements there was only a bus company (Simon Voyages) that provided weekly transportation between Montenegro and Luxembourg (passing through Serbia).¹⁵³ At the moment, the number of companies transporting people from Luxembourg to Montenegro (passing through Serbia) is 5, which provide weekly services.¹⁵⁴ In addition, there are two bus companies, which provide transportation of passengers weekly between Luxembourg and Bosnia-Herzegovina.¹⁵⁵

Through time, not immediately after the entry into force of the agreements and not depending on them, the political and economic relationships between these countries and Luxembourg have been strengthened.

For example, the Albania – Luxembourg Chamber of Commerce was officially launched on 8 February 2018. This event hosted members of the business world, public authorities and nationals from both countries. The president of this chamber stated that the goal and the vision of this chamber was to bring together both countries by building bridges in order to support the development of business and the exchange of natural and human resources and good practices¹⁵⁶. The chamber of commerce wants, through its network, to facilitate projects and investments from Luxembourg to Albania and vice versa. The chamber is focused primarily in certain fields such as civil engineering, law, IT, finance and project management, among others, and can provide indispensable advice and subsequently bring credibility to the business.

This chamber plans to organise regular meetings in order to bring together Luxembourgish and Albanian businessmen and it was present during the «Salon Vakanz» in January 2018 promoting tourism in Albania. The Chamber also participated in the Festival des Migrations in March 2018

Also, the economic links with Ukraine begin to strengthen in the last 3 years. According to the STATEC, Luxembourg's exports to Ukraine have almost doubled since the commercial slowdown of 2015. [Ukraine](#) is a country, which, after the 2014 Euromaidan Revolution, embarked on an ambitious process of economic reforms. The free trade agreement signed between Ukraine and the European Union, which entered into force on the 1st of January 2016, strengthens the economic ties between Ukraine and the EU and, in particular, lifts a large majority of customs barriers. Furthermore, the Double Tax Treaty between Luxembourg and the Ukraine has entered into force on January 1st this year of 2018.¹⁵⁷

Q2.2.3. Did your (Member) State experience a growth in tourism¹⁵⁸ from third-country nationals under the visa liberalisation regime? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 2.2.1.

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Yes. Luxembourg does not consider as targeted countries for the tourism promotion of the countries under study.¹⁵⁹ This conclusion can be deduced from the percentage (they did not exceed 1%) that these individuals represent in regard to the total number of visitors to Luxembourg (See table 2.2.1).

Globally, there are wide fluctuations in regard to the numbers of visitors in accommodation establishments of nationals coming from these countries during the period 2007 and 2017.

Nevertheless, for certain countries of origin it is possible to determine a substantial increase after the entering into force of the visa liberalization agreements. Also, for Serbia, between 2009 and 2010 we notice a fivefold increase of visitors passing from 583 to 2853 individuals following by another substantial increase between 2010 and 2011 to 5432 individuals (increase of 90,4%). In 2012 the numbers decrease again to half (2673 visitors) and in 2013, we determine a flagrant decline of -80,5% when the number of visitors is of 520 individuals.

Concerning Albania, between 2010 and 2011 the number of tourists pass from 1573 to 2369 individuals representing an increase of 50,6%. With 2490 tourists accounted in 2012, the progression continues with 5,1%. However, during 2013 there is a flagrant fall of -1918 individuals representing -77%.

For Bosnia Herzegovina, the numbers are less higher. In 2011, there is a progression of 34,8% in comparison to 2010. The number of visitors pass from 155 to 209. This progression continues during the rest of the period arriving to the highest number in 2017 (451 persons). For Albania, between 2010 and 2011 the number of tourists passed from 1573 to 2369, which represents a 50,6% increase. With 2490 censused tourists in 2012, the increase continues during 2012 with 5,1%. In 2013, there is flagrant fall: -1918 persons (-77%).

In regard with Montenegro, the numbers are also very low and and it is only in 2013 that there is an important increase in comparison to 2012, when the number of visitors passed from 68 to 192 (+182%). The highest number of visitors was during 2015 with 264 persons.

Finally, concerning Macedonia we can verify no significant trends. The numbers remain low even if and we can determine two significant increases between 2012 to 2013 (from 96 to 162) and between 2013 to 2014 when there were 245 visitors. For Montenegro, the numbers are also very low and it is only in 2013 that we can notice a significant increase in comparison with 2012, when the number of visitors passed from 68 to 192 (+182%). The highest number was reached in 2015 with 264 persons.

Concerning the Eastern Partnership countries the situation is as follows :

For Moldova, the highest number of visitors was during 2014 with 142 persons. The same happened with Georgian nationals with 302 tourists during 2014. However, the number of tourists declined substantially during the following years stabilizing in 2017 with 143 persons. The same situation was observed with Ukrainian nationals who came in large numbers during 2014 (2206 visitors) but declining the following year to 1223 during 2015. In 2017 only 1178 Ukrainians visited Luxembourg.

Visa liberalisation agreements have apparently an impact in regard to tourism, especially from Serbia and Albania and in less measure from Bosnia. It is not surprising that between 2010 and 2012, the percentage of the tourists coming from the countries under study in regard to the total number of visitors increase from 0,38% in 2009 to 0,63% in 2010 and 0,96% in 2011.

Furthermore it is possible to conclude that visa liberalisation allows easier visiting of family and friends in Luxembourg.¹⁶⁰ However, most of these visits are carried out by land (bus see Q.2.2.2 or by car) and not by plane (there are no direct flights from these countries to Luxembourg) but direct low cost flights operate from the Western Balkans airports close to Luxembourg (i.e. Charleroi¹⁶¹ in Belgium and Hahn¹⁶² in Germany). Given the large diaspora of Western Balkan nationals in Luxembourg (especially Montenegrins, Bosnians and Serbians), we can also consider that many will stay with friends or family rather than official tourist residences, which could explain the low figures of

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registered Montenegrin and Bosnian tourists in tourist accommodations. This can be considered as a positive impact for the resident diaspora established in Luxembourg from the perspective that it allows the consolidation of family and friendship ties without the obstacles of applying for a visa.¹⁶³

Q2.2.4. Did your (Member) State experience an impact on its labour market since the introduction of visa liberalisation? If yes, please provide a short description and specific examples, including background information on the link between visa free travel and access to the labour market in the national context.

Please answer this question by making a link with the data presented in Table 2.2.3.

Based on the data on salaried workers declared to the Joint Centre of the Social Security, on the available data concerning the type of authorisation of stay, and on the first residence permits issued for remunerated activities (Table 2.2.3), it is possible to conclude that the various visa liberalisation schemes have not any direct and immediate effect on the labour market.

On 31st March of each year from 2007 to 2015, there is data available of the Inspectorate General of Social Security in regard to the number of salaried worker residents by nationality. It is possible to see that the number of salaried workers « Serbians and/or Montenegrins » went from 2469 on 31 March 2009, to 2254 in 2010 and then it began decreasing: 2128 in 2011, 2040 in 2012 and 2013 in 2013. This regression can be explained in part because of the acquisition of Luxembourgish nationality by a certain number of Serbian and Montenegrin salaried worker residents. The number of Macedonian nationals who was at its highest in 2008 with 142 decreased in 2009 to 108 to stabilize it at 121 in 2015. The highest number of Bosnian salaried workers was in 2008 with 1173. Since then this group has decreased after the visa liberalization agreements arriving at 889 on 31 March 2011 and 854 a year later.

The number of Albanian salaried workers has not increased with the visa liberalization agreements: 106 in 2010, 111 in 2011 and 113 in 2012. The number of Moldavian salaried workers is similar: 19 in 2014 and 22 in 2015. Concerning Georgian nationals, the numbers did not exceed 10 between 2007 and 2015. During 2007 and 2015, the highest number of Ukrainian salaried workers was 2015 with 188 persons. The highest number of residence permits granted for economic reasons to Western Balkan nationals are found in years after the entry into force of the visa liberalisation agreements. No significant peaks may be seen, however the largest single number of economic authorisation permits was seen in 2013, when 144 residence permits were issued for remunerated

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activities, out of which 128 were salaried worker resident permits in comparison versus 38 permits granted during each one of the two previous years. There were a certain number of persons who were in an irregular situation of work or stay, as it was shown by the data related to the applications for regularisation of 2013¹⁶⁴ or the data of the applications for residence permit of 2016 and 2017 based in article 89 regarding the authorisation of stay for exceptional reasons of the Law of Immigration¹⁶⁵. However, the numbers remain weak. The part of the countries under study represented 13,3% in 2016 of the residence permits issued for remunerated activities reaching the highest level. In 2011 this part represented only 11,7% (see Table 2.2.3). The data shows that the residence permits for remunerated reasons come far behind other type of residence permits such as long-term residence permit, residence card of a family member of an EU citizen or family member of a TCN of the West Balkan countries.

One important factor to take into consideration is that nationals from visa liberalisation countries need to file an application for an authorisation of stay as a salaried worker, independent worker, highly qualified or inter-corporate transferee, researcher, sportsmen or trainer at the diplomatic mission which represents the interests of Luxembourg in the country of origin.¹⁶⁶ In addition, the applicant must pass the labour market needs test.¹⁶⁷ The advantage of that the visa liberalisation provides is that the third-country national can come to the country to look for an employment without the requirement to apply for a visa.¹⁶⁸ This situation allows them to inform themselves about the opportunities and difficulties to access the labour market and to find housing.¹⁶⁹ However, as the rest of third country nationals who want to apply for an authorisation of stay for remunerated activities they are obliged to fulfil all the requirements established by the Immigration Law.¹⁷⁰

Q2.2.5. Did your (Member) State experience a growth in the number of students arriving from third countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 2.2.4.

Visa liberalisation schemes do not have any effect on the number of international students. In general, third-country national students must apply for a "student" authorisation of stay from their country of origin.¹⁷¹ During the period 2009 and 2017, the number of students coming from the countries concerned in this study remains very weak and it locates in a bracket between 12 in 2014 and 34 in 2017 (see Table 2.2.4). From 2011 to 2013 the first issuance of residence permit for educational reasons represents less 4% in regard to the total number of residence permits issued during this period. It is not until 2016 and 2017 that this proportion increased slightly to amount 6,1% in 2016 and 5,8% in 2017. In the present case, as mentioned in Q.2.2.4, visa liberalisation schemes facilitate not only the travelling of the students to Luxembourg once s/they is admitted at the University of Luxembourg but to travel earlier to inform himself/herself on the opportunities of scholarships and to look for housing.

Q2.2.6. Did your (Member) State experience a growth of entrepreneurship, including of self-employed persons from third countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples, including background information on the access to self-employment from visa free regimes in the national context.

Please answer this question by making a link with the data presented in Table 2.2.5.

No, the number of residence permits granted for independent workers coming from West Balkans countries is very low in comparison with the total number of residence permits issued for remunerated activities: 22 of 802 residence permits issued for all the nationalities concerned by this study during the period 2011 - 2017, (representing 2,7%).

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Q2.2.7. Did your (Member) State experience a growth in trade with third countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples (i.e. in which sectors / what type of goods or services).

No. According to STATEC the international direct investment in Luxembourg during 2016 coming from the West Balkans is as follows: a) Serbia: 0; b) Montenegro: -2 millions EUR; c) Macedonia: -35 millions EUR; d) Bosnia-Herzegovina: -3 millions EUR and e) Albania: 0 mio. EUR.¹⁷²

In the Eastern Partnership: a) Ukraine: 16 millions EUR; b) Georgia: -89 millions EUR; Moldova: 0 millions EUR.¹⁷³

It should be noted that economic relationships have begun to develop with Albania and Ukraine (see answer to Q.2.2.2.)

Q2.2.8. What other benefit (or positive impact) was identified by your (Member) State in relation to visa liberalisation that was not already captured in the previous questions, if applicable?¹⁷⁴

N/A. There have been cultural and sportive exchanges between Luxembourg and the West Balkan countries but some of those exchanges already began before the entering into force of the visa liberalisation schemes.¹⁷⁵

After the visa liberalisation agreements, there have been new agreements in place that provide for regular visits by Orthodox priest for the Orthodox Serbian Church and of Imams to the Mosque in Esch from Serbia.¹⁷⁶

SECTION 2.2 : STATISTICAL INFORMATION

Please provide, to the extent possible, the following statistics (with their source) along with, if necessary, an explanatory note to interpret them in particular when the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differs from the below, or of first-hand research) or when they reflect any particular trends (e.g. a change in policy). If statistics are not available, please try to indicate an order of magnitude and why they are not available. When available, statistics from Eurostat should be used and presented annually covering the period between 2008 and 2017 inclusive. For year 2007, national data should be provided, if available.

At a minimum please provide data two years before and after the waiver agreement date for each third country (as highlighted in green in each table). Ideally, the study aims to present data for the whole period if available (e.g. from Eurostat).

When filling in the tables please do not leave blank cells and follow these conventions:

N/A – not applicable, in cases where the question is not applicable to your (Member) State please insert N/A in relevant cells.

NI – no information, in cases where there is no data available please insert NI in relevant cells.

0 – insert 0 whenever you have collected data and the result was 0.

*Impact of visa liberalisation on countries of destination*Table 2.2.1: Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries¹⁷⁷

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries													
FYROM	223	202	141	138	142	96	162	245	262	247	249	Number of arrivals declared by the establishments. Source: STATEC – Census of accommodation forms. Data is based in principle on the country of residence of the persons. The substantial increases and decreases of persons coming from Serbia and Albania are hard to explain. Until May 2011, the data was collected based on the declaration of the individuals who have filled the accommodation forms. It may be that some of them gave introduced the nationality but not the country of residence. Since May 2011, an electronic system of the accommodation establishments of at least 10 persons was implemented and it were the managers of these establishments who collect the data. Finally, it is important to mention	
Montenegro	o	o	o	59	52	68	192	193	264	195	230		
Serbia	643	658	583	2853	5432	2673	520	747	859	724	740		
Albania	1992	2715	2144	1573	2369	2490	572	772	695	604	491		
Bosnia and Herzegovina	202	190	138	155	209	241	326	318	432	435	451		
Moldova	48	24	20	55	52	52	135	142	110	63	68		
Georgia	o	o	o	22	65	80	173	302	221	175	143		
Ukraine	785	625	450	538	674	1227	1888	2206	1223	1070	1178		
Total	3893	4414	3476	5393	8995	6927	3968	4925	4066	3513	3550		
Total number of visitors staying in hotels and other accommodation establishments (all countries of origin)¹⁷⁸	977893	935467	905230	854717	935004	1023868	1046642	1145126	1198027	1161784	1155958		

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													that Kosovo is not established as a country of origin in the list and the Kosovars can be registered either as a Serbian or an Albanian. There cannot be excluded that applicants for international protection can be included in this data.
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**Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the box below:

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Table 2.2.2: Total number of first-time residence permit applications received from visa-free country nationals¹⁷⁹

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of first-time residence applications received from the respective visa-free country													
FYROM	NA	NA	NA	NA	NA	66	36	39	38	39	55	Source: Directorate of Immigration, 2018. Administrative data, first time residence permit applications without renewals	
Montenegro	NA	NA	NA	NA	NA	845	694	378	373	324	303	The data include residence cards applications of TCN family members of EU or EEA citizens as well as applications for the long-term resident's permit. This explains why the figures are much higher than those on applications for a temporary authorisation to stay.	
Serbia	NA	NA	NA	NA	NA	391	327	185	207	195	197		
Albania	NA	NA	NA	NA	NA	36	55	46	71	76	83		
Bosnia and Herzegovina	NA	NA	NA	NA	NA	379	187	187	168	125	139		
Moldova	NA	NA	NA	NA	NA	2	7	6	2	2	4		
Georgia	NA	NA	NA	NA	NA	2	3	3	8	7	7		
Ukraine	NA	NA	NA	NA	NA	42	46	54	99	129	138		
Total	NA	NA	NA	NA	NA	1763	1355	898	966	897	926		

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Total number of first-time residence applications¹⁸⁰						4528	4827	4168	4854	5417	6915	
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**Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

The Directorate of Immigration does not have any information available for the years 2007 to 2011.

*Impact of visa liberalisation on countries of destination*Table 2.2.3: Total number of first residence permits issued for remunerated activities reasons to visa-free country nationals¹⁸¹

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											
Total number of permits issued for remunerated activities reasons ¹⁸² to visa-free country nationals	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	1	0	1	6	8	2	3	9	7	Source: Directorate of Immigration, 2018
Montenegro	NI	NI	5	3	11	14	60	12	27	44	33	Note: Information provided by Directorate of Immigration is only available from 2011.
Serbia	NI	NI	3	2	14	13	33	13	24	23	31	Data from 2009 and 2010 obtained from Eurostat database
Albania	NI	NI	5	0	2	2	11	6	11	14	13	
Bosnia and Herzegovina	NI	NI	1	4	18	14	15	14	13	27	30	
Moldova	NI	NI	0	0	0	0	0	5	1	1	1	
Georgia	NI	NI	1	0	1	1	1	1	5	2	3	
Ukraine	NI	NI	2	1	13	12	16	21	34	54	52	
Total	NI	NI	18	10	60	62	144	74	118	174	170	
Total number of permits issued for remunerated activities reasons¹⁸³	NI	NI			511	655	1245	946	1226	1304	1760	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available neither in the national database nor in the Eurostat database for 2007 nor 2008. The law of 29 August 2008 on free movement of persons and immigration only entered into force on 1st October 2008 so this information was not available in 2007 and 2008.

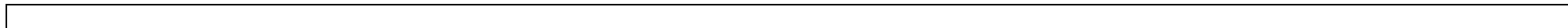
*Impact of visa liberalisation on countries of destination*Table 2.2.4: Total number of first residence permits issued for education reasons to visa-free country nationals¹⁸⁴

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											
Total number of permits issued for education reasons ¹⁸⁵ to visa-free country nationals	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	0	0	0	2	2	0	2	0	2	Source: Directorate of Immigration, 2018
Montenegro	NI	NI	0	1	0	0	0	0	3	0	3	Note: Information provided by Directorate of Immigration is only available from 2011.
Serbia	NI	NI	5	3	3	3	6	4	4	1	6	Data from 2009 and 2010 obtained from Eurostat database
Albania	NI	NI	2	1	2	0	1	4	1	11	10	
Bosnia and Herzegovina	NI	NI	0	1	3	2	0	0	0	1	1	
Moldova	NI	NI	2	0	2	0	2	0	0	0	0	
Georgia	NI	NI	1	0	1	0	1	1	2	1	1	
Ukraine	NI	NI	5	2	3	7	3	3	2	12	11	
Total	NI	NI	15	7	14	14	15	12	14	26	34	
Total number of permits issued for education reasons¹⁸⁶					415	414	404	458	478	424	583	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available neither in the national database nor in the Eurostat database for 2007 nor 2008. See also explanation to Table 2.2.3.



*Impact of visa liberalisation on countries of destination*Table 2.2.5: Total number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries¹⁸⁷

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											
Total number of first residence permits issued for entrepreneurs (including self-employed persons) from visa-free countries	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	NI	NI	0	0	0	0	0	0	0	Source: Directorate of Immigration, 2018
Montenegro	NI	NI	NI	NI	0	0	1	0	0	2	2	Note: Information provided by Directorate of Immigration is only available from 2011.
Serbia	NI	NI	NI	NI	0	0	0	0	1	0	0	The information is only about the independent worker residence permit.
Albania	NI	NI	NI	NI	0	0	0	0	0	0	0	The investor residence permit only began to be granted on 2017 and there has not been any residence permit issued for the nationalities concerned.
Bosnia and Herzegovina	NI	NI	NI	NI	0	2	0	1	0	2	0	
Moldova	NI	NI	NI	NI	0	0	0	0	0	0	0	
Georgia	NI	NI	NI	NI	0	0	0	0	0	1	0	
Ukraine	NI	NI	NI	NI	0	0	3	1	4	2	0	
Total	NI	NI	NI	NI	0	2	4	2	5	7	2	
Total number of first residence permits issued for entrepreneurs (including self-employed persons)¹⁸⁸					20	29	31	19	33	36	36	

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**Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available neither in the national database nor in the Eurostat database for 2007 to 2011.

Impact of visa liberalisation on countries of destination**Section 3: Challenges of visa liberalisation on (Member) States****National Contribution (max. 6 pages, excluding statistics)**

The aim of this Section is to investigate migratory risks since the introduction of visa-free regimes and the differences in the capacity of (Member) States to meet emerging challenges after the visa-free regimes were established as evidenced by quantitative and qualitative information.

The synthesis report will aim to include infographics and visuals, therefore please take that into account when answering the questions / filling the tables by adding any innovative or visual presentations in your national reports that can carry through into the synthesis report. We also welcome any photos/images which are captioned, relevant and (data) protected with your national contribution.

When answering the questions in this section please consider the statistical data as presented in the tables listed below and detailed in Section 3.2:

Table 3.2.1: Total number of nationals from the visa-free countries refused entry at the external borders;

Table 3.2.2: Total number of return decisions issued to nationals from the visa-free countries;

Table 3.2.3: Total number of voluntary returns (all types) by nationals of visa-free countries;

Table 3.2.4: Total number of forced returns by visa-free country;

Table 3.2.5: Total number of nationals from the visa - free countries found in illegal employment;

Table 3.2.6: Total number of smuggled persons from the visa-free countries (final court rulings);

Table 3.2.7: Total number of trafficked persons from the visa-free countries (final court rulings);

Table 3.2.8: Total number of identified facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings);

Table 3.2.9: Total number of nationals found to be illegally present from the visa-free countries;

Table 3.2.10: Total number of overstayers from the visa-free countries.

If you do not have data as requested in the above tables, please explain why this is the case after each table in the relevant box.

Please do not leave any answer box or table cell blank or empty and insert N/A, NI or 0 as applicable.

SECTION 3.1 : DESCRIPTION OF NATIONAL SITUATION

Q3.1. Did your (Member) State face certain challenges (if any) since the introduction of visa liberalisation? Please provide a short description of your national situation.

Please answer this question by making a link with the data presented in Section 3.2, while specific challenges can be detailed in sub-questions **Q3.1.2** to **Q3.1.7**.

As mentioned in the answers to Q.1.1 and Q.2.1 a large increase in applicants for international protection from the Western Balkans can be seen since 2009. Even though the numbers of applications have reduced during the last 9 years, the percentage remains high in 2017 (26,1% for the total number of applications from the 8 countries under study and 18,4% for the 5 Western Balkan countries).

In 2009, the Directorate of Immigration introduced a specific return system (AVR-Balkans) for rejected international protection applicants for the nationals of the West Balkan nationals who benefit from visa liberalisation (See answer to Q2.2.1)

When the visa liberalisation agreements for the Western Balkan countries came into force, the strong increase in international protection applications was not felt during the first year. However, an increase can be seen during the second year of implementation of the agreement: the phenomenon

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can be seen during 2011 in regard to the FYROM, Montenegro and Serbia and 2012 in regard to Bosnia-Herzegovina and Albania, as can be seen from table 1.2.4 above.

The considerable increase in applications from the region put stress not only on the Directorate of Immigration to process the applications but also on the Luxembourg Reception and Integration Agency (OLAI) from a point of view of human resources and financial resources.¹⁸⁹

Q3.1.1 If applicable, please categorise your answer to **Q3.1** by third country:

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

See Q.3.1.

Eastern Partnership - Moldova, Georgia, Ukraine:

There are no particular challenges to highlight concerning Ukraine, and Moldova. With regard to Georgia, Luxembourg has seen a substantial increase of applicants for international protection coming from Georgia since 2017 (see above).

Q3.1.2 Did your (Member) State encounter a rise in illegal employment since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.5.

No precise information is available, based on statistics. According to some information provided for the purpose of this study there has been a rise in illegal employment as a result of the implementation of the visa liberalization agreements¹⁹⁰ The data on the applications for the extraordinary regularization of 2013 showed that the principal top-5 nationalities are the Chinese, the Brazilians, Cape Verdeans, the Serbians and the Montenegrins (see Q 2.2.4) .

The control of illegal employment is done in a punctual manner. Article L. 612-1 (1) f) of the Labour Code as amended by the Law of 21 December 2012 establishes that the Inspectorate of Labour and Mines (ITM) is the authority in charge of carrying out inspections in order to control whether irregular third-country nationals are working in any economic activity.

The risk analysis is based on the experience gained over the years by the inspectors. It is known that the sectors with low-skilled, low-paid and labour-intensive jobs like in the sectors of construction, agriculture, cleaning, accommodation and food services are the most at risk, as these sectors occupy the highest percentage of people coming from third countries.

This analysis is completed by the number of complaints registered by the ITM regarding the occupation of third-country nationals. These complaints can be originated by witnesses from such situations (e.g. private persons, co-workers, labour unions, employers' federations, ...), as well as by third-country nationals themselves complaining about bad working conditions (low wages, excessive working hours, resting periods, health and safety at work, ...).¹⁹¹

Q3.1.3 Did your (Member) State encounter a rise in smuggled and/or trafficked persons from the visa-free countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Tables 3.2.6 and 3.2.7.

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No. The numbers on smuggling and on trafficking on human beings in general in Luxembourg are extremely low and it is not possible to determine any increase of these crimes since the entering into force of the visa liberalisation agreements above mentioned.

The total number of smugglers apprehended by police in Luxembourg during the period 2009 – 2013 are: 2009 (1), 2010 (1), 2011 (0), 2012 (0) and 2013 (2).¹⁹².

Concerning final convictions (see also Q3.1.4):

No criminal conviction for smuggling of migrant has been issued based on articles 382-4 and articles 382-5 of the Penal Code from 2012 to 2017¹⁹³.

In regard to traffic of human beings between 2011 and 4th October 2017, 18 criminal convictions were issued (all nationalities considered) based on articles 382-1, 382-2 et 382-3 of the Penal Code. There was only one case during 2015 concerning an individual of one of the countries under study. These numbers on final convictions are obtained from the criminal record that does not indicate who is the victim. The number of the accused persons¹⁹⁴ (all nationalities considered) in the framework of affairs related to trafficking of human beings between 2014 and 4 October 2017 was 32.

69 cases were initiated related to trafficking of human beings between 2014 and 4 October 2017, we find 3 victims were originally from the countries under study (2 Bosnians and 1 Serbian)¹⁹⁵.

The inspectors of the Foreigners Police conduct the hearing of every international protection applicant or irregular migrant who is detected in Luxemburgish territory, to obtain information on travel routes to come to Luxembourg, modus operandi used by the smugglers, etc. These hearings allow the police to identify possible links and to be able to conduct investigations immediately if necessary.¹⁹⁶

Q3.1.4 Did your (Member) State encounter a rise in the number of identified facilitators of unauthorised entry, transit and residence since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.8.

No. The number of identified facilitators relevant to the countries concerned in this study are too low that it is not possible to determine an increase after the entering into force of the visa liberalization agreements.

As it was mentioned above (See Q3.1.3), there has not been any criminal conviction related to trafficking of human being (all nationalities considered) based on the articles of the Penal Code between 2012 and 2017.¹⁹⁷

Between 2010 and 2017, 14 persons have been convicted¹⁹⁸ for having help directly or indirectly, facilitate or try to facilitate the entry or the irregular transit or with a lucrative purpose, the irregular stay of a third-country national on or through the Luxembourgish territory or the territory of a Member State of the European Union based on article 143 of the Immigration law. Generally, the same individuals were convicted based on article 144 of the Immigration Law¹⁹⁹ for having, as an employer, hired a foreign worker without an authorization of stay salaried worker or a work permit. However, none of the convicted persons has not have a nationality of the countries under study.

Q3.1.5 Did your (Member) State encounter a rise in the number of nationals found to be illegally present from the visa-free countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.9.

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The detection of a migrant on irregular stay situation can be discovered through random police controls or through the application of an authorisation of stay or the renewal of a residence permit.²⁰⁰ (See also Q3.1.2).

Between 2007 and 2011, the number of individuals found in irregular stay situation was very low regarding the nationals of the countries under study. The highest number was 9 and it concerned Serbian nationals. It is in 2012, when the number of irregular staying migrants strongly increased. The total number of Western Balkan nationals increased from 14 to 122, representing an increase of 771%. The Serbians are the most important group with 62 individuals followed by Montenegrins (15). The two groups represent 63% of the total number of irregular staying migrants coming from the Western Balkans. This happened during the third year following the entering into force of the agreement.

In 2013, the number strongly dropped from 122 to 74 followed by a rapid increase in 2014 with 135 irregular staying migrants. The large majority were Montenegrins (46), followed by Albanians (30) and the Serbians (29). Curiously, the highest number of Bosnian irregular staying migrants was detected in 2015. This happened the fifth year following the entering into force of the entering into force of the agreements.

In 2017, the highest number of Albanian irregular staying migrants is registered: 43 individuals followed by the Serbians (42) and the Georgians (32). In regard to the Georgians the numbers increased substantially between 2016 and 2017 passing from 6 to 32 (an increase of 433%).²⁰¹

Between 2011 and 2017, there were 4 condemnations of nationals of the countries concerned by this study concerning infractions to the legislation on entry and stay²⁰²: two Albanians, one Bosnian and one Moldavian.

Q3.1.6 Did your (Member) State encounter a rise in the number of overstayers since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.10.

No information is available. In general, the detection of a migrant in an irregular stay situation can be detected by random or punctual checks made by the police²⁰³ seen that there are no external borders and the statistics system does not allow to calculate the number of overstayers. Nevertheless, there is some information that signal that there has been a significant number of overstayers of nationals coming from the visa liberalisation scheme nations.²⁰⁴

Q3.1.7 Did your (Member) State encounter any signs of possible misuse of the visa liberalisation?²⁰⁵ If yes, please provide a short description and specific examples.

Yes. A marked increase can be seen in applications for international protection from West Balkans nationals in Luxembourg immediately after the application of the agreements (See Q.1.1 and Q.1.2).

Q3.2. Did your (Member) State as a country of destination face any administrative burden²⁰⁶ since the introduction of the visa-free regime? If yes, please provide a short description and specific examples.

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The significant increase in international protection applications coming from the West Balkan countries put considerable resource stress on Luxembourgish authorities in order to handle the applications, provide the material conditions and house the international protection applicants.

Increase in the amount of applications

The year 2011 saw particularly significant debates on international protection, as Luxembourg was faced with an exceptional inflow of asylum seekers. The number of applications tripled in comparison to 2010, and quadrupled in comparison to 2009.

Luxembourgish authorities described the increase in the number of asylum seekers (mostly Roma and nationals of the western Balkan countries, particularly Serbia and Macedonia) as a direct consequence of the liberalisation in 2010 of the visa system under the Schengen Agreement.²⁰⁷

2011, the Directorate of Immigration received 2,164 international protection requests (individuals), compared to 786 in 2010. Over 78% of all DPI come from western Balkan countries, notably Serbia (43.76% of all requests received), Macedonia (20.61%), Kosovo (7.02%) and Montenegro (4.76%).²⁰⁸

In 2012, Luxembourg continued to be confronted with an increase in international protection applicants²⁰⁹ from visa liberalised countries, even though a slight decrease was noted in comparison with 2011. Hence, 2,056 IPAs were registered in 2012 against 2,170 in 2011²¹⁰. Some 1,432 originated from one of the 5 countries of the West Balkans which benefited from visa liberalisation agreements, that is, 69,6% of all of the IPAs (see table 1.2.4).

Delays in processing applications:

The exceptional number of international protection requests filed following visa liberalisation agreement implementation (1,550 people between 01 January and 11 October 2011; 165 solely during the week of 26 September) soon overwhelmed the Refugees Department of the Directorate of Immigration. Delays in dossier processing started to accumulate.

Reduction in the amount of social aid

The Grand-Ducal Regulation of 8 June 2012 setting the terms and conditions governing the grant of social aid²¹¹ to IPAs repealed the Grand-Ducal Regulation of 1 September 2006²¹².

The main amendments were as follows:

No access to social aid for the applicant benefiting from a commitment to cover all expenses by a Luxembourg national, EU citizen or TCN residing in Luxembourg.

Any individual benefiting from a commitment to cover all expenses ("prise en charge") made by a Luxembourg national or a person entitled to reside on the territory for a period of no less than one year according to the terms of Article 4 of the Amended Law of 29 August 2008 on the free movement of people and immigration cannot avail of the social aid.

There was a substantial decrease in monthly cash amounts of social aid for adult individuals, households and children. The amounts may be complemented with assistance in kind or purchase vouchers.²¹³

Recruitment and reallocation of staff

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Initially, the Government Council of 1 September 2011 decided to hire, for a fixed term, six additional agents, two of which were assigned to hearings and four to decision-making.²¹⁴ It also reassigned staff to bolster the reception desk staff.²¹⁵

To deal with the difficulties of handling the requests filed with the Refugees Department, the Minister in charge of Immigration decided on 30 September 2011 to close the Reception desk temporarily.²¹⁶ While the Reception desk was closed, the Department's agents registered and opened the dossiers of people who had arrived prior to 30 September 2011. While waiting for the new recruits to assume their functions, the Minister reassigned agents to bolster the staff of the Reception desk, which – according to the Minister – had an impact on the processing time of other international protection requests. Finally, the Reception Agency re-opened its doors on 10 October 2011. This “temporary closing” of the Reception desk was met with strong reactions from NGO's, organisations and political parties.

The Administrative Tribunal, which received a request for a summary decision concerning the Minister's implicit decision not to register an international protection request, ordered the Government to lodge the applicants or to provide them with the means to find lodging on their own.²¹⁷ Siding with the ASTI, Caritas²¹⁸ and the LFR, the CCDH, in a press release,²¹⁹ also indicated its concern, estimating that the impossibility to file their request deprived the DPI of the physical document that would give them access to physical material conditions of reception. It estimated that this obstacle, temporary though it might be, to the exercise of the fundamental right to seek asylum, “cannot be justified by considerations such as reduced personnel, and that it therefore becomes urgent that the Minister be given the means needed to allow him to comply with his functions”. The CCDH also expressed concern about the lodging conditions of some applicants. It “is conscious that the applicable texts allow for the possibility of lodging asylum seekers in emergency reception structures when normally available lodging facilities are temporarily full, but it estimates that said emergency reception structures must guarantee the affected people's human dignity and the respect of their private life”.

Schooling of asylum seekers' children:

Another issue arising from the significant increase in applications for international protection from nationals of visa liberalised countries was the schooling of the children of asylum seekers. Schooling these children entailed additional financial burdens for the receiving communes. To cover the expenses resulting from the reception of asylum seekers, the State grants the large hosting communes an annual subsidy of 991.57 Euros per child of asylum seekers attending class in the basic-education system.²²⁰ For smaller communes, subsidies – the amount of which would be decided on a case-by-case basis according to the number of days during which the pupils attended school – may be granted. In 2010, 16 communes hosting 160 pupils were thus granted a total of 92,754.30 Euros (against 108,926 Euros for 151 pupils in 2009).²²¹

Housing

In Luxembourg, IPAs are housed either in homes managed by the Luxembourg Reception and Integration Agency (OLAI), State-owned or leased, or safe houses managed by NGO's and financially supported by the OLAI.²²² Luxembourg's existing lodging structures were put to the test in 2011 by the significant number of IPAs and could not bear the pressure. From the start of the year, various NGO's drew attention to the housing issue and criticised the management of the reception and lodging of refugees. On 6 April 2011, talks were held between the Ministry of the Family and Integration and the SYVICOL (*Syndicat des Villes et Communes Luxembourgeoises*, or Union of Luxembourg Cities and Communes) to find housing possibilities at the communal level.²²³ The answer and proposals for housing possibilities were limited.²²⁴ As the capacities of Government- and NGO-managed homes were soon overwhelmed, increasing numbers of IPAs were temporarily accommodated on camping grounds. This situation was to last until November 2011 and the Government was forced to house people in unheated tents.²²⁵

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Q3.2.1. If applicable, please list the institutions that faced administrative burdens.

The considerable increase in the number of international protection requests generated strong pressure, both political and public, on the structures in charge of handling international protection applications²²⁶, whether

(a) the Luxembourg Reception and Integration Agency (OLAI), which is responsible for all matters relating to the reception and housing of applicants for international protection;

(b) the Directorate of Immigration is tasked with the examination procedure for international protection requests;

(c) Minister of National Education.

Q3.3. Did your (Member) State as a country of destination face any security risks since the introduction of the visa-free regime? If yes, please provide a short description and specific examples.

No. The significant increase in applicants for international protection coming from most of the West Balkan countries does not appear to have generated a security risk per se.

Table n° 8: Variation on the number of cases detected by the Police and the crime rate (2010-2017)

	2010	2011	2012	2013	2014	2015	2016	2017
% of increase in number of cases	-5.7	16.9	5.4	6.2	7.8	-6.4	-4.5	-4.7
crime rate (100.000 inhabitants)	-7.3	14.7	2.8	3.8	5.4	-8.6	-6.7	-7.0

Source: Grand ducal police²²⁷ © LU EMN NCP

Since the entering into force of the first visa liberalisation agreements in 2009 there was no increase in the number of cases detected by the Grand-ducal police. There was an increase between 2010 and 2014 but then was a decrease since 2015 to 2017 (see table n° 8).

The annual activity reports of the Grand ducal police during the period 2010 and 2017 did not show any particular link between the visa liberalisation agreement and the increase or decrease on the number of cases or the crime rate.

The same analysis can be made with the number of non-Luxembourgish - non-resident offenders (see table n° 9).

Table n° 9: Number of cases per year (2009 – 2017)

	2009	2010	2011	2012	2013	2014	2015	2016	2017
non-Luxembourgish and non-residents offenders	4960	2797	3568	2430	4530	5506	5482	5826	5148

Source: Grand ducal police²²⁸ © LU EMN NCP

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Q3.3.1. Did the visa liberalisation regime increase the security risks in your (Member) State? If yes, please provide a short description explaining why and provide examples.²²⁹

No evidence found.²³⁰

Q3.3.2. If applicable, what types of offences²³¹ were committed by third-country nationals in your (Member) State after the commencement of the visa-free regime?²³² Where there any significant differences compared to the time before the visa-free regime started?

N/A. In Luxembourg, the type of offence is distinguished to whether the author of the offence is Luxembourgish national or not (foreigner). The second categorization that is made is if the foreigner is a resident or a non-resident. This category takes into consideration all EU citizens and third-country nationals not residing in Luxembourg.

Table n° 10: Type of crime offences committed by non-Luxembourgish non-residents (2009-2017)

	2009	2010	2011	2012	2013	2014	2015	2016	2017
Property related offences	1594	981	1241	1688	1691	1616	1527	1716	1651
Crimes against individuals	599	679	918	650	1154	1582	1323	1520	1309
Others	2767	1137	1409	92	1685	2308	2632	2590	2188
- Drug offences	306	475	539	16	600	1043	1366	1246	784
- Migration related offences	152	67	109	2	202	354	479	316	481
Total	4960	2797	3568	2430	4530	5506	5482	5826	5148

Source: Grand ducal police²³³ © LU EMN NCP

It is possible to conclude that visa liberalisation agreements did not have any significant increase in the type of criminal offences committed by foreigners and their variations follow the tendencies mentioned above (see answer to Q.3.3).

Q3.3.3. If applicable, what was the rate of offences (final court rulings) committed by third-country nationals²³⁴ in your (Member) State after the commencement of the visa-free regime? Where there any significant differences compared to the time before the visa-free regime started?

N/A. See answer to Q.3.3 and 3.3.2.

Q3.4. What is the role and impact of irregular migration facilitators that provide their services to third-country nationals with an entry ban? Please provide a short description with specific examples about your (Member) State situation and make a clear distinction between people who assist migrants and people who are profiting from facilitation.

Please answer this question by making a link with the data presented in Table 3.2.6, 3.2.7 and 3.2.8.

From a general point of view, there are very few cases detected concerning irregular migration facilitators who are third country nationals and in possession of an entry ban into Luxembourg.

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The number of smugglers into the country who have been detected by the police are very few. In 2009, 2010 and 2017 there was a smuggler detected, 2 in 2013 and 2015, 3 in 2014.²³⁵ In 2011 and 2012 the police captured no smugglers.²³⁶

The number of condemnations for having facilitated the entry or irregular stay of a TCN are very few and none of the persons condemned have not any of the nationality of the countries concerned by this study (see Q3.1.3 and Q3.1.4)

Concerning the applications for international protection coming from visa liberalisation agreement countries, most of them come into the territory with biometric passports which are submitted at the moment that they file the application with the Refugee Department of the Directorate of Immigration²³⁷. However, in the years after the entering into force of the visa liberalisation agreements (2011 and 2012) this was not the case because the minorities which applied for international protection have documents but they were not biometric or they were already in the EU territory (case of Roma).²³⁸ In most cases, when their application is rejected, their appeal is finished and they have to return, individuals prefer to accept an assisted voluntary return (see specific return programme described in Q.2.1) as this does not risk the issuance of an entry ban on the VIS and SIS system (see tables 3.2.3 and 3.2.4)

Only in cases where the individuals have to be removed from the territory via forced return are they issued with an entry ban. The general practice is to inform persons of the consequences should they not leave the territory voluntarily.²³⁹

However, this is done the moment that their application is rejected and the decision is notified to them.²⁴⁰ After this step, the applicant is convoked by the Return Department and they explain again to avoid any confusion.²⁴¹

Q3.4.1 How did the activities of irregular migration facilitators impact your (Member) State?²⁴²
Please provide a short description with specific examples about your (Member) State situation.

N/A.

Q3.4.2. If applicable, please list and explain any challenges and risks identified by your country related to the activities of irregular migration facilitators, while making a clear distinction between people who assist migrants and people who are profiting from facilitation.

N/A.

Q3.5. What other challenge (or negative impact) was identified by your (Member) State in relation to visa liberalisation that was not already captured in the previous questions, if applicable?

N/A.

SECTION 3.2 : STATISTICAL INFORMATION

Please provide, to the extent possible, the following statistics (with their source) along with, if necessary, an explanatory note to interpret them in particular when the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differs from the below, or of first-hand research) or when they reflect any particular trends (e.g. a change in policy). If statistics are not available, please try to indicate an order of magnitude and why they are not available. When available, statistics from Eurostat should be used and presented annually covering the period between 2008 and 2017 inclusive. For year 2007, national data should be provided, if available.

At a minimum please provide data two years before and after the waiver agreement date for each third country (as highlighted in green in each table). Ideally, the study aims to present data for the whole period if available (e.g. from Eurostat).

When filling in the tables please do not leave blank cells and follow these conventions:

N/A – not applicable, in cases where the question is not applicable to your (Member) State please insert N/A in relevant cells.

NI – no information, in cases where there is no data available please insert NI in relevant cells.

0 – insert 0 whenever you have collected data and the result was 0.

*Impact of visa liberalisation on countries of destination*Table 3.2.1: Total number of nationals from the visa-free countries refused entry at the external borders²⁴³

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of nationals from the visa-free countries refused entry at the external borders												
FYROM	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Montenegro	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Serbia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Albania	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Bosnia and Herzegovina	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Moldova	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Georgia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Ukraine	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Total	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
Total number third-country nationals refused entry at the external borders²⁴⁴	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

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*Impact of visa liberalisation on countries of destination*Table 3.2.2: Total number of return decisions issued to nationals from the visa-free countries²⁴⁵

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of return decisions issued to nationals from the visa-free countries												
FYROM	NA	NA	0	0	NI	170	25	30	25	10	20	Source: Eurostat: Third-country nationals ordered to leave - annual data (rounded) [migr_eiord], 2018. Validated by the Directorate of Immigration, 15 June 2018.
Montenegro	NA	NA	5	5	NI	300	125	130	80	35	30	
Serbia	NA	NA	0	5	NI	475	70	45	30	35	75	
Albania	NA	NA	10	0	NI	195	110	80	65	110	145	
Bosnia and Herzegovina	NA	NA	0	5	NI	295	130	145	110	50	60	
Moldova	NA	NA	0	5	NI	0	0	0	0	5	0	
Georgia	NA	NA	0	0	NI	5	5	5	10	0	5	
Ukraine	NA	NA	0	0	NI	5	0	0	5	10	10	
Total	NA	NA	15	20	NI	1445	465	435	325	255	345	
Total number of return decisions issued to third-country nationals²⁴⁶	NA	NA	185	150	NI	1945	1015	775	700	655	915	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for 2007 and 2008 because the Law of 29 August 2008 on free movement of persons entered into force on 1st October 2008,²⁴⁷ and this type of information was not collected under the old Immigration Law. Luxembourg did not report information on 2011.²⁴⁸

*Impact of visa liberalisation on countries of destination*Table 3.2.3: Total number of voluntary returns (all types) by nationals of visa-free countries²⁴⁹

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of voluntary returns (all types) by nationals of visa-free countries												
FYROM	NI	1	1	0	62	310	35	12	40	4	10	Source: Directorate of Immigration, 2018
Montenegro	NI	8	8	9	5	152	88	89	116	28	19	
Serbia	NI	8	4	3	348	732	151	61	65	34	35	
Albania	NI	3	6	1	2	188	30	56	78	75	79	
Bosnia and Herzegovina	NI	4	3	2	8	71	165	84	169	67	54	
Moldova	NI	0	0	0	2	1	0	0	0	0	0	
Georgia	NI	2	0	0	0	1	0	0	1	5	4	
Ukraine	NI	4	0	0	0	0	0	3	7	12	12	
Total	NI	30	22	15	427	1455	469	305	476	225	213	
Total number of voluntary returns (all types) – all third-country nationals²⁵⁰	NI	129	107	99	524	1563	595	488	617	456	360	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for 2007.

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Table 3.2.4: Total number of forced returns by visa-free country²⁵¹

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of forced returns by visa-free country													
FYROM	NI	9	1	0	3	15	0	5	8	1	1	Source: Directorate of Immigration, 2018	
Montenegro	NI	9	2	1	1	26	13	44	27	18	17		
Serbia	NI	6	1	7	2	52	4	28	12	6	20		
Albania	NI	5	9	3	5	13	13	27	35	27	33		
Bosnia and Herzegovina	NI	1	0	3	4	1	13	16	27	9	0		
Moldova	NI	1	0	4	1	0	2	1	1	0	0		
Georgia	NI	0	0	0	0	0	0	1	1	1	5		
Ukraine	NI	1	1	0	0	2	0	0	0	0	1		
Total	NI	32	14	18	16	109	45	122	111	62	77		
Total number of forced returns - all third-country nationals²⁵²	NI	104	100	52	58	142	84	153	176	113	154		

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for 2007.

*Impact of visa liberalisation on countries of destination*Table 3.2.5: Total number of nationals from the visa - free countries found in illegal employment²⁵³

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of nationals from the visa-free countries found in illegal employment													
FYROM	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please name the top 5 labour sectors where TCNs were illegally employed (see footnote list for pre-defined sectors). ²⁵⁴
Montenegro	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Serbia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Albania	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Bosnia and Herzegovina	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Moldova	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Georgia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Ukraine	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please see above.
Total	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Total number third-country nationals found in illegal employment²⁵⁵	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

*Impact of visa liberalisation on countries of destination*Table 3.2.6: Total number of smuggled persons from the visa-free countries (final court rulings)²⁵⁶

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											
Total number of <u>smuggled</u> persons from the visa-free countries (final court rulings)	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NA	NA	NI	NI	NI	NI	0	0	0	0	0	Information provided by the Public Prosecutor office of the Grand Duchy of Luxembourg on 15 June 2018. The information was extracted of the police records, which do not provide information on the victims.
Montenegro	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Serbia	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Albania	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Bosnia and Herzegovina	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Moldova	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Georgia	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Ukraine	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Total	NA	NA	NI	NI	NI	NI	0	0	0	0	0	
Total number of <u>smuggled</u> persons from third countries (final court rulings)²⁵⁷	NA	NA	NI	NI	NI	NI	0	0	0	0	0	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

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If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for 2007 and 2008 because the Law of 29 August 2008 on free movement of persons entered into force on 1st October 2008. Article 143 of the Immigration law introduced the sanctions for aiding the entry and stay of an irregular migrant. Data is only available since 2010. From 2010 to 2016 we found condemnations based on article 143 of the Immigration Law. Also, from 2012 to 2017, the offenders have been condemned based on article 382-4 and 382-5 of the Penal Code. De 2012 à 2017, les auteurs ont été condamnés sur base des articles 382-4 et 382-5 du Code Pénal. There is no data concerning the victims (See table 3.2.8).
From 2013 to 2017 there have been no court cases of migrant smugglers before the Luxemburgish courts during this period. This explains why there are no cases regarding victims between 2013 to 2017.

Impact of visa liberalisation on countries of destination

Table 3.2.7: Total number of trafficked persons from the visa-free countries (final court rulings)²⁵⁸

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of <u>trafficked</u> persons from the visa-free countries (final court rulings)													
FYROM	NA	NA	NI	NI	NI	NI	NI	0	0	0	0	Cases and condemnations in traffic of human beings offences and pimping. Source: Statistics Service of the Ministry of Justice, Public Prosecutor Office of Luxembourg on 11 June 2018.	
Montenegro	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		
Serbia	NA	NA	NI	NI	NI	NI	NI	0	0	1	0		
Albania	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		
Bosnia and Herzegovina	NA	NA	NI	NI	NI	NI	NI	2	0	0	0		
Moldova	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		
Georgia	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		
Ukraine	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		
Total	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		
Total number of <u>trafficked</u> persons from third countries (final court rulings)²⁵⁹	NA	NA	NI	NI	NI	NI	NI	0	0	0	0		

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

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If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

During 2007 and 2008 the criminal offences did not exist. There is no information from 2009 to 2013. The data of 2017 only comprehends the period from 1st January to 4 October 2017.

*Impact of visa liberalisation on countries of destination*Table 3.2.8: Total number of identified facilitators²⁶⁰ of unauthorised entry, transit and residence²⁶¹ from the visa-free countries (final court rulings)²⁶²

Indicator	Period of interest (2007-2017)											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	<i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											
Total number of identified facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings)	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NA	NA	NI	0	0	0	0	0	0	0	0	Note: Information provided by the Public Prosecutor Office of Luxembourg on 15 June 2018.
Montenegro	NA	NA	NI	0	0	0	0	0	0	0	0	
Serbia	NA	NA	NI	0	0	0	0	0	0	0	0	
Albania	NA	NA	NI	0	0	0	0	0	0	0	0	
Bosnia and Herzegovina	NA	NA	NI	0	0	0	0	0	0	0	0	
Moldova	NA	NA	NI	0	0	0	0	0	0	0	0	
Georgia	NA	NA	NI	0	0	0	0	0	0	0	0	
Ukraine	NA	NA	NI	0	0	0	0	0	0	0	0	
Total	NA	NA	NI	0	0	0	0	0	0	0	0	
Total number of identified facilitators of unauthorised entry, transit and residence (final court rulings)²⁶³	NA	NA	NI	4	5	3	0	0	0	2	0	
EU nationality 1	NA	NA	NI	LU (2)	LU (3)	LU (1)	0	0	0	DE (1)	0	Please add the number of identified facilitators of unauthorised entry, transit and residence from EU MS (top 5 EU nationalities).
EU nationality 2	NA	NA	NI	0	FR (2)	PT (1)	0	0	0	0	0	Please see above.

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EU nationality 3	NA	NA	NI	0	0	0	0	0	0	0	0	<i>Please see above.</i>
EU nationality 4	NA	NA	NI	0	0	0	0	0	0	0	0	<i>Please see above.</i>
EU nationality 5	NA	NA	NI	0	0	0	0	0	0	0	0	<i>Please see above.</i>

**Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

There is no information available for 2007 and 2008 because the Law of 29 August 2008 on free movement of persons entered into force on 1st October 2008. Article 143 of the Immigration law introduced the sanctions for aiding the entry and stay of an irregular migrant. Data is only available since 2010. From 2010 to 2016 we found condemnations based on article 143 of the Immigration Law. Also, from 2012 to 2017, the offenders have been condemned based on article 382-4 and 382-5 of the Penal Code.

*Impact of visa liberalisation on countries of destination*Table 3.2.9: Total number of nationals found to be illegally present from the visa-free countries²⁶⁴

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of nationals found to be illegally present from the visa-free countries													
FYROM	1	0	1	1	4	4	0	0	0	0	6	Source: Grand-Ducal Police, 2018	
Montenegro	3	2	4	6	1	26	24	46	27	22	25		
Serbia	6	2	9	7	0	62	8	29	16	24	42		
Albania	2	4	6	5	1	15	18	30	41	35	43		
Bosnia and Herzegovina	1	2	4	6	1	4	17	18	32	12	5		
Moldova	0	0	0	1	2	2	2	2	1	0	0		
Georgia	0	2	2	5	5	4	4	8	5	6	32		
Ukraine	NI	NI	NI	1	0	5	1	2	7	1	10		
Total	13	12	26	32	14	122	74	135	129	100	163		
Total number of third-country nationals found to be illegally present²⁶⁵	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI		

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

*Impact of visa liberalisation on countries of destination*Table 3.2.10: Total number of overstayers from the visa-free countries^{cclxvi}

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of overstayers from the visa-free countries												
FYROM	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Montenegro	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Serbia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Albania	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Bosnia and Herzegovina	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Moldova	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Georgia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Ukraine	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Total	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
Total number of third-country nationals overstayers ^{cclxvii}	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

*Impact of visa liberalisation on countries of destination***Section 4: Measures put in place to deal with possible misuse of visa-free regimes by (Member) States*****National Contribution (max. 6 pages)***

The aim of this Section is to evaluate the measures put in place by Member States to deal with the possible misuse of visa-free regimes, how effective these measures were and more generally how did Member State respond and cooperate in cases of an influx of asylum seekers from the visa-free countries.

The synthesis report will aim to include infographics and visuals, therefore please take that into account when answering the questions by adding any innovative or visual presentations in your national reports that can carry through into the synthesis report. We also welcome any photos/images which are captioned, relevant and (data) protected with your national contribution.

Please do not leave any answer box empty and insert N/A or NI as applicable.

SECTION 4.1 : DESCRIPTION OF NATIONAL SITUATION

Q4.1. Did your (Member) State implement certain measures (if any) to deal with the challenges that appeared after the commencement of the visa-free regime? Please provide a short description of your national situation.

Specific measures can be detailed in sub-questions **Q4.1.2** to **Q4.1.7**.

The year 2011 saw particularly significant debates on international protection, as Luxembourg was faced with an exceptional inflow of applicants for international protection following implementation of visa liberalisation agreements with the West Balkan countries. (See answer to Q.1.1 and Q.2.1.1).

This considerable inflow of asylum seekers had consequences throughout the year on the policy and the debate regarding the request-examination procedure, reception, and the return policy.

The Government and legislators reacted quickly to this situation, through various measures:

In its 6 April 2012 speech on the State of the Nation,²⁶⁸ the Prime Minister declared that Luxembourg was not ready, at this time, to open its doors to those coming from safe countries. It sought a quick approval of the bill seeking to re-launch the fast-track procedure. It then announced assistance would be provided for the return of Serbian nationals who left the country within three months of their arrival: 250 Euros per adult and 100 Euros per child.

a) In order to process these new international protection requests from Serbia as quickly as possible, the Government launched two initiatives:

- As international protection requests filed by persons from safe countries of origin may, under the abrogated Law of 5 May 2006 on the Right of Asylum, be processed under a fast-track procedure, the Government Council of 18 March 2011 approved the amendment of the Grand-Ducal Regulation of 21 December 2007 defining a list of safe countries of origin. The Republic of Serbia was added to this list²⁶⁹ in which figured already Albania, Bosnia-Herzegovina, Macedonia and Montenegro.
- In order to be able to resort to the fast-track procedure once again, and while awaiting the judgment of the European Court of Justice, the Minister of Labour, Employment and Immigration introduced, on 19 April 2012, a bill seeking to amend the Asylum Law. The bill allowed the possibility for the applicant for international protection to appeal against the negative decision to its application as part of a fast-track procedure. The bill was adopted by Law of 19 May 2011.²⁷⁰ Article 20 (4) of the Asylum Law introduced an action for annulment and an action for reversal against the Minister's decision as part of a fast track procedure, as well as an action for annulment against the order to leave the territory.

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b) A specific assisted voluntary return programme for the West Balkan countries was implemented. The significant increase of voluntary returns during 2012 as a result of the significant increase in applicants for international protection coming from the West Balkan countries which benefit from a visa liberalisation scheme agreement and who were not eligible for the AVRR-L, was managed through a specific voluntary return programme adapted for their needs. This programme provided a return by bus free of charge to their country of origin.

c) International cooperation with the countries of origin

To stop the migratory flow and deal with the increasing number of international protection applications from the Western Balkans, the Government sought the cooperation of the Serbian authorities, as shown by several mutual working visits.²⁷¹

The Deputy Prime Minister of Serbia mentioned that the Serbian Government was considering series of measures²⁷² to slow down migratory flows, such as strengthened border controls, meetings with representatives of the Roma communities and the members of the Bosnian minorities to awaken "the political conscience" and dissuade its nationals from seeking asylum in EU countries, or the efforts to fight against the existence of criminal networks or organisations of smugglers specialised in the transportation of Serbian nationals to the European Union. These measures have met with approval in Luxembourg.²⁷³

This type of working visits and international cooperation with the West Balkans had continued over the years as mentioned above (see answer to Q.2.2.1).

d) International cooperation with other Member States

Various measures have been taken by authorities in an effort to prevent the increase of unfounded international protections applications with no possibility to succeed as a direct consequence of the introduction of visa exemption regimes with third countries.

- A joint letter was sent by the Luxembourgish and Belgian authorities to the European Commissioner for Home Affairs asking to find a European solution to the problem, possibly through sterner control at EU borders with the help of Frontex.²⁷⁴
- Along with France, Germany, Belgium, the Netherlands and Sweden, and in preparation of the JHA Council of 25 October 2012, Luxembourg sent a common letter to the European Commission requesting the introduction of a safeguard clause allowing the temporary reintroduction of visa obligations for third country nationals, residents of which are normally allowed to travel in the EU without a visa. The main reason for the proposed amendment is the actual situation described in certain Member States that are struggling to manage the considerable migratory influx of individuals originating from the Western Balkan countries²⁷⁵. The six signatory Member States²⁷⁶ of this letter stated that they were concerned about the scale of the phenomenon, which was becoming a real challenge for both the administrative and judicial capacities of the various competent services in the EU.

e) Improvement in the management of the international protection applications

In order to guarantee a better management of the applications, a system to channel the applications was introduced in 2011. The request-filing procedure was divided. As soon as the applicant filed an application, they are given a serial number with an indication of the date on which they are invited to appear before the Reception desk to open their dossier. To accelerate the dossier-opening procedure, they are given a form, which they must complete while waiting for the appointment.²⁷⁷

Afterwards, the applicant must report to the Reception desk to present the dossier and have the agents in attendance start processing the request.²⁷⁸

This procedure was later adapted to the new Asylum Law.²⁷⁹

f) Reducing social aid

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As mentioned above, the Luxembourgish authorities reduced the monthly cash amounts of social aid for adult individuals, households and children with the enter into force of the Grand ducal regulation of 8 June 2012²⁸⁰ (see answer to Q.1.4).

g) Introduction of an ultra-expedited track procedure:

The introduction took place of an ultra-expedited track procedure for dealing with international protection applications of the West Balkan nationals (see explanation of the procedure in Q.1.4) and it is extended to any applicant coming from a safe country of origin including Moldova, Georgia and Ukraine.²⁸¹

Q4.1.1 If applicable, please categorise your answer to Q4.1 by third country:

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

These different measures were implemented due to the significant increase in applicants for international protection coming from the West Balkan countries benefiting from the visa liberalisation scheme.

Eastern Partnership - Moldova, Georgia, Ukraine:

At the moment there is no particular measure taken in regard with the arrival of national of these countries with the exception of the application of the ultra-expedited fast track procedure mentioned above. The Directorate of Immigration is monitoring the situation to see how it is going to evolve in order to take a decision.²⁸² However, the Luxembourgish authorities consider that the collaboration with the Georgian authorities is excellent, but this collaboration is before the visa liberalisation agreements.²⁸³

Q4.1.2. If applicable, did your (Member) State implement measures to increase the efforts to promote voluntary return? If yes, for which nationalities and explain their impact.

Yes. Voluntary return is a political priority and measures have been taken and implemented in order to target this priority. The Government elected during the 2009 legislative elections promoted the voluntary return of the rejected applicants for international protection and irregular staying third-country nationals.²⁸⁴

In order to promote voluntary return, the Directorate of Immigration of the Ministry of Foreign and European Affairs cooperates with IOM and finances the assisted voluntary return and reintegration programme for third-country nationals who have decided to return voluntarily to their country of origin. The programme was reserved during the first year for Kosovars whose application for international protection was rejected. In 2009 it was extended to any third-country national on irregular staying in the country, rejected applicants for international protection or whose application is still being examined. There are only excluded the nationals of countries with visa liberalization agreements (See answer to Q.4.1).

A specific assisted voluntary return programme for the West Balkan countries was implemented.²⁸⁵ The significant increase of voluntary returns during 2012 as a result of the massive influx of applicants for international protection coming from the West Balkan countries which benefit from a visa liberalisation scheme agreement and who were not eligible for the AVRR-L, was managed through a specific voluntary return programme adapted to their needs. This programme provided a return by bus free of charge to their country of origin.²⁸⁶

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This specific return programme has had a great impact (see Q 4.1.8).

Q4.1.3. If applicable, did your (Member) State implement measures to expand the legal possibilities of stay? If yes, for which nationalities and explain their impact.

Yes. Article 89 of the Immigration Law was amended in order to allow the regularisation of parents with children who have been attending school in Luxembourg for at least 4 years²⁸⁷. This amendment was the result of a very polemic, debated and mediatised issue of the schooled children of parents, who were residing on irregular stay situation for several years and who were socially integrated into Luxembourgish society.²⁸⁸

Also, article 111 (2) of the immigration law was amended.²⁸⁹ This article deals with the issue of the return of families with children who were attending school. The new amendment will provide additional time to leave the country until the school term is over²⁹⁰: Where necessary, taking into consideration the TCN's personal circumstances, the Minister in charge of Immigration may exceptionally allow a time for voluntary departure exceeding 30 days taking into account the specific circumstances of the individual case, such as the duration of stay, the existence of children attending school as well as other family and social links.²⁹¹

Furthermore, the authorities implemented a regularisation in 2013 (2 January to 28 February) of certain categories of TCN (see Q4.1.4).

Q4.1.4. If applicable, did your (Member) State implement measures to fight illegal employment? If yes, please explain their impact and add specific examples.

Yes. The Sanctions Directive was transposed by law of 21 December 2012. Parallel to the transposition of the "Sanctions Directive" into national law, the Minister of Immigration announced a regularisation measure implemented from 2 January to 28 February 2013.²⁹² The intent was to allow individuals residing without authorisation in Luxembourg to apply for a residence permit as salaried workers, thereby regularising their administrative status. However, this action is limited to individuals who meet the following cumulative requirements:

1. Holding a valid passport, currently valid
2. Residing without authorisation for no less than 9 months and having worked for no less than 9 months²⁹³ for an employer in Luxembourg and being able to submit a permanent work contract²⁹⁴ with the employer²⁹⁵
3. Not constitute a danger to public order.²⁹⁶

Individuals whose international protection application had been rejected for no less than 9 months²⁹⁷ were also affected by this regularisation measure providing they met the above-stated requirements. Conversely, this measure was not applicable to individuals who were granted a postponement/suspension of actual removal or to cross-border workers. Since the regularisation measure was intended for individual persons, initially no application for family reunification was being accepted. In March 2013 however, the Directorate of Immigration of the Ministry of Foreign Affairs published a Memorandum which allows family reunification in specific circumstances.²⁹⁸

The regularisation measure offered the opportunity not only for individuals involved in illegal work to regularise their residence status, but also for employers who hired individuals illegally to legalise their employees²⁹⁹.

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Up until 1 July 2013, 663 applications were submitted in relation to the single regularisation process from 2 January to 28 February 2013. 512 of them were granted up until 1 July 2013.³⁰⁰ In case of a favourable decision, a temporary residence permit is issued pursuant to the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration.

As to the distribution of the applicants by economic sector, it is notable that half of them work in the HORECA sector. Chinese, Brazilians, Montenegrins and Cape Verdeans top the list of distribution by nationality, with applications from men nearly double that of women.³⁰¹ However, with the exception of the Montenegrins the other nationalities of the countries under study did not represented significant numbers.³⁰²

Q4.1.5. If applicable, did your (Member) State implement measures to fight the smuggling and/or trafficking of persons from the visa-free countries? If yes, please explain their impact and add specific examples.

No.

Q4.1.6. If applicable, did your (Member) State implement measures to fight the activities of facilitators of unauthorised entry, transit and residence? If yes, please explain their impact and add specific examples.

No.

Q4.1.7. If applicable, did your (Member) State implement measures to reduce the incidence of nationals found to be illegally present in your country? If yes, please explain their impact and add specific examples. Please also see **Q4.4** (on overstayers) before answering to avoid overlap.

No.

Q4.1.8. If applicable, what was the effectiveness of the measures listed above and which of them were most successful in reaching their intended goals? Please provide any good practices / lessons learned you have identified.

From a general perspective it is difficult to isolate a measure which explains the decrease of applicants for international protection coming from the West Balkan countries as this was the result of the implementation of several measures described above.

It is possible to see that after the reduction of the monthly cash amount of social aid (from 200€ per month to 25€), there were less international protection applicants in general and with particular reference to those from Western Balkan countries (See table below).

Table n° 11: Applicants for international protection per month (2009 – 2017)

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	2009	2010	2011	2012	2013	2014	2015	2016	2017
January	39	50	116	224	80	94	88	265	225
February	24	53	149	132	71	88	89	119	236
March	31	56	238	207	74	70	98	103	222
April	37	45	147	195	91	49	78	125	185
May	23	47	135	264	78	88	90	122	199
June	41	47	114	181	89	63	101	160	144
July	46	44	160	236	106	84	106	131	159
August	47	52	221	137	76	96	190	197	182
September	61	91	312	125	119	134	374	199	192
October	34	98	225	167	126	128	381	269	194
November	58	107	177	120	100	114	423	163	143
December	64	101	177	69	60	83	429	182	241
Total	505	791	2171	2057	1070	1091	2447	2035	2322
Total IPAs									
West Balkans	89	205	1587	1432	429	502	368	517	427
% IPAs West Balkans	17.6%	25.9%	73.1%	69.6%	40.1%	46.0%	15.0%	25.4%	18.4%
Total IPAs Eastern Partnership	2	17	20	9	21	34	51	64	179
% IPAs Eastern Partnership	0.4%	2.1%	0.9%	0.4%	2.0%	3.1%	2.1%	3.1%	7.7%

Source: Directorate of Immigration, 2018 © LU EMN NCP

As we can see from the table, the percentage of the West Balkans nationals was reduced from a 69,6% in 2012, to 40,1% in 2013 and to 15% in 2015 (the pick of the migration crisis). In absolute numbers, the number of applicants for international protection has reduced by a third since 2013.

Nevertheless, during the last two years the numbers of West Balkan nationals (Kosovo excluded) had increased again from 15% in 2015 to 25,4% of all of applications for international protection and the numbers of applications remain relatively high.

The objective of the fast treatment of the applications for international protection coming from the 5 West Balkan countries has been reached through the application of the fast track procedure (and later by the ultra-expedite procedure). In 201, a third of the rejected asylum seekers were decided using the fast track procedure in 2013 the use of the fast track procedure reached 60,4%. By 2014 and 2015, they were more than 80% and 58% in 2016. In 2017, the number of rejections around the use of the fast-track and the ultra-expedited procedure (introduced in 2017) is higher with 93,1%.

It is important to mention that during 2010-2011 the fast track procedure was suspended because of a pending appeal before the European Court of Justice and the amendment to the law which foresee the introduction of an appeal procedure for the negative decisions issued in the fast-track procedure³⁰³.

Table no. 12: Rejection of international protection applications by type of procedure (2011-2017)

	Rejection normal procedure	Rejection fast-track procedure	Rejection ultra-expedited procedure	Total No. Of rejections	% fast-track procedure
2011	419	204	N/A	623	32,7

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2012		N/A	N/A		
2013	187	285	N/A	472	60,4
2014	80	343	N/A	423	81,1
2015	34	257	N/A	291	88,3
2016	83	116	N/A	199	58,3
2017	18	104	138	260	93,1

Source : Directorate of Immigration, 2018 © LU EMN NCP

It is not surprising that the number of TCNs, who were ordered to leave the territory reached an exceptional peak of 1945 decision on 2012: in fact 73,8% of the concerned persons in 2012 were from Western Balkan countries. The number and percentage of national coming from the countries under study decrease after 2012: 45,3% in 2013, 55,5% in 2014, 44,3% in 2015, 36,6% in 2016 and 36,1% in 2017 (See Table 3.2.2).

The implementation in 2012 of the specific assisted voluntary return programme for the Western Balkan nationals can be seen to have had an impact: in the period 2012 and 2017, between 71% and 88% of the total number of return of third-country nationals returned using this programme.

In 2012, the principal beneficiaries of this programme were Serbians (54,9% of all the beneficiaries) and Macedonians (21,6%).

Table n 13: Voluntary and forced return of the 5-top West Balkans nationalities

	Voluntary returns	Forced returns	Total number of returns	% voluntary returns	AVR Balkans	% AVR Balkans
2011	425	15	440	96,6		
2012	1453	107	1560	93,1	1391	89,2
2013	469	43	512	91,6	471	92,0
2014	302	120	422	71,6	301	71,3
2015	468	109	577	81,1	451	78,2
2016	208	61	269	77,3	204	75,8
2017	197	71	268	73,5	192	71,6

Source: Directorate of Immigration, 2018 © LU EMN NCP

Table n° 14. Beneficiaries of the specific AVR programme for the Western Balkan nationals

Nationality	2012	2013	2014	2015	2016	2017
Albania	141	29	56	76	73	79
Bosnia-Herzegovina	71	165	84	161	67	53
FYROM	300	35	12	40	4	8
Montenegro	147	88	89	113	27	17
Serbia	725	150	56	61	33	34
Kosovo	7	4	4	0	0	1
Total	1391	471	301	451	204	192

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Source: Directorate of Immigration, 2018 © LU EMN NCP

Regarding the Eastern Partnership countries, there has been a significant increase in voluntary returns over the last 2 years passing from 2,1% in 2015 to 7,7% in 2017. The most notable element is the increase in the number of IPAs coming from Georgia which has passed from 23 in 2015 (1%), to 64 in 2016 (3,1%) to 138 in 2017 (5,9%) which represents an increase of 500% in 2 years.

The numbers of Ukrainian nationals are also becoming more important and have increase by 30,7% between 2015 (28) and 2017 (36), albeit on low numbers.

Q4.2. Did your (Member) State implement measures to deal with administrative burdens since the introduction of the visa-free regime?³⁰⁴ If yes, please list and explain these measures, their impact / effectiveness and add any good practices / lessons learned you have identified.

Yes. The Luxembourgish government introduced measures to deal with administrative burdens as referenced above (answer to Q.4.1).

The first measures were the introduction of a new management procedure to deal with the applications and the use of the fast track procedures (article 20 (4) of the abrogated Asylum law) applicable to the safe country of origin nationals and the ultra-expedited track procedure applicable to the West Balkans nationals since 9 February 2017 (See answer to Q.4.1), prioritising the treatment of applications.

To cope with the number of rejected applicants for international protection from the region, the implementation of a special assisted voluntary return programme allowing West Balkan nationals to return to their country of origin by bus reduced the number of rejected asylum seekers remaining in the territory. This took place via the implementation of a fast return system. Finally, the increase of staff in the Refugee and Returns department has allowed the processing of applications more quickly.³⁰⁵

Finally, the increase in the staff in the Refugee and Returns department has allowed to treat the applications more rapidly and to deal with the returns of the applicants coming from these countries. This increase in the staff has allowed to reduce the term of treatment of a normal international protection procedure from 21 months to 7 months and allowed to reduce the backlog that existed.³⁰⁶

Q4.3. Did your (Member) State implement measures to deal with the possible misuse of visa liberalisation?³⁰⁷ If yes, please list and explain these measures, their impact / effectiveness and add any good practices / lessons learned you have identified.

Yes. See answers to Q.4.1 and Q.4.2. An example of good practice has been the on-going bilateral working visits between high ranking officials of both countries to deal with issues.³⁰⁸

Q4.4. How did your (Member) State deal with cases when third-country nationals entered the country legally, but did not legalize their stay after 90 days (overstayers)? Please provide a short description of such instances while highlighting any measures implemented by your country to deal with this. If applicable, what was the impact / effectiveness of these measures and are there any good practices / lessons learned you have identified?

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If the Grand Ducal police detect a third-country national as an overstayer who is a national from a visa-free country, s/he will be considered as an irregular staying migrant.³⁰⁹ The Minister in charge of Immigration will issue a return decision against the third-country national.³¹⁰ A single adult who does not have an address, is not able to assure his/her livelihood and therefore presents a risk of absconding is put in retention. In particular cases, the Immigration Law allows the Minister to grant a 30-day period to the third-country national to leave the country voluntarily except if there is a duly motivated urgency (i.e. public policy, public safety or national security). Where necessary, having regard to the foreigner's personal circumstances, the Minister in charge of Immigration may even exceptionally allow a time for voluntary departure exceeding 30 days considering the specific circumstances of the individual case, such as the duration of stay, the existence of children attending school as well as other family and social links.³¹¹

The third-country national can ask to benefit from a specific assisted return scheme (*dispositif d'aide au retour - AVR Balkans*).

In accordance with the Immigration Law, the Minister in charge of Immigration can request the Grand Ducal police to proceed with the necessary controls and verifications in order to see if the third-country national has left the country.³¹²

Return decisions may carry with them a ban on entering the territory for a maximum period of five years, declared either simultaneously with the return decision or by a separate subsequent decision. The Minister shall take into consideration the specific circumstances of each case. The period of prohibition of entry onto the territory may be longer than five years if the foreigner concerned constitutes a serious threat to public policy, public security or national security.³¹³

Q4.4.1 In the case of overstayers from the visa-free countries, does your (Member) State apply a different return procedure compared to the usual procedure? If yes, please provide a short description of such instances while highlighting any good practices / lessons learned you have identified.

Yes. In the case of a third-country national overstayer who is an international protection applicant, national of a West Balkan country, s/he is referred to the ultra-expedited track procedure³¹⁴, which was established on 9 February 2017. They do not have access to the AVRR-L programme but to the AVR-Balkans programme that will allow them to return without any to return and integration assistance³¹⁵.

Q4.4.2 Does your (Member) State apply any special procedures in cases where overstayers have lost their identification documents or in instances where there are problems with their identification? If yes, please provide a short description of such instances while highlighting any good practices / lessons learned you have identified.

No. However, Luxembourgish authorities with the collaboration of the Western Balkan countries authorities can quickly obtain documents for their nationals in order to return them³¹⁶. Another possibility will be the use of the EU travel document (EU *laisser-passer*) which until now has only been used with regard to Kosovar nationals.³¹⁷ However, until now this possibility does not function very well because the third-country authorities fear a loss of control in the identification procedure of their own nationals.³¹⁸

Q4.4.3 If applicable, what was the effectiveness of these procedures (see **Q4.4.1** and **Q4.4.2**) and were they successful in reaching their intended goals? Please provide any good practices / lessons learned you have identified.

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The specific AVR-Balkans programme has been successful³¹⁹ (see Q4.1.8 above).

The collaboration with the Western Balkan countries authorities for obtaining the travel documents for their nationals in order to return them has been strengthened.³²⁰

Q4.5. How did your cooperation with the visa-free countries evolve over time in terms of assistance and information exchange, before and after the visa-free regime commencement?³²¹ Please provide a short description and specific examples of your national situation disaggregated by region and third countries of interest.

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

Yes. The cooperation has evolved over the years with an increasing number of bilateral meetings taking place between the Luxembourgish authorities and high-ranking officials of each country³²² as it was mentioned in answer to Q.2.2.1.

Eastern Partnership - Moldova, Georgia, Ukraine:

To date no high-level contact with the authorities of these countries has taken place to discuss misuse of the visa liberalisation agreement.³²³

Q4.5.1. If applicable, how effective was the cooperation with third countries to reach your desired goals? Where there any particular differences in your interactions with different third countries and did you identify any good practices / lessons learned?

See answer to Q.4.4.3.

Q4.6. If applicable, how did your (Member) State respond to the influx of asylum seekers from the visa-free countries? Please provide a short description of the measures taken and any good practices / lessons learned you have identified.³²⁴

See answer to Q.2.2.1, Q.3.2 and Q.4.1.

Q4.6.1 If applicable, were the measures of your (Member) State effective to manage the influx of asylum seekers from the visa-free countries? Please provide a short description of your national situation highlighting any good practices / lessons learned you have identified.

See answer Q.4.1.1.

Q4.6.2 If applicable, how did your (Member) State cooperate with other (Member) States found in a similar situation (i.e. influx of asylum seekers from the visa-free countries)? Please provide a short description of your national situation and any good practices / lessons learned you have identified.

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See answer to Q.1.1.

Q4.6.3 Did you receive assistance from the EU to deal with the influx of asylum seekers from the visa-free countries? If yes, how effective was the assistance in supporting your (Member) State? Please provide a short description of your national situation and any good practices / lessons learned you have identified.

No. The Directorate of Immigration funds the AVR Balkans program from the budget of the Luxembourg government.

Q4.7. What other measure (or good practice / lesson learned) was adopted by your (Member) State in relation to visa liberalisation that was not already captured in the previous questions, if applicable?

At the same time, are there any planned measures that will be adopted in the nearby future?³²⁵

N/A.

Section 5: Conclusions

National Contribution (max. 3 pages)

The aim of this Section is to outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

The synthesis report will aim to include infographics and visuals, therefore please take that into account when answering the questions by adding any innovative or visual presentations in your national reports that can carry through into the synthesis report. We also welcome any photos/images which are captioned, relevant and (data) protected with your national contribution.

Please do not leave any answer box empty and insert N/A or NI as applicable.

Q5.1. With regard to the aims of this Study, what conclusions would you draw from the findings reached in elaborating your National Contribution?

Visa liberalisation agreements allow the third-country nationals from the beneficiary countries to travel into the EU without a visa for up to 90 days. In principle, these agreements try to increase the exchanges between the beneficiaries' countries. Nevertheless, seen that these countries were under totalitarian regimes and some of them have suffered the destruction of their infrastructures due to wars (i.e. Yugoslav Wars (1991-1999), Russo-Georgian War (2008) and the Russian military intervention in Ukraine (2014 to present), their economies are weak, unemployment is high and their economies depend on the swings of the world economy. These generate that their populations tend to migrate to Western countries, which are more developed, and with a solid economy. Seen the fact that during most of the Cold War, the inhabitants of the Former Socialist Republic of Yugoslavia did not require of a visa to travel in the EEC, a large diaspora developed in some of the Western countries. This diaspora became a "pull factor" when the Yugoslav Wars started, in which these individuals left their country looking for protection in Western Europe. However, once the conflict stopped the migration to Western Europe continued not because of protection reasons but for economic reasons. The inflows during those years were partially controlled due to the reestablishment of visas to individuals from these countries. Nevertheless, the underlining factors remained latent and the moment the visa liberalisation agreement entered into force the inflows re-started taking the EU countries unprepared to deal with these massive inflows during 2011 and 2012.

The main conclusions that can be drawn of the visa liberalisation agreements are:

- a) Taking into consideration the large majority of indicators retained in this study it is not possible to establish any direct and automatic link between the implementation of the visa liberalisation agreements and legal migration, the economy and criminality rates. This is due mainly because the lack of information or because the increase of certain phenomena occurred several years after the implementation of the agreements or because those increases are not significant enough and the evolution was really weak;
- b) These agreements did not have any significant impact on legal migration. The number of residence permits for remunerated and educational activities issued during the period 2008 and 2017 are very low in comparison with other nationalities and did not change significantly after the implementation of the visa liberalisation agreements;
- c) There is no link to be established between those agreements and the economy and criminality (especially regarding human trafficking and smuggling);

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- d) The agreements have a positive impact in regard with tourism and family and friend visits to Luxembourg. These visits have increased during the years that followed the entering into force of the agreements;
- e) The agreements have a negative impact in the increase of irregular staying migrants coming from these countries during the last years;
- f) The agreements have a negative impact concerning the high number of international protection applications that followed the entering into force of them, especially taking into consideration that the recognition rates for these individuals is almost 0. This situation put the administrations under a lot of stress which made that the following decisions were implemented to deal with the situation:
 - a. The introduction of those countries in the list of safe countries of origin allowed treating their international protection applications using the fast-track procedure and lately the ultra-expediting procedure. These procedures allowed to reduce the backlog in the treatment of the cases;
 - b. Reallocation and hiring of staff to deal with the backlog;
 - c. The reduction of the cash allowances in the foreseen in the social aid;
 - d. Increase collaboration with the countries of origin.
 - e. The implementation of a specific assisted return scheme (dispositif d'aide au retour – AVR Balkans).

This set of measures proved to be efficient to deal with these significant inflows.

Q5.2. What do you consider to be the relevance of your findings to (national and/or EU level) policymakers?

The relevance of the findings at the European level is: a) that the EU stakeholders in the future take into consideration sociologic (i.e. diaspora) and economic factors (i.e. strength of the local economy, unemployment rates, growth rates, exchange balance) regarding the countries which will benefit of visa liberalisation schemes; b) be clear which are the sanctions (i.e. use of the safeguard clause) to be imposed in case that the country of origin will not respect their side of the agreements (control immigration flows, return and readmission).

At the national level, the findings are relevant as they draw a state of play of the consequences of implementing the visa liberalisation agreements without a proper preparation and the measures that the Luxembourgish authorities took in order to deal with the situation. Also, the findings showed that the trends of new inflows of international protection applicants coming from the Western Balkan region, Ukraine and Georgia have to be monitored constantly in order to implement contingency measures to deal with them.

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- ¹ The misuse of the visa-free regime e.g. entry and stay for purposes other than the intended short-term travel to the EU, overstay etc.
- ² To date the Schengen Area encompasses most EU States, except for Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom. In some cases, a visa requirement may still be in place for the third countries analysed in this study (e.g. in Ireland and UK).
- ³ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)
- ⁴ Based on Regulation 539/2011
- ⁵ Recital 26
- ⁶ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.- Official Journal L 081, 21.03.2001.
- ⁷ Visa requirements for non-EU nationals -<http://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=LEGISSUM:jl0031>.
- ⁸ Mau, Steffan, Gulzau, Fabian, Laube, Lene and Zaun Natascha (2015) The global mobility divide: How visa policies have evolved over time. *Journal of Ethnic and Migration Studies* 41, (8) pp. 1192-1213. ISSN 1369-183X
- ⁹ See: <http://www.henleyglobal.com/citizenship/visa-restrictions/> (accessed October 23, 2009)
- ¹⁰ Councils Regulation (EC) Nr. 539/2001 1a(2b).
- ¹¹ Forecasting migration between the EU, V4 and Eastern Europe, impact of visa abolition, Centre for Eastern Studies, 2014, https://www.osw.waw.pl/sites/default/files/migration_report_0.pdf
- ¹² The Effect of Visa Policies on International Migration Dynamics (2014), Working Papers, Paper 89, April 2014, University of Oxford, <https://pdfs.semanticscholar.org/23ae/89f7acdecb909aaa601210519ef48848917e.pdf>
- ¹³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A credible enlargement perspective for and enhanced EU engagement with the Western Balkans - Strasbourg, 06.02.2018 COM(2018) 65 final.- https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf
- ¹⁴ Consequences of Schengen Visa Liberalisation for the Citizens of Ukraine and the Republic of Moldova, Migration Policy Center, 2012, <http://cadmus.eui.eu/bitstream/handle/1814/23497/MPC-RR-2012-01.pdf?sequence=1&isAllowed=y>
- ¹⁵ The Impact of Visa Liberalisation in Eastern Partnership Countries, Russia and Turkey on Trans-Border Mobility, CEPS Paper in Liberty and Security, 2014, <https://www.ceps.eu/publications/impact-visa-liberalisation-eastern-partnership-countries-russia-and-turkey-trans-border>
- ¹⁶ Forecasting migration between the EU, V4 and Eastern Europe, impact of visa abolition, Centre for Eastern Studies 2014, https://www.osw.waw.pl/sites/default/files/migration_report_0.pdf
- ¹⁷ Report from the Commission to the European Parliament and the Council First Report under the Visa Suspension Mechanism - Brussels, 20.12.2017 COM (2017) 815 final.- https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/20171220_first_report_under_suspension_mechanism_en.pdf
- ¹⁸ See: http://europa.eu/rapid/press-release_MEMO-17-5364_en.htm
- ¹⁹ Holders of biometric passports. The visa-free regime is valid for a period of maximum 90 days in any 180-day period.
- ²⁰ By doing so, the study tests the hypothesis of Czaika and De Haas who review short and long-term effects of Visa policies, including Visa waivers, on cross border mobility: Czaika, Mathias; De Haas, Hein: The Effect of Visas on Migration Processes. In: *International Migration Review*, Vol. 51, No. 4, pp. 893-926.
- ²¹ Which corroborates the findings of Landesmann, Leitner and Mara. Available at: <https://wiiw.ac.at/should-i-stay-should-i-go-back-or-should-i-move-further-contrasting-answers-under-diverse-migration-regimes-dlp-3561.pdf>

²² The Impact of Visa Liberalisation in Eastern Partnership Countries, Russia and Turkey on Trans-Border Mobility, CEPS Paper in Liberty and Security - <https://www.ceps.eu/publications/impact-visa-liberalisation-eastern-partnership-countries-russia-and-turkey-trans-border>

²³ An overview of the progress reports for Moldova, Georgia and Ukraine can be found here: http://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en

²⁴ Available at: <http://www.esiweb.org/index.php?lang=en&id=353>

²⁵ Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en

²⁶ Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/20171220_first_report_under_suspension_mechanism_en.pdf

²⁷ Available at:

[http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/1570/COM_SEC\(2011\)1570_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/1570/COM_SEC(2011)1570_EN.pdf)

²⁸ Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_synthesis_report_identity_study_final_en_1.pdf

²⁹ Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_illegal_employment_synthesis_report_final_en_0.pdf

³⁰ Available at:

https://emnbelgium.be/sites/default/files/publications/info_on_return_synthesis_report_20102015_final_0.pdf

³¹ Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/migration-channel/00b._synthesis_report_visa_policy_as_migration_channel_final_april2013_en.pdf

³² Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-informs/0a_emn_inform_apr2011_migration-development_january2013_en.pdf

³³ Available at: <http://ec.europa.eu/eurostat/data/database>

³⁴ Available at: <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>

³⁵ Available at: <https://www.europol.europa.eu/activities-services/main-reports>

³⁶ Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats

³⁷ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002L0090:EN:NOT>

³⁸ Available at: [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011XC0722\(02\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011XC0722(02))

³⁹ LU EMN NCP, Visa Policy as a Migration Channel, Luxembourg, Septembre 2012, p. 15.

⁴⁰ The second third-country nationality group is Cape Verdians.

⁴¹ N/A – not applicable, NI – no information, 0 - collected data resulted in 0 cases.

⁴² Please use information such as: increase of entries, number of asylum applications, refusals of entry, return and removal decisions in your answers.

⁴³ Europaforum.lu, [Jean Asselborn et Nicolas Schmit exposent dans une réponse à une question parlementaire les relations entre le Luxembourg et la Serbie pour endiguer "l'afflux massif de demandeurs de protection internationale en provenance de la Serbie" : La Serbie fait partie des pays des Balkans occidentaux pour lesquels l'UE a levé l'obligation de visa](#), 6 February 2012

⁴⁴ Interview with Caritas, 18 May 2018.

⁴⁵ Interview with Caritas, 18 May 2018.

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- ⁴⁶ Interview with Caritas, 18 May 2018.
- ⁴⁷ Interview with the Directorate of Immigration, 11 June 2018.
- ⁴⁸ Interview with the Directorate of Immigration, 11 June 2018.
- ⁴⁹ Serbia and Macedonia: Both countries enjoy a liberalised visa regime and are EU accession candidates. An influx from other Western Balkan countries, such as Bosnia-Herzegovina was also observed in Luxembourg.
- ⁵⁰ Aside from Luxembourg, the countries most affected by this migration are Germany, Belgium and Sweden. Consultations were established between these countries, in a similar manner to the many exchanges that occur with authorities of the countries of origin of these asylum seekers, including Serbia.
- JHA Council: a mechanism of European civil protection to face disasters and a safeguard clause in order to face asylum applications of Western Balkan nationals, 25 October 2012.
- ⁵¹ These may include: presence of diaspora, historical links between countries, social assistance received by asylum seekers, probability of receiving a residence permit/long-term visa, schemes (tourism, family ties, business) for attracting certain categories of migrants using visa-free regime.
- ⁵² LU EMN NCP, Visa Policy as a Migration Channel, Luxembourg, Septembre 2012, p. 15.
- ⁵³ Hoffmann Anne, Les réfugiés politiques au Luxembourg au XXe Siècle, Forum, avril 2003, p. 41.
- ⁵⁴ Ibidem.
- ⁵⁵ Hoffmann Anne, Les réfugiés politiques au Luxembourg au XXe Siècle, Forum, avril 2003, p. 41 and Besch, Sylvain, Les réfugiés entre droit et politique (1990 – 2009), in ASTI, 30+ : 30 ans de migrations/30 ans de recherches/30 ans d'engagements, Asti, 2010, p. 110.
- ⁵⁶ Besch op. cit. p. 110.
- ⁵⁷ Besch, op. cit. p. 110. Also, Besch, Sylvain, [Les réfugiés entre le droit et la politique: Quelques repères sur l'application du droit d'asile au Luxembourg](#), Forum n° 189, p. 12.
- ⁵⁸ Administration des Douanes, Direction, Contrôle de l'entrée au Grand-Duché des ressortissants des Républiques issues de l'Ex-Yougoslavie, n° 2082/S.E., 10 juillet 1992.
- ⁵⁹ There were 3.814 Montenegrin nationals which represented 0,74% of the total resident population. STATEC, [Recensement de la Population, Premiers résultats N° 4](#), Août, 2012, p. 1.
- ⁶⁰ <http://www.syvicol.lu/activites-internationales/jumelages/les-communes-luxembourgeoises-jumelees>
- ⁶¹ The second third-country nationality group is Cape Verdians.
- ⁶² Note: Period 2007 - 2008 was regulated by amended law of 22 February 1968; Period 2009 to 31 March 2017 was regulated by law of 23 October 2008 and Period 1st March 2017 to 31 December 2017 was regulated by Law of 8 March 2017.
- ⁶³ Interview with the Directorate of Immigration, 11 June 2018.
- ⁶⁴ Interview with the Directorate of Immigration, 11 June 2018.
- ⁶⁵ Interview with the Directorate of Immigration, 11 June 2018.
- ⁶⁶ Statec,
http://www.statistiques.public.lu/stat/TableViewer/tableView.aspx?ReportId=12868&IF_Language=fra&MainTheme=2&FldrName=2&RFPPath=98
 For more information in regard to bilateral relations between Ukraine and Luxembourg see
<http://www.ukraine.lu/infos.html>
- ⁶⁷ LU EMN NCP answer to LU EMN NCP Ad-hoc query on international protection to Georgian nationals, launched on 14th March 2018.
- ⁶⁸ Luxembourg has the highest GDP in Europe (102.019 USD per capita) and of all OECD countries. See OECD data, Luxembourg, 2018. Interview with the Directorate of Immigration, 11 June 2018.

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- ⁶⁹ Interview with the Directorate of Immigration, 11 June 2018.
- ⁷⁰ For example: changes in instructions for border patrol agents and in equipment.
- ⁷¹ Migration and Home Affairs, Visa liberalisation with Moldova, Ukraine and Georgia.
- ⁷² See list of the nationals of the countries which require a visa to enter the Schengen area.
- ⁷³ Grand-ducal regulation of 21 December 2007 establishing the list of safe country of origin in accordance with the amended law of 5 May 2006 regarding the right of asylum and other complementary forms of protection, published in [Memorial A-245 of 31 December 2007](#).
- ⁷⁴ Article 1 of the Grand-ducal regulation of 21 December 2007.
- ⁷⁵ [Parliamentary document n° 6278/00](#) of 19 April 2011.
- ⁷⁶ Law of 19 May 2011 amending the amended law of 5 May 2006 on asylum and other complementary forms of protection published in [Memorial A-102 of 20 May 2011](#).
- ⁷⁷ [Grand ducal regulation of 1 April 2011 amending Grand-ducal regulation of 21 December 2007 establishing the list of safe country of origin in accordance with the amended law of 5 May 2006 regarding the right of asylum and other complementary forms of protection](#), published in Memorial A-67 of 11 April 2011.
- ⁷⁸ Grand ducal regulation of 5 December 2017 amending Grand-ducal regulation of 21 December 2007 establishing the list of safe country of origin in accordance with the amended law of 5 May 2006 regarding the right of asylum and other complementary forms of protection, published in [Memorial A-109 of 21 December 2017](#).
- ⁷⁹ Grand ducal regulation of 8 June 2012 establishing the conditions and terms to grant social aid to applicants for international protection, published in [Memorial A-123 of 20 June 2012](#).
- ⁸⁰ Parliamentary document n° 6740/00 of 5 November 2014
http://www.chd.lu/wps/PA_RoleEtenduEuro/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/171/345/137404.pdf
- ⁸¹ Bill N°6741 for Bosnia and Herzegovina. Parliamentary document n° 6741/00 of 5 November 2014
http://www.chd.lu/wps/PA_RoleEtenduEuro/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/171/349/137408.pdf
- ⁸² Parliamentary document n° 6742/00 of 5 November 2014.
http://www.chd.lu/wps/PA_RoleEtenduEuro/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/171/348/137407.pdf ;
- ⁸³ Parliamentary document n° 6743/00 of 5 November 2014.
http://www.chd.lu/wps/PA_RoleEtenduEuro/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/171/347/137406.pdf ;
- ⁸⁴ Parliamentary document n° 6744/00 of 5 November 2014.
http://www.chd.lu/wps/PA_RoleEtenduEuro/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/171/346/137405.pdf
- ⁸⁵ For Moldova: Law of 7 June 2015, published in [Memorial A-104 of 12 June 2015](#), for Bosnia Herzegovina: Law of 7 June 2015, published in [Memorial A-105 of 12 June 2015](#), for Georgia: Law of 7 June 2015, published in [Memorial A-106 of 12 June 2015](#), for the Former Yugoslav Republic of Macedonia: Law of 7 June 2015, published in [Memorial A-107 of 12 June 2015](#) and for Serbia: Law of 7 June 2015, published in [Memorial A-108 of 12 June 2015](#).
- ⁸⁶ Directorate of Immigration, Bilan de l'année 2017 en matière d'immigration et asile, Luxembourg, 2018, p. 1.
- ⁸⁷ Interview with the Directorate of Immigration, 11 June 2018.
- ⁸⁸ Information to be provided by inserting national data as gathered by competent authorities. The indicator refers to border-crossings at the external borders of the EU plus NO.

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- ⁸⁹ All nationalities apply, to calculate the proportion out of the total number of border crossings (persons)
- ⁹⁰ Information to be provided by inserting national data as gathered by competent authorities. Also see Frontex: Number of detections of illegal border-crossings by sea and land; Available at: <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>
- ⁹¹ All nationalities apply, to calculate the proportion out of the total number of irregular border crossings.
- ⁹² See DG HOME Schengen Visa statistics, Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats. For MS that still apply visa requirements, please remove the N/A and complete the table in full.
- ⁹³ All nationalities apply, to calculate the proportion out of the total number of short-stay visa applications.
- ⁹⁴ See <https://maee.gouvernement.lu/fr/missions-diplomatiques/missions-diplomatiques-et-consulaires-luxembourgeoises.html>
- ⁹⁵ See articles 10 and 11 of the Law of 16 August 1966 approving the Convention between the Grand Duchy of Luxembourg and the Kingdom of Belgium in the field of consular cooperation, published in [Memorial A-51 of 21 September 1966](#).
- ⁹⁶ Interview with the Directorate of Consular Affairs of the Ministry of Foreign and European Affairs, 18 May 2018.
- ⁹⁷ See DG HOME Schengen Visa statistics, Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats. For MS that still apply visa requirements, please remove the N/A and complete the table in full.
- ⁹⁸ All nationalities apply, to calculate the proportion out of the total number of short-stay visa application refusals.
- ⁹⁹ See Eurostat: Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza]. For Georgia and Ukraine, monthly date may be considered.
- ¹⁰⁰ All nationalities apply, to calculate the proportion out of the total number of asylum applications.
- ¹⁰¹ See Eurostat: First instance decisions on applications by citizenship, age and sex Annual aggregated data (rounded) [migr_asydcfsta]; Total positive decisions, including only refugee status and subsidiary protection, rounded up to the unit of 5.
- ¹⁰² See Eurostat: First instance decisions on applications by citizenship, age and sex, Annual aggregated data (rounded) [migr_asydcfsta]
- ¹⁰³ This is to provide a broader context; any nationality may be included in the top five. See Eurostat: First instance decisions on applications by citizenship, age and sex Annual aggregated data (rounded) [migr_asydcfsta]; Total positive decisions, including only refugee status and subsidiary protection, rounded up to the unit of 5.
- ¹⁰⁴ Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat - Number of first residence permits issued by reason, EU-28, 2008-2016 [migr_resfirst]
- ¹⁰⁵ All nationalities apply, to calculate the proportion out of the total number of residence permit applications.
- ¹⁰⁶ Information provided by the Directorate of Immigration, 15 June 2018.
- ¹⁰⁷ Information to be provided by inserting national data as gathered by competent authorities.
- ¹⁰⁸ All nationalities apply, to calculate the proportion out of the total number of identity document fraud instances.
- ¹⁰⁹ In this regard see Europaforum.lu, [Le suivi du mécanisme de libéralisation du régime des visas pour les pays des Balkans occidentaux fait actuellement l'objet de discussions au Conseil, répondent Jean Asselborn et Nicolas Schmit au député Fernand Kartheiser](#), 7 March 2011.
- ¹¹⁰ Ibidem.

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- 111 Europaforum.lu, [Le ministre de l'Immigration Nicolas Schmit constate un "afflux de demandes d'asile émanant de ressortissants de la Serbie" après la levée de l'obligation de visa vers l'espace Schengen](#), 1 February 2011.
- 112 [Grand ducal regulation of 1 April 2011 amending Grand-ducal regulation of 21 December 2007 establishing the list of safe country of origin in accordance with the amended law of 5 May 2006 regarding the right of asylum and other complementary forms of protection](#), published in Memorial A-67 of 11 April 2011.
- 113 Only one Serbian national obtained international protection status in 2011 while there were 416 negative decisions.
- 114 According to table 1.2.4 the percentages are the following: 51,7% in 2013, 54,1% in 2015, 44,3% in 2016 and 49,4% in 2017.
- 115 The recognition rate that has been used in this study is based on the positive decisions granting international protection status (refugee and subsidiary protection status combined) in regard to the total number of decisions taken by the Directorate of Immigration (positive and negative decisions on international protection). The negative decisions comprehend the rejections in the normal procedure, fast-track procedure and ultra-expedited procedure.
- 116 Interview with the Directorate of Immigration, 11 June 2018.
- 117 See http://www.olai.public.lu/en/actualites/2012/03/asile/commentaires_du_HCR_Projet_de_RGD_Aide_sociale_mars_2012.pdf
- 118 <https://www.clae.lu/wp-content/uploads/2014/10/horizon111.pdf>
- 119 LU EMN NCP, [Policy Report on Migration and Asylum 2011](#), Luxembourg, p. 122.
- 120 Europaforum.lu, [Le flux de demandeurs d'asile en provenance des Balkans occidentaux, notamment de pays à facilités de visas, a conduit six Etats membres, dont le Luxembourg, à demander à ce que l'affaire soit traitée au prochain Conseil JAI : La réintroduction de l'obligation de visa n'est plus un tabou](#), 15 October 2012.
- 121 Ibidem.
- 122 *Information sur l'état des demandes d'asile au Luxembourg* (Information on the status of asylum requests in Luxembourg), Minutes of the Commission on Foreign Affairs, 20 October 2011.
- 123 LU EMN NCP, [Policy Report on Migration and Asylum 2011](#), Luxembourg, p. 120.
- 124 A scheme for the assistance of voluntary returns and of reintegration is part of the Assisted Voluntary Return and Reintegration Programme from Luxembourg (AVRR L). This assistance includes particularly travel expenses of individuals planning a voluntary return as well as organisation expenses for voluntary returns (e.g. costs linked with the acquisition of travel documents), as well as pocket money granted to individuals returning voluntarily. In addition, this assistance includes a financial contribution towards initial expenses following the return, of which, as may arise, transport expenses within the country of return or expenses for temporary housing.
- 125 Interview with the Directorate of Immigration, 11 June 2018.
- 126 LU EMN NCP, [Policy Report on Migration and Asylum 2012](#), Luxembourg, p. 104.
- 127 In 2012 there were 1378 returns and in 2016 there were only 208. Source: Directorate of Immigration, 2018.
- 128 For example: third-country national visitors staying in hotels and other accommodation establishments increased.
- 129 Interview with the Directorate of Immigration, 11 June 2018 and Interview with Caritas, 18 May 2018.
- 130 Article 39 of the amended law of 29 August 2008.
- 131 Interview with Caritas, 18 May 2018.

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- 132 Interview with the Directorate of Immigration.
- 133 Interview with the Directorate of Immigration, 11 June 2018.
- 134 Interview with Caritas, 18 May 2018.
- 135 Interview with Caritas, 18 May 2018.
- 136 For example: in cases of return and readmission.
- 137 Gouvernement.lu, [Visite de travail de Jean Asselborn en république d'Albanie](#), Press Release, 3 October 2017.
- 138 Gouvernement.lu,
[Visite de travail de Milo Djukanovic, Premier ministre du Monténégro, au Luxembourg : "Les deux pays ont un grand potentiel d'échange économique"](#), 24 March 2014.
- 139 Gouvernement.lu, [Visite de travail de Jean Asselborn au Monténégro](#), Press Release, 31 March 2017.
- 140 Gouvernement.lu, ["Tour des Balkans" de Jean Asselborn du 9 au 11 février 2010: Monténégro, Ancienne République yougoslave de Macédoine et Kosovo](#), Press Release, 7 February 2010.
- 141 Gouvernement.lu, [Visite de travail du Vice-Premier ministre de l'Ancienne République yougoslave de Macédoine, Fatmir Besimi, au Luxembourg \(28.04.2015\)](#), 27 April 2015.
- 142 Gouvernement.lu, [Visite de travail de Jean Asselborn à Skopje, le 4 octobre 2017](#), Press release, 5 October 2017.
- 143 Ibidem.
- 144 Europaforum.lu, [Nicolas Schmit et Ivica Dačić ont fait part de leur volonté que Luxembourg et Serbie poursuivent leur coopération "dans un esprit parfaitement européen" pour lutter contre l'afflux de demandeurs d'asile en provenance de Serbie](#), 5 May 2011.
- 145 Ibidem.
- 146 LU EMN NCP, Annual Policy Report on Migration and Asylum 2011, Luxembourg 2012, p. 115.
- 147 Luxembourg Wort, [Visite à double enjeu au Kosovo](#), 28 April 2012.
- 148 Embassy of Luxembourg in Serbia, [Visite de travail du Vice-Premier ministre, ministre des Affaires étrangères de la république de Serbie, Ivica Dacic, au Luxembourg](#), 6 May 2015.
- 149 Gouvernement.lu, [Visite de travail de Jean Asselborn en Serbie](#), Press Release, 10 September 2015.
- 150 Gouvernement.lu, [Visite de travail de Jean Asselborn en Serbie](#), Press Release, 30 March 2017.
- 151 For example: an increase in direct investments from the respective third countries to your (Member) State.
- 152 Answer provided by the Directorate of Small and Medium-sized Enterprises, Ministry of Economy, 26 April 2018.
- 153 Interview with Caritas, 18 May 2018.
- 154 Interview with Caritas, 18 May 2018.
- 155 Interview with Caritas, 18 May 2018.
- 156 <http://ccal.lu/fr/adhesion/#avantages>
- 157 Chambre de Commerce Luxembourg, [Luxembourg Trade Mission to Ukraine](#), 27 April 2018.
- 158 For example: third-country national visitors staying in hotels and other accommodation establishments increased.
- 159 Telephone Interview with Luxembourg for Tourism of 5 June 2018.
- 160 Interview with Caritas, 18 May 2018.

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- 161 Ryanair flies to Banja Luka in Bosnia Herzegovina and Podgorica in Montenegro and Wizzair to Skopje in Macedonia.
- 162 Wizzair flies to Tuzla in Bosnia Herzegovina and to Skopje in Macedonia.
- 163 Interview with Caritas, 18 May 2018.
- 164 One of the reasons for this peak was that a large number of these residence permits were granted during the implementation of a regularization measure on illegal employment of third-country national which took place between 2nd January and 28 February 2013. The eligible applicants were those who were in irregular migrants for at least nine months living in the territory during 2012 and who can justify a proof of employment. There were 664 applications filed by third-country nationals. There were 543 positive decisions and 121 were refused. See Directorate of Immigration, Bilan de l'année 2013, Luxembourg, 2013.
- Between the applicants for the regularisation, we found the following top-5 nationalities : Chinese, Brazilians, Montenegrins, Cape Verdeans and Serbians. See answer of the Minister of Labour, Employment and Immigration to the parliamentary question n° 2787 of the MPs Viviane Loschetter et M.Félix Braz , 24 June 2013.
- 165 From 58 applications introduced in 2016, 25 applications (43% of the total number of applications) were filed by nationals of the five Western Balkan countries under study and in 2017 from 12 applications, 50% were of Western Balkan countries. It is important to notice, that for benefiting of the right to stay established in article 89 of the Immigration Law it is necessary that the TCN have previously resided in Luxembourg at least 4 years before the filing of the application and a) exercises the parental authority of a minor child who lives with him/her as part of the household and who is regularly schooled in Luxembourg in an educational institution in the Grand Duchy of Luxembourg since at least four years and once s/he justifies that s/he is able to cover his/her living needs and those of their family members ; or b) having follow on an ongoing basis and having completed an education for at least 4 years in an educational institution in the Grand Duchy of Luxembourg and file the application before becoming 21 years of age and proving that s/he has sufficient resources to cover his/her needs.
- 166 Articles 38 (1), 39 (1) and 42 (1) of the amended law of 29 August 2008 on free movement of persons and immigration.
- 167 Article L. 622-4 of the Labour Code.
- 168 Interview with Caritas, 18 May 2018.
- 169 Interview with Caritas, 18 May 2018.
- 170 Article 42 (1) of the amended law of 29 August 2008.
- 171 Articles 38 (1), 39 (1) and 56 (1) of the amended law of 29 August 2008.
- 172 Statec, [Position nette en fin d'année des investissements directs internationaux du Luxembourg par partenaire 2012 - 2016 selon de principe directionnel étendu \(en millions d'euros ; 4e définition de référence de l'OCDE\)](#).
- 173 Statec, [Position nette en fin d'année des investissements directs internationaux du Luxembourg par partenaire 2012 - 2016 selon de principe directionnel étendu \(en millions d'euros ; 4e définition de référence de l'OCDE\)](#).
- 174 For example: agreements with third countries for exchange of students, scholars; social benefits (social assistance, social trust and cooperation).
- 175 Interview with Caritas, 18 May 2018.
- 176 Interview with Caritas, 18 May 2018.
- 177 Information to be provided by inserting national data as gathered by competent authorities.
- 178 All nationalities apply, to calculate the proportion out of the total number of tourism visitors staying in hotels and other accommodation establishments

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- 179 Information to be provided by inserting national data as gathered by competent authorities.
- 180 All nationalities apply, to calculate the proportion out of the total number of first-time temporary residence applications.
- 181 See Eurostat: Number of first residence permits issued by reason, EU-28, 2008-2016 [migr_resfirst]
- 182 This category includes the following type of residence permits : European Blue Card, researcher, ICT, sportsmen or trainer, posted worker, worker or provider of a communitary service, highly qualified worker and salaried worker.
- 183 All nationalities apply, to calculate the proportion out of the total number of permits issued for remunerated activities reasons.
- 184 See Eurostat: Number of first residence permits issued by reason, EU-28, 2008-2016 [migr_resfirst]
- 185 This category includes the following types of residence permit : pupil, students, trainee and volunteer.
- 186 All nationalities apply, to calculate the proportion out of the total number of permits issued for education reasons.
- 187 Information to be provided by inserting national data as gathered by competent authorities.
- 188 All nationalities apply, to calculate the proportion out of the total number of first residence permits issued for entrepreneurs (including self-employed persons).
- 189 LU EMN NCP, Annual Policy Report on Migration and Asylum 2011, Luxembourg, 2012, p. 118.
- 190 Interview with Caritas, 18 May 2018.
- 191 LU EMN NCP answer to COM Ad-Hoc Query on inspections to control the employment of irregular migrants, launched on 24 June 2015.
- 192 LU EMN NCP answer to COM Ad-Hoc Query on updating the publicly available crime statistics on migrant smuggling for the purpose of the evaluation of the EU legal framework on migrant smuggling, launched on 2 August 2016.
- 193 Information provided by the Public Prosecutor Office of Luxembourg on 15 June 2018.
- 194 This is the total number of accused persons. If a person is prosecuted in different criminal cases, it is counted as many times the individual is prosecuted.
- 195 Cases and convictions in trafficking of human beings and pimping, Public Prosecutor Office of Luxembourg, 11 June 2018.
- 196 LU EMN NCP answer to de DE EMN NCP Ad-Hoc Query on Processing Data on illegal Migration, launched on 5 November 2014.
- 197 Information provided by the Public Prosecutor Office of Luxembourg on 15 June 2018.
- 198 Information provided by the Public Prosecutor Office of Luxembourg on 15 June 2018.
- 199 These articles of the Immigration Law were abrogated in 2012.
- 200 Articles 133 (1) and (2), 136 (1) and (2), 137 and 138 of the amended law of 29 August 2008.
- 201 Source: Grand ducal police, 2018.
- 202 Articles 140 and 142 of the Immigration Law.
- 203 Articles 133 (1) and (2), 134 and 136 (1) of the amended law of 29 August 2008.
- 204 Interview with Caritas, 18 May 2018.
- 205 For example, dealing with cases when persons enter the country legally but later become illegally employed, are staying in the country legally, but are working without a work permit or apply for asylum without reasonable grounds.

- 206 For example: significant increase of residence permit applications, increased demand for work permits, more time-consuming border control procedure due to the lack of visas. etc.
- 207 News article, *Bilan 2010 en matière d'asile et d'immigration: "Afflux de demandes d'asile émanant de ressortissants de la Serbie"* (2010 Balance on asylum and immigration issues: "Inflow of requests for asylum from Serbian nationals"), 01 February 2011, http://www.gouvernement.lu/salle_presse/actualite/2011/02-fevrier/01-schmit/index.html.
- 208 Minister of Foreign Affairs, Directorate of Immigration, Press conference, 2011 Balance, 31 January 2012.
- 209 Minister of Foreign Affairs, Directorate for Immigration, Statistics on international protection in Luxembourg. March 2013, <http://www.mae.lu/Site-MAE/Bienvenue-au-Ministere-des-Affaires-etrangeres/Organisation/Direction-de-l-Immigration/Chiffres-cles-en-matiere-d-asile>
- 210 *Idem*.
- 211 Social assistance includes among others, accommodation, monthly allowance; basic medical care, contributions for voluntary insurance as provided for under Article 2 of the Code of Social Insurances are covered; public transport on the Grand Duchy of Luxembourg network; social guidance; supervision of unaccompanied minors; psychological care and assistance of individuals requiring this, particularly those who were victims of trauma; counselling on sexual and procreation matters; temporary assistance as needs arise.
- 212 Memorial A No 123 of 20 June 2012, <http://www.legilux.public.lu/leg/a/archives/2012/0123/a123.pdf>
- 213 LU EMN NCP, Annual Policy Report on Migration and Asylum 2012, Luxembourg, 2012, p. 101.
- 214 Including its new recruits, the Refugee Department of the Immigration Department has 9 agents in charge of hearings and 9 agents in charge of decisions and the writing of memoranda to be filed as part of legal appeals to administrative jurisdictions. Response of the Minister of Labour, Employment and Immigration to Urgent Parliamentary Question N° 1661 by Mr André Hoffmann of 19 September 2011.
- 215 Joint response of the Minister of Justice, The Hon. François Biltgen, and of the Minister of Labour, Employment and Immigration, Mr Nicolas Schmit, to Parliamentary Question N° 1778 of 30 November 2011, 12 January 2012, www.chd.lu.
- 216 LU EMN NCP, Annual Policy Report on Migration and Asylum 2011, Luxembourg, 2012, p.124.
- 217 [First instance Administrative Court, n° 29233 of 6 October 2011.](#)
- 218 *Le Ministre de l'Immigration ferme temporairement le bureau d'accueil du service des réfugiés. Une décision illégale ?*, Journal, 05 October 2011, p. 4.
- 219 [CCDH, Communiqué concernant la fermeture temporaire du bureau d'accueil pour demandeurs de protection internationale et les conditions d'accueil des demandeurs de protection internationale](#), 24 Octobre 2011.
- 220 Settled in sessions of the Government Council of 02 April 1999 and the Government Council of 12 September 2008, http://www.gouvernement.lu/salle_presse/conseils_de_gouvernement/index.html.
- 221 Response of the Minister for the Family and Integration to Parliamentary Question N° 1354 of 31 March 2011, 23 May 2011, www.chd.lu.
- 222 Response of the Minister for the Family and Integration to Parliamentary Question N° 1712 of 19 October 2011, 23 November 2011, www.chd.lu.
- 223 SYVICOL: "wir stehen als Land auf dem Prüfstand" in Luxemburger Wort, 07 April 2011, p 4.
- 224 LFR, Refugee Collective, Press release, 29 September 2011, http://www.caritas.lu/Files/110929_PO_LFR_log_demandeurs_as.pdf.
- 225 Journal, 30 September 2011, p2, Le Quotidien, 30 September 2011, p5.
- 226 LU EMN NCP, Annual Policy Report on Migration and Asylum 2012, Luxembourg, 2012, p. 101.
- 227 Grand ducal police, Activity Report 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

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- 228 Grand ducal police, Activity Report 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.
- 229 For example: did your (Member) State identify any increased terrorism risks arising from the entry or residence of respective TCNs.
- 230 Interview with the Directorate of Immigration, 11 June 2018.
- 231 Please use this pre-defined list of categories: cybercrime; drugs offences; economic and financial offences; illicit immigration; illicit trafficking (not drug related); offences against property; offences against public order and safety; offences against public trust (e.g. fraud, forgery, counterfeiting); offences against the person; sexual exploitation of children (including child pornography); sexual offences against adults; terrorism-related activity; trafficking in human beings and smuggling of migrants.
- 232 This applies to third-country nationals who do not live your country, but visited (short stay of up to 90 days).
- 233 Grand ducal police, Activity Reports of the Grand Ducal Police 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.
- 234 See above.
- 235 Grand ducal police, Activity Reports of the Grand Ducal Police 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.
- 236 LU EMN NCP answer to COM Ad-Hoc Query on updating the publically available crime statistics on migrant smuggling for the purpose of the evaluation of the EU legal framework on migrant smuggling, launched on 2 August 2016.
- 237 Interview with the Directorate of Immigration, 11 June 2018.
- 238 Interview with the Directorate of Immigration, 11 June 2018.
- 239 Interview with the Directorate of Immigration, 11 June 2018.
- 240 Interview with the Directorate of Immigration, 11 June 2018.
- 241 Interview with the Directorate of Immigration, 11 June 2018.
- 242 Did their activities lead to increases in irregular border-crossings, enhanced border controls or document fraud?
- 243 See Eurostat: Third-country nationals refused entry at the external borders - annual data (rounded) [migr_eirfs]
- 244 All nationalities apply, to calculate the proportion out of the total number third-country nationals refused entry at the external borders.
- 245 See Eurostat: Third-country nationals ordered to leave - annual data (rounded) [migr_eiord]
- 246 All nationalities apply, to calculate the proportion out of the total number of nationals ordered to leave.
- 247 Article 162 of the amended law of 29 August 2008.
- 248 Source: Directorate of Immigration, 15 June 2018.
- 249 Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Number of voluntary and forced returns [migr_eirt_vol];
- 250 All nationalities apply, to calculate the proportion out of the total number of voluntary returns.
- 251 Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Number of voluntary and forced returns [migr_eirt_vol];
- 252 All nationalities apply, to calculate the proportion out of the total number of forced returns.

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- 253 Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Third-country nationals found to be illegally present - annual data (rounded) [migr_eipre]
- 254 Agriculture, forestry and fishing; Mining and quarrying; Manufacturing; Electricity, gas, steam and air conditioning supply; Water supply; sewerage, waste management and remediation activities; Construction; Wholesale and retail trade; repair of motor vehicles and motorcycles; Transportation and storage; Accommodation and food service activities; Information and communication; Financial and insurance activities; Real estate activities; Professional, scientific and technical activities; Administrative and support service activities; Public administration and defence; compulsory social security; Education; Human health and social work activities; Arts, entertainment and recreation; Other service activities; Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; Activities of extraterritorial organisations and bodies.
- 255 All nationalities apply, to calculate the proportion out of the total number third-country nationals found in illegal employment.
- 256 Information to be provided by inserting national data as gathered by competent authorities.
- 257 All nationalities apply, to calculate the proportion out of the total number of smuggled persons from third countries.
- 258 Information to be provided by inserting national data as gathered by competent authorities.
- 259 All nationalities apply, to calculate the proportion out of the total number of trafficked persons from third countries.
- 260 This refer to the nationality of the facilitators. EU nationalities can be provided in the second part of the table.
- 261 Facilitators of the unauthorised entry, transit and residence - intentionally assisting a person who is not a national of an EU Member State either to enter or transit across the territory of a Member State in breach of laws on the entry or transit of aliens, or, for financial gain, intentionally assisting them to reside within the territory of a Member State in breach of the laws of the State concerned on the residence of aliens (see Article 1(1)(a) and (b) of Council Directive 2002/90/EC).
- 262 Information to be provided by inserting national data as gathered by competent authorities.
- 263 All nationalities apply, to calculate the proportion out of the total number of identified facilitators of unauthorised entry, transit and residence.
- 264 Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Third-country nationals found to be illegally present - annual data (rounded) [migr_eipre]
- 265 All nationalities apply, to calculate the proportion out of the total number of third-country national found to be illegally present.
- cclxvi Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Third-country nationals found to be illegally present - annual data (rounded) [migr_eipre]
- cclxvii All nationalities apply, to calculate the proportion out of the total number of third-country national overstayers.
- 268 News article, *Déclaration du gouvernement sur la situation économique, sociale et financière du pays 2011* (Government's statement on the country's 2011 economic, social and financial situation), 06 April 2011, <http://www.gouvernement.lu/gouvernement/etat-nation/index.html>.
- 269 *Mémorial* N° 67, 01 April 2011, Grand-Ducal Regulation of 11 April 2011 modifying the Grand-Ducal Regulation of 21 December 2007 defining a list of safe home countries as understood by the Law of 05 May 2006, as amended, on the Right of Asylum and to Complementary Forms of Protection, <http://www.legilux.public.lu/leg/a/archives/2011/0067/a067.pdf>.
- 270 *Mémorial* A N° 102, 20 May 2009, <http://www.legilux.public.lu/leg/a/archives/2011/0102/a102.pdf>.
- 271 *Nicolas Schmit et Ivica Dačić ont fait part de leur volonté que Luxembourg et Serbie poursuivent leur coopération «dans un esprit parfaitement européen» pour lutter contre l'afflux de demandeurs d'asile en*

provenance de Serbie (Nicolas Schmit and Ivica Dačić have indicated their wish to see Luxembourg and Serbia continue with their cooperation "in a perfectly European spirit" to fight against the inflow of asylum seekers from Serbia), 05 May 2011, <http://www.europaforum.public.lu/fr/actualites/2011/05/schmit-serbie/index.html>.

- ²⁷² http://www.gouvernement.lu/salle_presse/actualite/2011/05-mai/05-schmit/index.html.
- ²⁷³ http://www.gouvernement.lu/salle_presse/actualite/2011/05-mai/17-asselborn/index.html. Also noteworthy are the 07 November 2011 working visit of the Ambassador of the Republic of Serbia, the 08 December 2011 interview with the Minister without Portfolio of the Government of Serbia, The Hon. Sulejman Ugljanin; the 22 December 2011 interview with the Foreign minister of Republic of Serbia, The Hon. Vuk Jeremic.
- ²⁷⁴ Commission for Foreign and European Affairs, Defence, Cooperation and Immigration, Minutes of the Meeting of 20 October 2011, Lower House.
- ²⁷⁵ Serbia and Macedonia: Both countries enjoy a liberalised visa regime and are EU accession candidates. An influx from other Western Balkan countries, such as Bosnia-Herzegovina was also observed in Luxembourg.
- ²⁷⁶ Aside from Luxembourg, the countries most affected by this migration are Germany, Belgium and Sweden. Consultations were established between these countries, in a similar manner to the many exchanges that occur with authorities of the countries of origin of these asylum seekers, including Serbia. JHA Council: a mechanism of European civil protection to face disasters and a safeguard clause in order to face asylum applications of Western Balkan nationals, 25 October 2012.
- ²⁷⁷ Response of the Minister of Labour, Employment and Integration to Parliamentary Question N° 1676 of 04 October 2011, 11 October 2011, www.chd.lu.
- ²⁷⁸ Response of the Minister of Labour, Employment and Integration to Parliamentary Question N° 1676 of 04 October 2011, 11 October 2011, www.chd.lu.
- ²⁷⁹ Law of 18 December 2015 on international protection and temporary protection.
- ²⁸⁰ Grand ducal regulation of 8 June 2012 establishing the conditions and terms to grant social aid to applicants for international protection, published in Memorial A-123 of 20 June 2012.
- ²⁸¹ Interview with the Directorate of Immigration, 11 June 2018.
- ²⁸² Interview with the Directorate of Immigration, 11 June 2018.
- ²⁸³ Interview with the Directorate of Immigration, 11 June 2018.
- ²⁸⁴ <http://www.gouvernement.lu/1816916/programme-gouvernemental-2009.pdf>.
- ²⁸⁵ Interview with the Directorate of Immigration, 11 June 2018.
- ²⁸⁶ Interview with the Directorate of Immigration, 11 June 2018.
- ²⁸⁷ Article 89 (1) of the amended law of 29 August 2008 as amended by law of 21 December 2012, published by [Memorial 296 of 31 December 2012](#). This amendment introduced with the transposition of the Sanctions Directive abrogates the possibility of the regularisation of irregular migrants who have worked in Luxembourg for at least 8 years, which was contrary to the spirit of the Directive. However, the section of this article regarding the regularisation of individuals who have been attending school in Luxembourg for at least 6 years was maintained. The conditions of article 89 was later amended by the Law of 18 December 2015 on international protection and temporary protection which soften the conditions for individuals who have their children in school.
- ²⁸⁸ See government amendment to bill n° and exposition of motives of bill no. 6779/01, Parliamentary Document 6779/01 of 9 June 2015. Law of 18 December 2015 on international protection and temporary protection, See memorial A-255 of 28 December 2015.
- ²⁸⁹ Article 111 (2) of the amended law of 29 August 2008 as amended by law of 26 June 2014.
- ²⁹⁰ Article 111 (2) of the amended law of 29 August 2008 as amended by law of 26 June 2014.
- ²⁹¹ Article 111 (2) of the amended law of 29 August 2008.

²⁹² For further details please see LU EMN NCP, Policy Report on Migration and Asylum 2012, pp.93-96,

<https://www.emnluxembourg.lu/sites/default/files/Policy%20report%20on%20migration%20and%20asylum%20WEB.pdf>

²⁹³ For a period of 9 successive months, that is no less than 9 of the 12 months of the year 2012. If the applicant has not yet worked for a period of no less than 9 months with his employer at the time of application, he can submit a permanent contract with the current employer and the 9-month period has to be complete by 28 February 2013.

²⁹⁴ Permanent contracts with wages equivalent to the minimum social salary for a weekly work period of 40 hours.

²⁹⁵ According to the Minister in charge of Migration and Asylum, this is irrespective of whether they are registered with the Social Security organisation or not. Europaforum.lu, La Chambre des députés transpose à l'unanimité une directive européenne qui sanctionne les employeurs de ressortissants de pays tiers en séjour irrégulier, 18 December 2013, <http://www.europaforum.public.lu/fr/actualites/2012/12/chd-directive-emploi-sit-irreguliere/index.html?highlight=directive%22sanctions>

²⁹⁶ Directorate of Immigration, Note de service, 21 December 2012.

²⁹⁷ Starting point: the date when the individual asylum application is permanently rejected.

²⁹⁸ For further details please see 1.4.

²⁹⁹ RTL, Nicolas Schmit: *Eemoleg Regularisatiouns-Mesure virgestallt*, 3 January 2013,

<http://news.rtl.lu/news/national/372323.html>

³⁰⁰ Parliamentary question N°2787 submitted on 24 June 2013, Chamber of Deputies,

http://www.chd.lu/wps/PA_Archive/FTSShowAttachment?mime=application%2fpdf&id=1209660&fn=1209660.pdf.

Response of the Minister of Immigration submitted on 18 July 2013, Chamber of Deputies,

http://www.chd.lu/wps/PA_Archive/FTSShowAttachment?mime=application%2fpdf&id=1209660&fn=1209660.pdf

³⁰¹ Distribution by economic sector: 1. Food, beverage and hotel industry 2. Private households 3. Crafts 4. Building sector;

Distribution by nationality: 1. Chinese 2. Brazilians 3. Montenegrins 4. Cape-Verdeans 5. Serbians;

Distribution by gender: 1. Men : 440 applications 2. Women : 223 applications

³⁰² Interview with the Directorate of Immigration, 11 June 2018.

³⁰³ Interview with the Directorate of Immigration, 11 June 2018.

³⁰⁴ For example: significant increase of residence permit applications, increased demand for work permits, more time-consuming border control procedure due to the lack of visas. etc.

³⁰⁵ Interview with the Directorate of Immigration, 11 June 2018.

³⁰⁶ Interview with the Directorate of Immigration, 11 June 2018.

³⁰⁷ For example, dealing with cases when persons enter the country legally but later become illegally employed, are staying in the country legally, but are working without a work permit or apply for asylum without reasonable grounds.

³⁰⁸ Interview with the Directorate of Immigration, 11 June 2018.

³⁰⁹ Article 100 (1) b) of the amended law of 29 August 2008 on free movement of persons and immigration.

³¹⁰ Article 100 (1) of the amended law of 29 August 2008.

³¹¹ Article 111 (2) of the amended law of 29 August 2008.

³¹² Article 133 (1) in accordance with article 134 of the Law of 29 August 2008.

³¹³ Article 112 (1) of the amended law of 29 August 2008.

³¹⁴ Only applicable to rejected international protection applicants and not to visa overstayers. Interview with the Directorate of Immigration, 11 June 2018.

³¹⁵ Interview with the Directorate of Immigration, 11 June 2018.

³¹⁶ Interview with the Directorate of Immigration, 11 June 2018.

³¹⁷ Information provided by the Return department of the Directorate of Immigration, 3 May 2018.

³¹⁸ Interview with the Directorate of Immigration, 11 June 2018.

³¹⁹ Interview with the Directorate of Immigration, 11 June 2018.

³²⁰ Interview with the Directorate of Immigration, 11 June 2018.

³²¹ For example, in terms of information campaigns in the third countries working on the elimination of 'push factors' – unemployment, poverty, poor conditions in the national health system, assistance to visa-free countries from Member States and reintegration assistance to returnees.

³²² Interview with the Directorate of Immigration, 11 June 2018.

³²³ Interview with the Directorate of Immigration, 11 June 2018.

³²⁴ For example, using the concept of safe country of origin.

³²⁵ For example, in relation to Ukraine or Georgia for which the visa waiver agreement entered into force in 2017.