

LUXEMBOURG

EMN COUNTRY FACTSHEET

2018

MAIN DEVELOPMENTS IN MIGRATION AND INTERNATIONAL PROTECTION, INCLUDING LATEST STATISTICS



LEGAL MIGRATION AND MOBILITY

PROMOTING LEGAL MIGRATION CHANNELS

Several new laws were introduced in 2018, one of them being the Law of 1 August 2018¹ modifying the Immigration Law and transposing the Students and Researchers Directive ((EU) 2016/801).² This law allowed students and researchers to stay in Luxembourg for nine months after the end of their studies/research for job-seeking purposes. New criteria for resources and housing for all migrants, including students and researchers, were introduced as well.

ECONOMIC MIGRATION

The Convention of the International Labour Organization concerning Indigenous and Tribal Peoples in Independent Countries that set standards against discrimination and that was applied especially for seasonal workers was adopted. The Law of 1 August 2018 updated the rules governing the reception of young au-pairs.

FAMILY REUNIFICATION

The Law of 1 August 2018 also made changes around housing for third-country national sponsors, by

¹ Law of 1 August 2018 modifying 1) the modified law of 29 August 2008 on the free movement of people and immigration, 2) the law of 18 February 2013 on the reception of young au pairs. Memorial A n°827 of 17 September 2018.

KEY POINTS



Following the legislative elections in October 2018, the new government spelled out its priorities and intentions for the next five years in a coalition agreement.



The Law of 1 August 2018, transposing the Students and Researchers Directive (EU) 2016/801, facilitated and simplified the procedures for intra-EU mobility of third-country national students and researchers and included incentive mechanisms to retain students and researchers.



The National Integration Plan 2018 set out priorities and measures to facilitate the reception and integration of applicants for international protection as well as the social, economic, cultural and political participation of non-Luxembourgish nationals.

establishing an obligation for sponsors to have financial means that were at least equal to the social minimum wage for non-qualified salaried workers and

² Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L 132, 21.5.2016, p. 21–57

to be able to maintain the resources in the year following the application. The law also facilitated the family reunification for researchers, with family members of the researcher receiving ‘family member’ authorisation of stay.



INTERNATIONAL PROTECTION INCLUDING ASYLUM

The bill n° 7258 introduced in 2018 proposed new standards for sanitation, safety, hygiene and habitability standards of reception centres. The bill was not adopted in 2018.

The administrative jurisdictions noted that in 2017/2018 and in the preceding years, there had been a marked increase in accelerated procedures, constituting one third of cases. The number of transfer decisions based on the Dublin III Regulation³ remained high in 2017/2018 as well. A modification of the existing legislation regarding appeals in the Dublin procedure was foreseen in the coalition agreement.



UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Luxembourg approved the Council of Europe’s Convention on preventing and combatting violence against women and domestic violence, thereby enshrining in law that female genital mutilation was a criminal offence, in addition to other provisions aimed at protecting vulnerable persons.⁴



INTEGRATION

The National Integration Plan 2018 provided an overall framework for the national integration policy. This strategic document focused on two fields of action, namely the reception and social follow-up of applicants for international protection and the integration of all non-Luxembourgish nationals residing in Luxembourg. These two domains were completed by three

³ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

⁴ Law of 20 July 2018 approving the Council of Europe Convention on preventing and combating violence against women and domestic violence; signed in Istanbul on 11 May 2011 and modifying 1) the

transversal domains: access to information and interaction, the quality of services as well as national and international cooperation and coordination. The fight against discrimination and the promotion of diversity and equal opportunities were an integral part of the multiannual integration plan.

Luxembourg maintained its efforts to strengthen the school integration of non-Luxembourgish children in school by diversifying Luxembourg’s school offer to adapt it to the increasingly heterogeneous population of Luxembourg with the Law of 13 July 2018 that established three new accredited European schools.

The law of 25 May 2018 created the offence of face concealment in certain public spaces to preserve the conditions of the living together’ (*“le vivre ensemble”*).

Legal changes were also made in the Anti-Discrimination Law of 7 November 2017 that transposed Directive 2014/54/EU,⁵ and in the Labour Code, which came into force on 1 January 2018 to enforce non-discrimination legislation. Nationality was added to a list of motives of prohibited discrimination.



CITIZENSHIP AND STATELESSNESS

The Law of 20 July 2018 amending the Law of 8 March 2017 on Luxembourgish nationality introduced a number of technical adaptations to the nationality law, such as the documents required for the application, more specifically the criminal record.

The impact of the new law on nationality became apparent in 2018, as the statistics showed that the number of people applying for citizenship had increased by 85 % compared to 2016. Most naturalisations were made by French, Belgian and Portuguese nationals.



BORDERS, SCHENGEN AND VISA

In order to improve border control specifically for flights coming from outside the Schengen Zone,

Penal Code; 2) the Code of Penal Procedure; 3) the amended law of 8 September 2003 on domestic violence; 4) the amended Law of 29 August 2008 on the free movement of people and immigration. Memorial A n°631 of 30 July 2018.

⁵ Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers Text with EEA relevance

automated border control gates (ABC-Gates) were installed at Luxembourg Airport in July 2018.

The bill n° 7238 amending the Law of 29 August 2008 on the free movement of people and immigration was introduced in Parliament on 29 January 2018, with the aim to make changes concerning return and irregular migration. Proposed changes on returns included:

- the introduction of systematic verification in cases where detention of returnees was to be prolonged;
- the possibility for Police to enter the place of residence of the returnee with the authorisation of the District Court;
- to confirm the nationality and identity of the person to be removed, they could be presented to the responsible Embassy, Consulate or to a hearing delegation, while digital fingerprints and photos can also be taken.

The bill was not adopted in 2018.



IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Three different laws were adopted in 2018 ratifying agreements between the EU and its Member States and Australia, New Zealand and Cuba respectively. These included provisions on migration, asylum and trafficking in human beings. Cooperation in preventing irregular migration was also foreseen in the agreements.



TRAFFICKING IN HUMAN BEINGS

The Law of 28 February 2018⁶ strengthened the fight against prostitution, procuring and trafficking in human beings for the purpose of sexual exploitation. The new law penalised clients of prostitutes that showed to be minor, a particularly vulnerable person or a victim of sexual exploitation, procuring and human trafficking for the purpose of sexual exploitation. The law stated that THB victims were not criminally liable for solicitation. The law also criminalised any related act to trafficking in human beings.

A housing structure for male victims of trafficking was established by Caritas and the Ministry of Equal

⁶ Law of 28 February 2018 strengthening the fight against prostitution, procuring and trafficking in human beings for the

opportunities. Furthermore, trainings on “Approaches and accompaniment of victims of trafficking” were offered to public officials and social workers of NGOs.



RETURN AND READMISSION

Following the 2016 expert evaluation of the application of the Schengen acquis in the area of return and the management of external borders, the bill n°7238 proposed several changes related to returns, such as the best interest of the child being evaluated by a multidisciplinary team, in the context of taking a decision regarding the return of an unaccompanied minor. Other proposed changes included further verifications in cases where detention was to be extended due to a delayed return operation.

The bill was not adopted in 2018.

STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Luxembourg on aspects of migration and international protection (2015-2018), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as “N/A”.

purpose of sexual exploitation and modifying: 1) the Code of Penal Procedure, 2) the Penal Code. Memorial A n°170 of 9 March 2018.

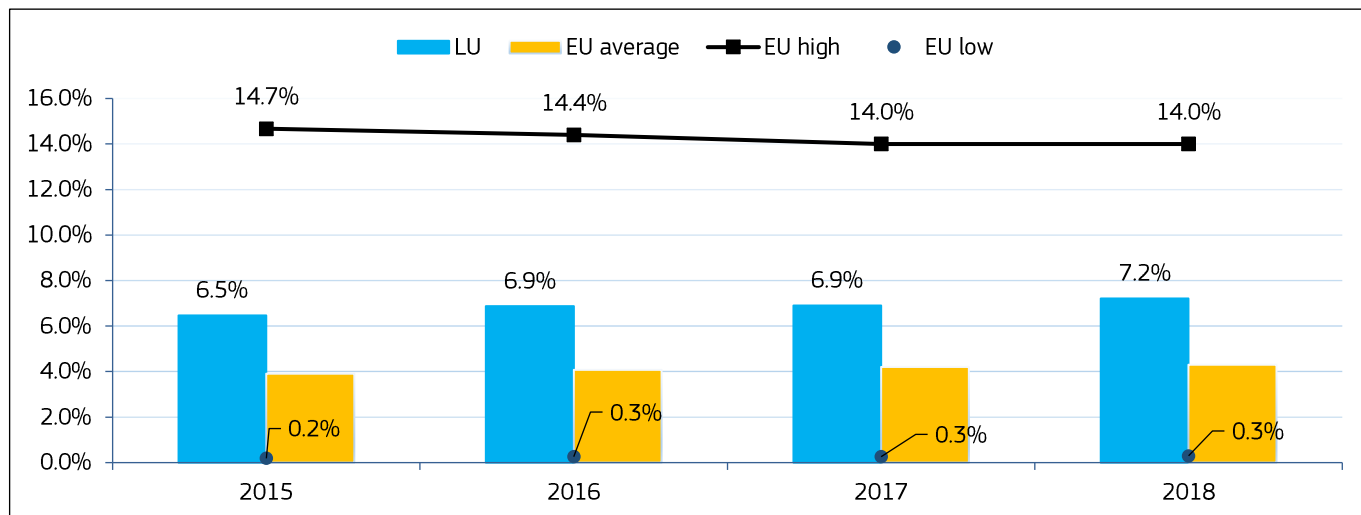
STATISTICAL ANNEX: MIGRATION AND ASYLUM IN LUXEMBOURG (2015-2018)



LEGAL MIGRATION AND MOBILITY

Eurostat data on first residence permits for 2018 was not available at the time of writing. Please consult the 2018 ARM Statistical Annex for statistics on the number of first residence permits by reason (to be published in July 2019).

Figure 1: Resident population of third-country nationals as a share of total population in Luxembourg, EU average, EU high and low (2015-2018)

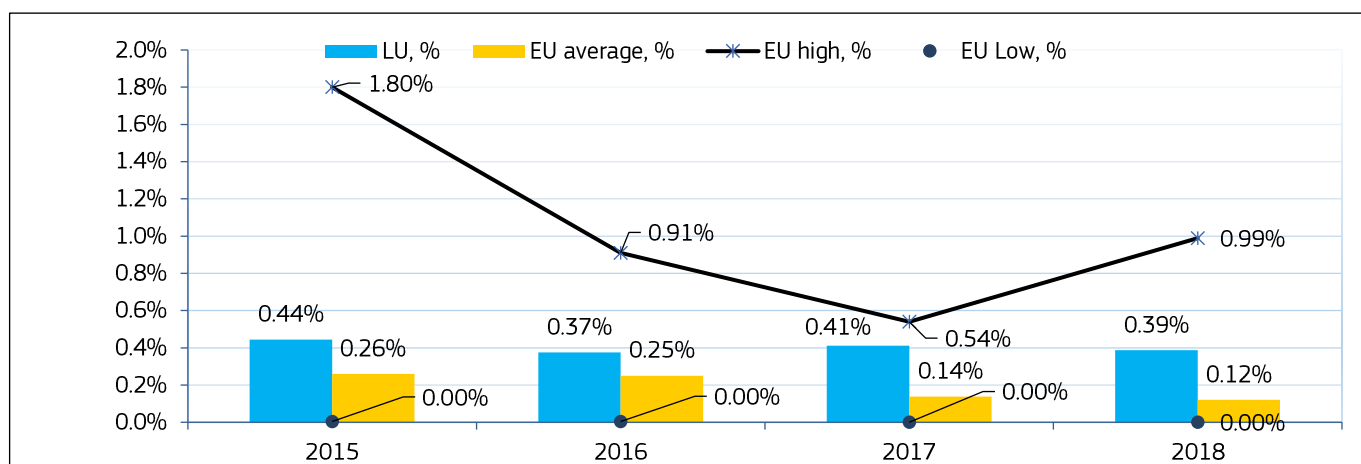


Source: Eurostat migration statistics ([migr_pop1ctz](#)), data extracted 02.05.19



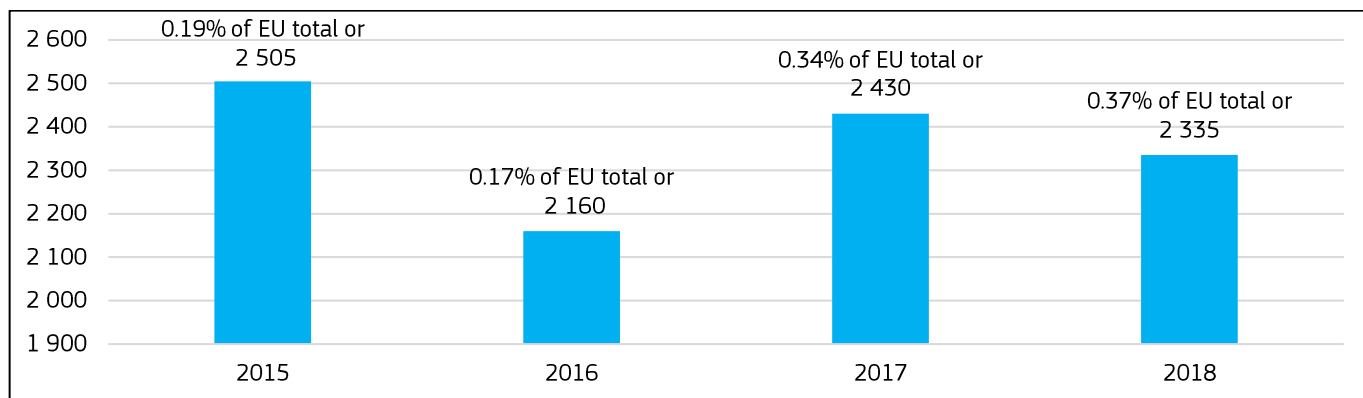
INTERNATIONAL PROTECTION INCLUDING ASYLUM

Figure 2: Asylum applications as a share of the total population in Luxembourg, EU average and EU high and low (2015-2018)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.19

Figure 3: Number of asylum applications and as a share of the total number of applications in the EU (2015-2018)



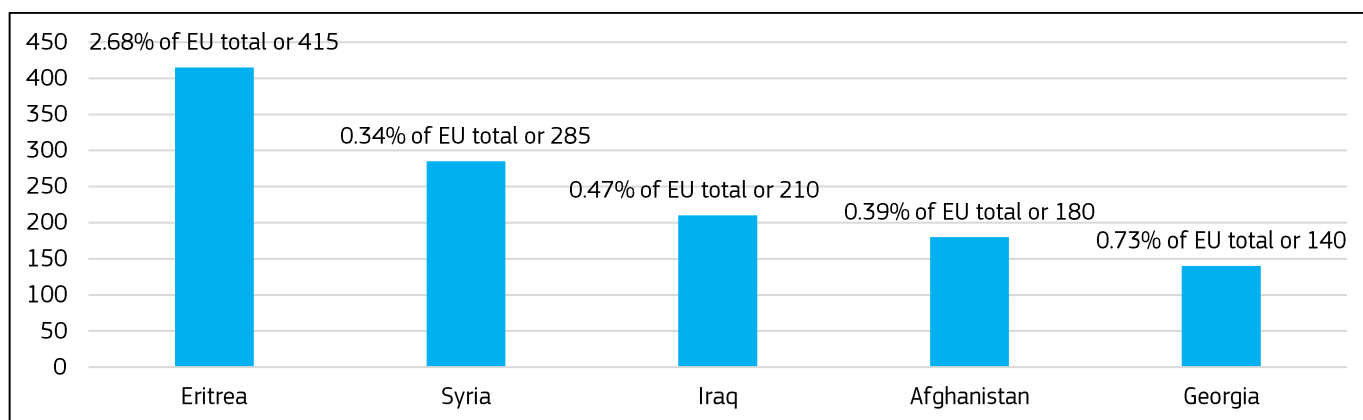
Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.19

Table 1: Asylum applications: Top five third-country nationalities (2015-2018)

2015			2016			2017			2018		
Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total
Syria	635	25%	Syria	335	16%	Syria	405	17%	Eritrea	415	18%
Iraq	545	22%	Albania	235	11%	Eritrea	235	10%	Syria	285	12%
Kosovo	235	9%	Kosovo	220	10%	Morocco	205	8%	Iraq	210	9%
Afghanistan	220	9%	Iraq	180	8%	Serbia	190	8%	Afghanistan	180	8%
Albania	155	6%	Serbia	155	7%	Algeria	170	7%	Georgia	140	6%

Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 29.04.19

Figure 4: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2018)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.19

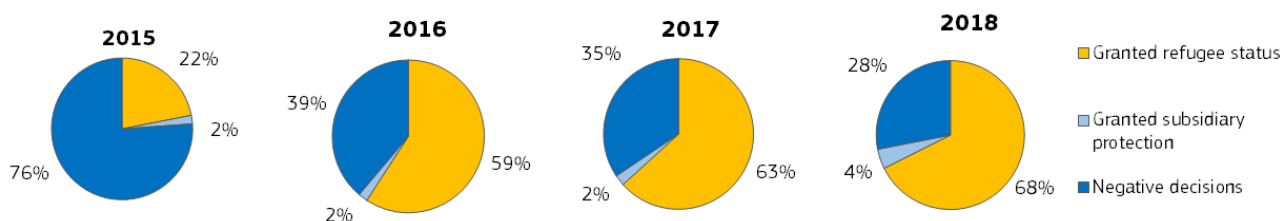
Note: the figure reads as: Luxembourg received 415 asylum applications from Eritrea or 2.68 % of all asylum applications launched by Eritrea in EU in 2018.

Table 2: Asylum applications - First instance decisions by outcome (2015-2018)

	Total decisions	Positive decisions	Of which:		Humanitarian reasons	Negative decisions
			Refugee status	Subsidiary protection		
2015	775	185	170	15	:	590
2016	1 255	765	740	25	:	485
2017	1 715	1 125	1 085	40	:	590
2018	1 390	1 000	940	60	:	390

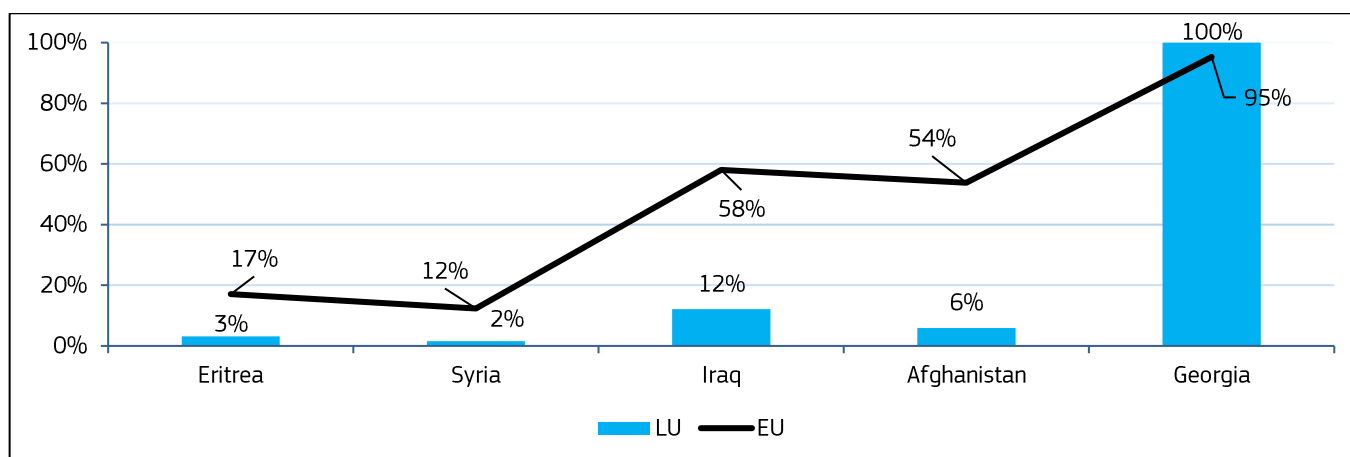
Source: Eurostat migration statistics ([migr_asycdfsta](#)), data extracted 29.04.19

Figure 5: Asylum applications - First instance decisions by outcome (2015-2018)



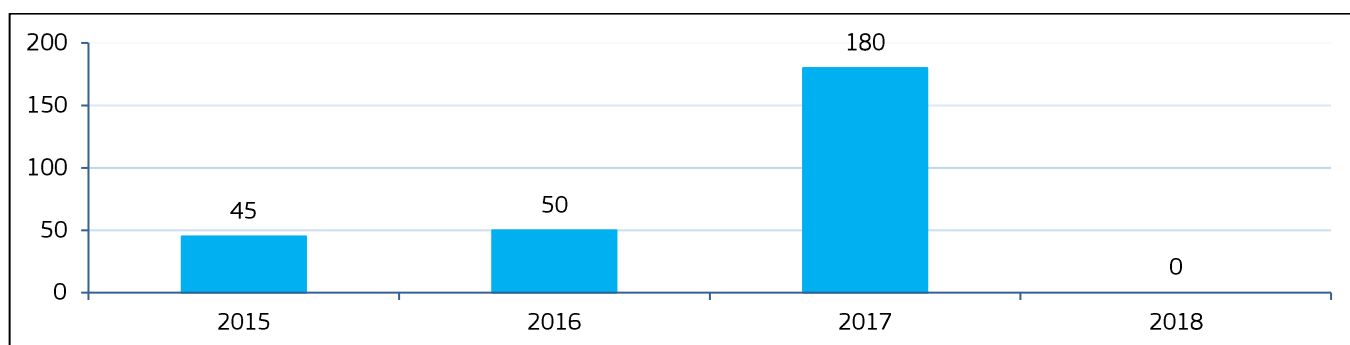
Source: Eurostat migration statistics ([migr_asycdfsta](#)), data extracted 30.04.19

Figure 6: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2018)



Source: Eurostat migration statistics ([migr_asycdfsta](#)), data extracted 30.04.19

Figure 7: Third-country nationals resettled (2015-2018)

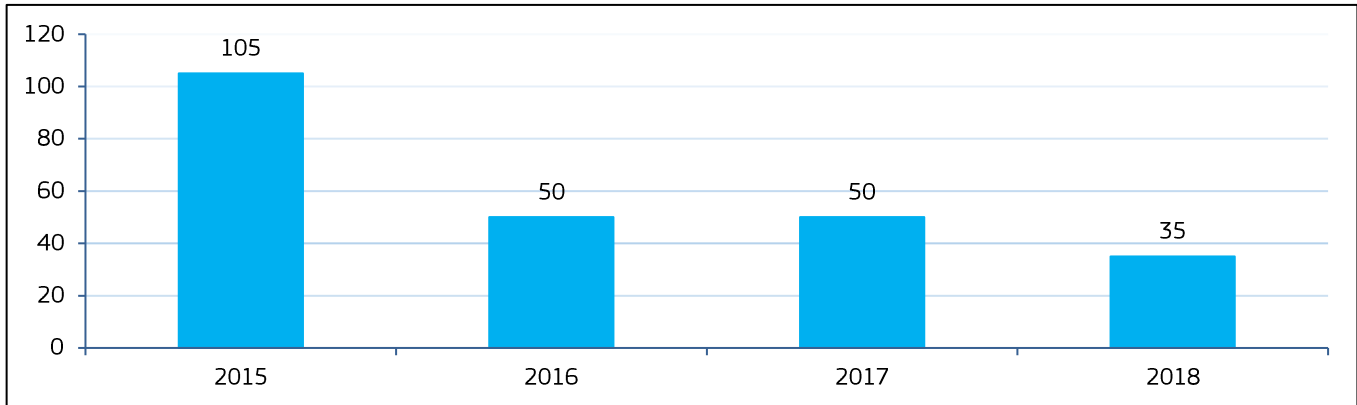


Source: Eurostat migration statistics ([migr_asyresa](#)), data extracted 02.05.19



UNACCOMPANIED MINORS

Figure 8: Unaccompanied minors applying for asylum (2015-2018)



Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr_asylum](#)), data extracted 02.05.19



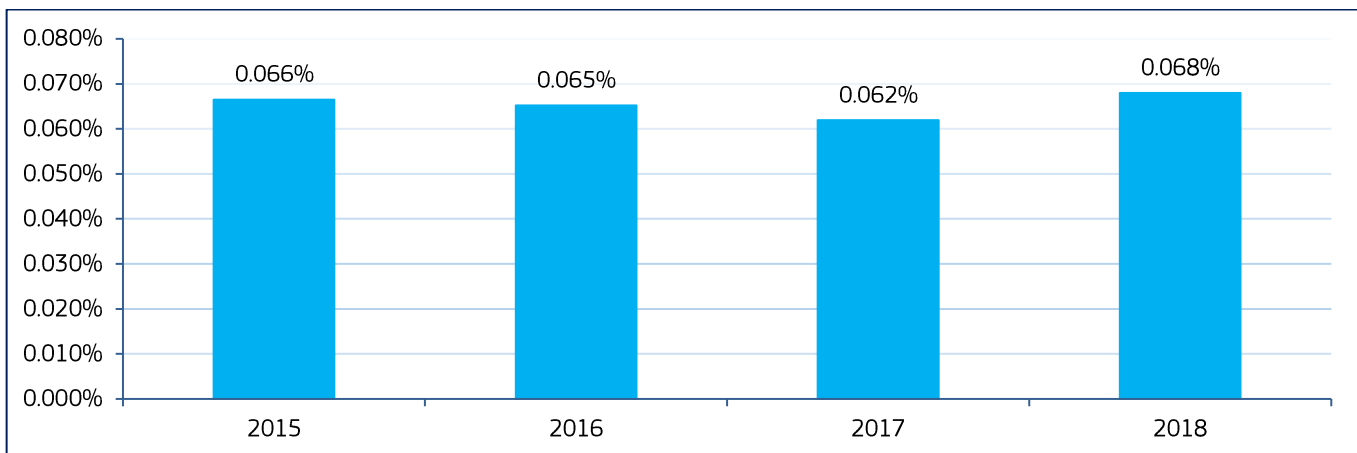
BORDERS, SCHENGEN AND VISA

Table 3: Number of Schengen visas applications (2015-2018)

	2015	2016	2017	2018
Uniform visas (short-stay visas)	10 267	9 902	10 004	10 876

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

Figure 9: Uniform visa applications received in Luxembourg as a share of the total number of uniform visa applications in all Schengen states consulates (2015-2018)



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

Table 4: Top five countries in which the highest number of visa applications for Luxembourg was lodged (2015-2018)

2015		2016		2017		2018	
Country	Number	Country	Number	Country	Number	Country	Number
Russian Federation	4 006	Russian Federation	3 525	Russian Federation	3 025	Russian Federation	2 856
China	2 251	China	2 518	China	1 977	India	2 283
India	1 373	India	1 580	India	1 738	China	2 241
Turkey	1 371	Turkey	1 456	Turkey	1 557	Turkey	1 438
United Kingdom	457	United Kingdom	546	United Kingdom	544	United Kingdom	528

Source: DG Migration and Home Affairs



IRREGULAR MIGRATION

Table 5: Number of third-country nationals refused entry at external borders, found to be illegally present, ordered to leave and returned following an order to leave (2015-2018)

Third-country nationals:	2015	2016	2017	2018
Refused entry at external borders	5	10	5	5
Found to be illegally present	190	140	300	320
Ordered to leave	700	655	915	850
Returned following an order to leave	720	410	445	285

Source: Eurostat migration statistics ([migr_eirfs](#))([migr_eipre](#))([migr_eiord](#))([migr_eirtn](#)) data extracted 03.05.19



RETURN

Table 6: Third-country nationals returned (2015-2018)

Year	Returned as part of forced return measure	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2015	176	617	142
2016	113	456	234
2017	165	358	144
2018	79	272	213

Source: EMN Luxembourg