

2018 ANNUAL REPORT ON MIGRATION AND ASYLUM

SUMMARY

This report summarises the main debates and major developments concerning migration and asylum in Luxembourg in 2018.

2018 was marked by the parliamentary elections in October 2018, which led to the renewal of the former Government coalition. The coalition agreement provides for a number of changes related to migration policies in Luxembourg.

Luxembourg remains a country with significant immigration. The population growth is largely a result of migratory movements. Family and economic migration remains at a high level. The inflow of certain nationalities is stagnating or decreasing, while others are progressing. This is above all the result of two phenomena: firstly, a slowdown of overall migratory flows to the country and, secondly, high rates of naturalisation. The number of residence permits issued for economic reasons increased by more than 23% year-on-year compared to 2017, continuing the clear upward trend observed in recent years. This overall increase is due in particular to the larger numbers of residence permits issued to the "salaried worker", "European Blue Card" and "intra-corporate transferee" categories.

The Law of 1st August 2018 introduced significant changes in the admission policy for international students and researchers in Luxembourg. This law transposes Directive 2016/801/EU, which allows students and researchers to stay for nine months after successfully completing their master's or doctoral studies in order to find a job or start a business.

The Government elected in the parliamentary elections of October 2018 intends to organise legal immigration taking into account the needs of the economy.

The 2018 political agenda also saw a large debate regarding Luxembourg signing the Global Compact for Safe, Orderly and Regular Migration (GCM). This debate, both in Luxembourg and internationally, gave rise to suspicious and negative reactions, particularly in nationalist circles in some European countries. However, there was broad support for the GCM in Luxembourg with most of the political class (6 of the 7 political parties represented in the Chamber of Deputies) defending the GCM alongside the Government.

The number of people seeking international protection remained high but relatively stable in 2018 compared to the previous two years. The refugee recognition rate has continued to increase. Many beneficiaries of international protection (BIPs) remain in applicants for international protection (AIP) homes as they have difficulty finding housing in the private market or social housing. This in turn increases the pressure on accommodation facilities and it is one of the priorities of the national authorities, as reflected by the coalition agreement.

Reception and accommodation conditions for AIPs and BIPs have sparked a number of debates and reflections within civil society. They were discussed in most political party manifestos for the 2018 parliamentary elections. It should be noted that the new multiannual National Action Plan on Integration (Integration NAP) has these as central themes, the reception and management of AIPs is one of the two main areas of action.

A major institutional development is the extension, following the 2018 legislative elections, of the powers of the Ministry of Foreign and European Affairs to include the "Reception of applicants for international protection" portfolio. Previously this belonged to the Ministry for Family and Integration.

Finally, at the European level the new Government confirmed its commitment to the Common European Asylum System, which emphasises European solidarity.

Unaccompanied minors were another area of concern in 2018. A Bill was published, which aims to establish a multidisciplinary team to assess the best interests of the child in the context of a return procedure. In addition, there was a widely publicised debate around the practice of age assessment.

The new Government has indicated that it intends to focus on unaccompanied minor AIPs, particularly in terms of improving care for these young people.

In the area of integration, the Integration NAP was drafted. This document is the result of a wide consultation process with the different stakeholders involved in the reception and integration of non-Luxembourg nationals. The Integration NAP provides a general, strategic and sustainable framework to firstly develop programmes and tools to promote the integration of all non-Luxembourgers residents in the country, and secondly, to promote social cohesion between Luxembourgers and non-Luxembourgers.

The Law of 8 March 2017 on Luxembourg nationality has had consequences for the number of individuals gaining citizenship. The impact of this law explains the stagnation, or even slight decline in the foreign population in Luxembourg and, in particular, of certain specific nationalities, as well as the increased electorate in the Grand Duchy of Luxembourg since the law was introduced.

Two advisory bodies representing the interests of foreign residents in Luxembourg are in operation: at the national level, the National Council for Foreigners (CNE), and, at the municipal level, Advisory Committees on Integration (CCCI) were renewed following the 2017 municipal elections.

The new Government has stated that it intends to further increase the powers of these two bodies. Moreover, it intends to decentralise its Welcome and Integration Contracts (CAI), and to support the municipalities in their local integration work.

The education system continues to face major challenges resulting from the heterogeneity of the school population. The second National Report on Education noted inequalities in the educational system caused by social origin and the migratory context of pupils. In order to cope with this situation, the authorities have focused on several measures such as expansion of the number of international and European schools; the development of specific classes for young migrants; the establishment of a mediator service for support, inclusion and school integration; and the introduction of the plurilingual education programme at nursery level.

Knowledge of Luxembourgish as an integration factor was another concern throughout the year. The Law of 20 July 2018 presents a number of measures to promote the Luxembourgish language. The objectives of the Luxembourgish language policy, which aim to reinforce the importance of Luxembourgish, are to support the use and study of Luxembourgish, encourage the learning of the Luxembourgish language and culture, and promote culture in the Luxembourgish language. Several bodies have been set up to implement this action plan. The language question was ubiquitous during the election campaign. Most political parties emphasised the importance of the Luxembourgish language as an integration factor in their manifestos, while highlighting the advantage of multilingualism.

Finally, there are some changes to note in the return policy of Luxembourg. There were two proposals to amend the Immigration Law: one, which authorises the police to enter residential premises to enforce removal orders in the case of forced return; and a second one, which provides for systematic oversight by the courts of prolonged detention beyond the 4-month period. The new Government has stated that it is committed to improving the current detention system through the creation of a specific detention structure for women, families and vulnerable persons.

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PREFACE

The opinions and interpretations expressed in this report are solely those of the authors. They do not necessarily reflect the positions of the Ministry of Family, Integration and the Greater Region, or the Ministry of Foreign and European Affairs.

This report was written by Nicolas Coda, Sarah Jacobs, Ralph Petry, Adolfo Sommaribas and Zane Rozenberga, members of the Luxembourg National Contact Point within the European Migration Network (EMN Luxembourg) under the responsibility of Coordinator and Assistant Professor Birte Nienaber, University of Luxembourg. With the continued support of Sylvain Besch, Centre for Intercultural and Social Studies and Training (CEFIS); Marc Hayot, Luxembourg Office of Reception and Integration, Ministry of Family, Integration and the Greater Region; Christiane Martin, Directorate of Immigration, Ministry of Foreign and European Affairs and François Peltier, National Institute of Statistics and Economic Studies of the Grand Duchy of Luxembourg (STATEC).

METHODOLOGY

In order to determine the importance of events or debates to include in this report, the following criteria were taken into account:

- The impact of the debate on the political discussions accompanying the legislative process;
- The number and type of stakeholders (non-governmental organisations, trade unions, political parties, deputies, parliamentary groups, media, government members, etc.) who are engaged or involved in the debate;
- Media coverage.

The main sources of information used are:

- Information provided by governmental and non-governmental experts at the national level;
- Information provided by non-governmental organisations active in the field of migration and asylum;
- Monitoring of parliamentary debates and questions;
- Consultation of all press articles published in the main daily and weekly Luxembourg newspapers;
- Consultation of relevant websites (ministries, non-governmental organisations, etc.);
- Consultation of reference documents (studies, activity reports for various stakeholders, etc.);
- Consultation of the positions taken by non-governmental organisations;
- Consultation of the database on administrative case law concerning immigration and international protection, established by the Luxembourg National Contact Point within the European Migration Network.¹

TERMINOLOGY AND DEFINITIONS

Concerning terminology, the report refers to the terms used in European Migration Network Asylum and Migration Glossary 6.0.²

The term 'foreigner' is defined in Article 3(a) of the amended law of 29 August 2008 on the free movement of persons and immigration, which states that a foreigner means "any person who does not possess Luxembourg nationality, either because they exclusively have another nationality or they have no other nationality".³

1. DEMOGRAPHIC CHANGES

As at 1 January 2019, Luxembourg had 613,894 inhabitants. This means that, from 1 January 2018, the population of Luxembourg increased by 11,889 people.⁴

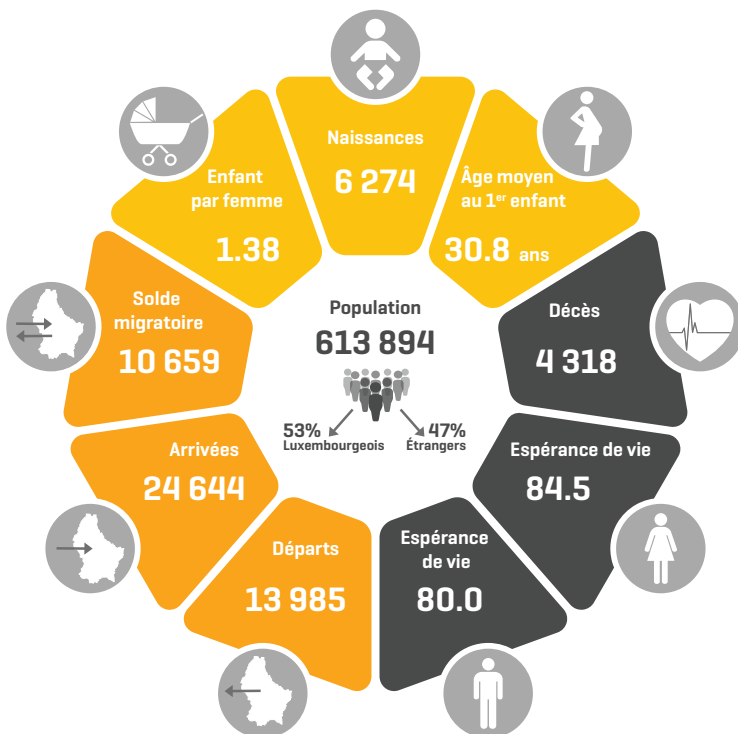
Of the 613,894 inhabitants, 52.5% are Luxembourgers and 47.5% are foreigners, compared to 47.9% in 2017.

This slight decrease in the proportion of foreigners in the country as at 1 January 2019 (-0.4% compared to 2018) can be attributed to the increase in naturalisations in 2018 (6,950 residents) and the various effects of the Law on Nationality (foreign minors becoming Luxembourgers following the naturalisation of at least one of their parents, first-generation right of birthplace, etc.).

There was a positive net inward migration for foreign nationals during 2018 (+11,707). 60.4% of this figure is attributable to EU citizens and 39.6% to third-country nationals. There was a negative net outward migration for Luxembourgers during the same time (-1,048).

Of the largest national groups resident in Luxembourg, the top ten come from EU Member States. Chinese nationals are now the largest group of third-country nationals (11th position) ahead of Montenegrins (12th), Cape Verdeans (14th) and Indians (15th).

Figure 1: The Luxembourg population as at 1 January 2019



Source: Statec, 2019

Table 1: Twenty largest nationalities residing in Luxembourg as at 1 January 2019

Nationality	Number as at 1st January 2019	% of the total population
Portugal	95,516	15.5
France	46,938	7.6
Italy	22,465	3.6
Belgium	19,953	3.2
Germany	13,015	2.1
Spain	6,801	1.1
United Kingdom	5,766	0.9
Romania	5,209	0.8
Poland	4,708	0.7
Netherlands	4,207	0.6
China	3,714	0.6
Montenegro	3,589	0.5
Greece	3,442	0.5
Cape Verde	2,621	0.4
India	2,331	0.3
Brazil	2,205	0.3
United States of America	2,180	0.3
Serbia	2,031	0.3
Syria	1,933	0.3
Ireland	1,909	0.3

Source: Statec, Government IT Centre, 2019

2. LEGAL MIGRATION AND MOBILITY

During 2018, the Directorate of Immigration of the Ministry of Foreign Affairs issued a total of 13,688 residence permits, including 6,174 first residence permits, 539 residence permits for long-term residents and 6,975 renewed residence permits.⁵ This is compared to 14,063 residence permits (including 5,759 first residence permits and 7,563 renewed residence permits)⁶ issued during 2017, representing a decrease of 2.7%. However, the number of first residence permits issued increased by 7.2% year-on-year compared to 2017.

Table 2: First residence permits issued in 2017 and 2018 broken down by category of residence permit

Category	2017	2018	Variation (%)
European Blue Card	494	511	3.4
Researcher	61	63	3.3
Pupil	175	184	5.1
Student	375	348	-7.2
Investor	0	4	
Au pair	90	111	23.3
Family member	1595	1848	15.9
Community Service Provider	1		-100.0
Sportsperson or trainer	45	46	2.2
Trainee	32	33	3.1
Posted worker	22	36	63.6
Intra-corporate transfer - expert/executive	90	235	161.1
Intra-corporate transfer - employee-trainee	2	13	550.0
Intra-corporate transfer - mobile expert/executive	2		-100.0
Intra-corporate transfer - mobile employee-trainee			
Worker for a community service provider		3	
Self-employed	36	39	8.3
Salaried worker	955	1219	27.6
Transfer worker	85		-100.0
Private reasons - 67 (4) (job search or business creation)		1	
Private reasons – 78 (1) a (sufficient resources)	69	88	27.5
Private reasons – 78 (1) b (autonomous)	5	9	80.0
Private reasons – 78 (1) c (family or personal relationships)	216	146	-32.4
Private reasons – 78 (3) humanitarian reasons	24	21	-12.5
Private reasons – 95 (victims of trafficking)	2	6	200.0
Private reasons – 131 (medical reasons)	1	1	
Private reasons - other	65	21	-67.7

Volunteer	1	2	100.0
International protection - refugee status	1286	1083	-15.8
International protection - subsidiary protection	30	103	243.3
Total	5759	6174	7.2

Source: Directorate of Immigration 2017, 2018 © LU EMN NCP 2019

The "family member" residence permit was issued most frequently, representing 29.9%⁷ of the total number of first residence permits issued. Next are the "salaried worker" permits which represent 19.7%,⁸ followed by international protection permits which represent 19.2%.⁹ These three groups represent 68.8% of the total number of residence permits issued. The remaining categories of residence permits together add up to 31.2% of the total residence permits issued in 2018.

The number of work permits issued to third-country nationals residing in another EU Member State (first issue) has increased from 110 in 2017 to 158 in 2018¹⁰, representing an increase of 43.6% compared to 2017 and 66.3% compared to 2016 (95 issues).

Table 3: Documents issued in relation to free movement of persons, broken down by type of document (2017 - 2018)

	2017	2018	Variation %
Registration certificates	15,840	17,099	7.9%
Permanent residence certificates	11,521	6,804	- 40.9%
Residence card, family member of a citizen of the EU	1,477	1,586	7.3%
Permanent residence card, family member of a citizen of the EU	891	1,287	44.4%

Source: Directorate of Immigration, Year in Review 2018 on Asylum, Immigration and Reception

In 2018, the Directorate of Immigration processed a total of 17,099 registration certificates for citizens of the European Union (including nationals of assimilated countries¹¹) compared to 15,840 registration certificates in 2017 and 6,804 permanent residents' certificates compared to 11,521 in 2017.¹² Thus, the number of overall registration certificates increased by 7.9%, confirming an upward trend observed in recent years. At the same time the number of permanent residence certificates fell by 40.9% compared to 2017. This decrease of almost 41% can be explained by the naturalisation of EU citizens residing in Luxembourg (See Section 5.10.2.1).

The number of permanent residence cards issued for family members of a citizen of the EU increased sharply by 44.4% from 891 cards issued in 2017 to 1,287 cards issued in 2018.

The main countries of origin of the holders of the registration certificates were, as in previous years, France (4,112), Portugal (3,755), Italy (1,949) and Belgium (1,224)¹³. These four groups represent 64.6% of the total registration certificates issued during 2018

During the same period, the Directorate of Immigration issued 1,586 first residence permits to third-country nationals, family members of EU citizens and assimilated countries. The main countries of origin of this group were Brazil (192), Cape Verde (110) and the United States (90).

2.1 Admission policies for specific categories of third-country nationals

Some legislative changes introduced during 2018 have had an impact on the residence permits of students, researchers and salaried workers.

The Law of 1 August 2018 amending (1) the amended law of 29 August 2008 on the Free Movement of Persons and Immigration and (2) the law of 18 February 2013 on the Reception of Au Pairs (hereinafter the law of 1 August 2018).

This law transposes Directive 2016/801/EU into national law.¹⁴ The Directive aims to move the European Union forward in the global race for talent and to promote Europe as a global centre of excellence for education and training, while promoting interpersonal contact and mobility as important elements of European Union external policy.¹⁵

Thus, students and researchers are now allowed to stay on Luxembourg territory for a period of nine months after successfully completing their master's or doctoral studies, with a view to finding a job or starting a business¹⁶ (see section 2.5).

Following this legislative amendment, the Grand Ducal Regulation of 1 August 2018¹⁷ specified the necessary resource criteria needed to be eligible for a "private life" residence permit to look for a job or start a business.¹⁸

Lastly, the Grand Ducal Regulation of 18 July 2018 amended the Grand Ducal Regulation laying down the conditions and procedures for the issuance of a salaried worker residence permit, simplifying the procedure for obtaining the said residence authorisation.¹⁹ The abolition of certain formalities has made it possible to significantly reduce the administrative burden on the applicant.²⁰

The following sections will provide details on laws or bills that have introduced or propose to introduce legislative changes regarding admission policies.

2.1.1 Salaried workers

The "salaried worker" category was the most frequently issued permit in 2018 for economic migration. With 1,219 first permits issued this category recorded an increase of 27.6% compared to 2017 (955). The top three countries of origin are India (128), China (126) and the Republic of Mauritius (79), which together account for 27.3% of the total number of "salaried worker" residence permits issued.

The Law of 1 August 2018 offers the possibility for students and researchers from third countries to receive a residence permit while searching for a job under certain conditions. A private life residence permit to look for a job or start a business is issued for a maximum of 9 months. This residence permit is non-renewable.

The Grand Ducal Regulation of 1st August 2018 introduced new provisions concerning the necessary resource criteria to benefit from this residence permit. The applicants must prove that they have monthly resources corresponding to at least 80% of the amount of the social inclusion income in Luxembourg.²¹

In the event that the third-country national finds a job, a residence permit for a salaried worker is issued.²²

2.1.2 Highly skilled workers

In 2018, the Directorate of Immigration granted 511 European Blue Cards. This figure shows a tendency for this category of residence permit to stagnate compared to 2017 (an increase of only 3.4% between 2017 and 2018). However, the increase observed since 2017 (increase of 47.5% between 2016 and 2017) is the result of the legislative and regulatory changes introduced in 2017, by extending the validity of the "Blue Card" residence permit from two to four years and by simplifying the administrative formalities.²³ The main countries of origin for those issued with Blue Cards was India (136), the United States (64) and China (58), which together represented 50.5% of the total residence permits in this category.

2.1.3 Intra-corporate transferees

The legislative changes²⁴ from the transposition of the ICT Directive²⁵ resulted in an increase of the number of "intra-corporate transferees" residence permits issued for experts and executives. The Directorate of Immigration granted 235 permits in 2018. This signifies an increase of 161% compared to 2017 (only 90 permits).²⁶ The main countries of origin are India (125), China (47) and the United States (34). These three nationalities represent 87.7% of all permits issued.

The "intra-corporate transferee" residence permit for a trainee employee was issued to 13 people, compared with 2 in 2017. The main countries of origin were China (6), Malaysia (6) and Mexico (1).

2.1.4 Sportspersons and trainers

With 46 first permits issued in 2018, the "sportsperson or trainer" category is relatively stable compared to the figures recorded during the previous year (45 first permits issued in 2017). The main countries of origin for permits issued under this category were the United States (32), Serbia (3) and Brazil (2).

2.1.5 Self-employed

The number of first residence permits issued in the "self-employed" category rose slightly from 36 permits in 2017 to 39 in 2018 (an increase of 8.3%). The main countries of origin were India (7), China (6) and Tunisia (4).

In accordance with the Law of 1 August 2018, students and researchers are now allowed to stay in Luxembourg after completing their studies or research for a maximum of nine months to start a business.²⁷

2.1.6 Investors

In 2018, the "investor" residence permit was issued 4 times. This contrasts with 2017 when no permits were issued.²⁸ To date, all recipients of this permit are of Chinese nationality. This new residence permit was created by the Law of 8 March 2017 to support the diversification of the Luxembourg economy, incentivise entrepreneurship and attract investors.²⁹

2.1.7 Seasonal workers

During 2018, the Directorate of Immigration issued no "seasonal worker" residence permits, which were introduced in 2017 in the Immigration Law.³⁰

In 2018, Luxembourg approved the International Labour Organisation's Indigenous and Tribal Peoples Convention No. 169, which seeks to eradicate discriminatory practices against indigenous peoples and tribal peoples. Non-discrimination standards must also be applied to seasonal workers or those working in agriculture or employed by suppliers of labour in the agricultural sector.³¹

2.1.8 Au pairs

In 2018, 111 "Au pair" residence permits were issued. This represents an increase of 23.3% compared to 2017. The main countries of origin of permits issued were the Philippines (33), Cameroon (8) and Colombia (6), which together accounted for 42.3% of all permits issued in 2018.

The Law of 1 August 2018 amended the Law of 28 February 2013 on the Hosting of Au Pairs.³² The legislator has introduced an additional condition to be fulfilled by au pairs, namely that an au pair must have no family ties up to the fourth degree inclusive with the members of the host family³³ in order to avoid any potential for abuse.³⁴ In addition, the law reduced the working time spent by au pairs on family chores from 30 hours to 25 hours on average over a period of one month. Finally, the host family must now transfer a fixed amount to the au pair per month corresponding to one fifth of the minimum social wage (no longer one quarter of the minimum social wage), as pocket money, irrespective of periods of inactivity. This law came into force on 21 September 2018.³⁵

Due to the steady increase in the number of applications for approval since the implementation of the scheme in 2013, as well as the increasing number of cases where the National Youth Service (SNJ) has had to intervene as a mediator, the procedures have been adapted to avoid conflicts between host

families and au pairs and to prevent any kind of abuse.³⁶ Au pairs must attend a mandatory information session upon arrival. In 2018, the SNJ organised 21 information sessions attended by more than 200 au pairs. The bilingual website www.accueil-aupair.lu, which informs families and young people about the arrangements for au pairing in Luxembourg, has been adapted to reflect these new procedures.³⁷

2.1.9 Working holiday visas

On 21 August 2018, a "working holiday visa" agreement was signed between Taiwan and Luxembourg. This agreement allows 40 Luxembourgers and Taiwanese nationals between the ages of 18 and 30 to work, study and travel in the other country for a period of 12 months. People wishing to benefit from this agreement must have sufficient financial resources to meet their daily living expenses. This programme aims to promote international youth exchanges and deepen cultural and linguistic exchanges.³⁸

To date, Luxembourg has entered into agreements for working holiday visas with Australia and New Zealand. Over the last two years, 14 working holiday visas were granted to young Luxembourg citizens to travel to Australia and 50 to New Zealand.³⁹

Other agreements have also been negotiated with Chile and Canada and will be operational in 2019.⁴⁰ The SNJ is responsible for promoting these agreements as well as managing the dedicated website (www.workandtravel.lu).

2.1.10 Other legislative developments in the area of economic migration

Presented to the Chamber of Deputies on 29 January 2018, the main objective of Bill No. 7238 amending the Immigration Law is to take into account expert commentary in the context of the 2016 Schengen evaluation, both regarding returns and external border management. However, the text also provides for a number of adaptations to the Immigration Law on returns, sanctions and the creation of a long-stay visa.

While the Bill initially provided for the inclusion of foreign media representatives accredited in Luxembourg in the list of persons exempted from a work permit for a stay of less than 3 months,⁴¹ this provision was removed by the Commission on Foreign and European Affairs, Cooperation, Immigration and Asylum⁴² following formal opposition by the Council of State. The latter criticised the vagueness of the notion of "accredited media representatives" and referred to the source of legal uncertainty that could result from this.⁴³

The Bill also proposes to introduce a type D long-stay visa, which will allow a third-country national to enter and stay in Luxembourg for more than three months, but not more than one year, and will be equivalent to a residence permit for the duration of the visa. This will be a national visa for a stay of more than three months as provided for in the context of "working holiday visas" issued in cases of a bilateral agreement between Luxembourg and certain third countries.

The Council of State, referring to Article 18 of the Convention implementing the Schengen Agreement⁴⁴ which defines long-stay visas as national visas issued for a stay of more than three months by one of the contracting parties according to its own legislation, considered that it was appropriate to include a reference to these national legislative provisions, namely the basis on which the long-stay visas in question are issued, and to indicate more precisely the conditions for the issuance of this type of visa.⁴⁵

2.2 Debates

During 2018 there was much parliamentary and public debate regarding economic migration, specifically the competitiveness and the ability of the Grand Duchy to attract (and retain) the talent (students, researchers, highly skilled workers, innovative entrepreneurs, etc.) which is essential to the

development of the country's economy, especially in strategic economic sectors considered to be priorities.⁴⁶

In this context, the main structures responsible for representing the interests of companies (Chamber of Commerce, Union of Luxembourg Enterprises - UEL, Federation of Luxembourgish Industrials - FEDIL) sent their recommendations to the various political parties in the running for the legislative elections. However, there was no particular debate around economic migration in the political party's manifestos (see Chapter 9).

2.2.1 Attracting talent

In an international context marked by a strong competition for talent,⁴⁷ the issue of attracting/retaining highly skilled workers has been focused on the effects of a shortage of skilled labour. The business community (Chamber of Commerce, UEL, FEDIL) has urged the public authorities to fully take up the issue and they presented a number of proposals to lift restrictions on the entry of highly skilled, qualified workers into Luxembourg.

The Chamber of Commerce⁴⁸ proposed a three-part road map to educate, attract and retain talent in Luxembourg⁴⁹ and the UEL called for the definition of a joint approach with the Government, with a view to attracting talent from abroad.⁵⁰ For its part, FEDIL also advocated for the mobility of workers (both within the EU and from third countries).⁵¹

2.2.2 Adaptation of the inpatriate regime

The adaptation of the inpatriate regime was also one of the main recurrent themes of the debate on the competitiveness and attractiveness of Luxembourg. In this context, the Chamber of Commerce advocates for the establishment of a tax roadmap for established companies, talents, researchers, start-ups, intellectual property, the inpatriate regime.⁵² This opinion is shared by the IDEA Foundation⁵³ who also proposes to adapt the tax regime applicable to inpatriates.⁵⁴

2.2.3 Attracting investors

The need to attract investors is also the subject of a broad consensus in economic and political circles in Luxembourg. In this context, the Chamber of Commerce welcomed the new residence permit for investors, created in 2017, which it says reflects an ambitious immigration policy that should contribute to the sustainability and diversification of the Luxembourg economy.⁵⁵ However, the latter proposes going further, in particular through the introduction of tax incentives (abatements via the introduction of investment certificates,⁵⁶ passive interest and notional interest⁵⁷, etc.) and the creation of a one-stop shop for citizens, businesses and investors.⁵⁸ Both the UEL and the FEDIL called for the government to ensure the reception, support and monitoring of foreign investors.⁵⁹

2.2.4 European Blue Card

The Chamber of Commerce supports new directive proposal COM (2016) 378 of 07/06/2016 on the European Blue Card (EBC) and has asked the competent authorities to transpose it as quickly as possible.⁶⁰

This directive is aimed at relaxing the conditions for granting the EBC (proof of three years of professional experience without qualification requirements, lowering of the salary threshold, possibility of applying for the EBC while already residing in a Member State).

2.3 Coalition agreement

The coalition agreement established the Government's intended priorities over the next five-year period in the context of economic migration. Of note:

2.3.1 Meeting the needs of the labour market

The Government stipulates that legal immigration to Luxembourg must be organised "in a coherent and dynamic manner taking into account the country's needs and capacities" and that it will continue to serve the national economic interests by responding, in particular, to the needs of the labour market, and attracting talent for research and study purposes.⁶¹

2.3.2 Establishment of a National Strategy for Talent Attraction and Retention

In the area of competitiveness, a road map for attracting talent will be adopted to address the shortage of skilled labour in a number of occupational sectors, and an interministerial committee will be created to develop a national attraction, development and talent retention strategy for Luxembourg.⁶²

2.3.3 Attracting highly qualified specialists in the financial sectors

The Government is committed to supporting the financial centre, particularly through the achievement of several priority objectives (e.g. supporting expanding markets, aiming for regulatory and compliance excellence, implementing a promotions and communication strategy which is up to the challenges⁶³).

In the context of Brexit, the Government will continue to ensure that the Luxembourg financial centre offers international companies ideal conditions for accessing the European market.⁶⁴ "Favourable conditions" will also be created to attract highly qualified specialists in the different sectors of the financial centre.⁶⁵

2.3.4 Improving fiscal attractiveness and adaptation of the "inpatriates" regime

In order to implement a strategy that involves the attraction of high value-added activities and requires a strong ability to attract and retain young talent and highly qualified profiles, and the localisation of management positions in Luxembourg⁶⁶, the Government intends to use the "inpatriates" tax regime to help to improve the attractiveness of the system.⁶⁷

2.3.5 Attracting investors

The targeting of foreign companies and investors that will add value to the national economy while consolidating the qualitative and sustainable development of the country will receive special attention from the Government.⁶⁸ In this context, the key competitive advantages of Luxembourg as a "land of investment" will be preserved for both local entrepreneurs and foreign investors.⁶⁹

2.3.6 Simplification of immigration procedures

The Government has stated that it intends to continue its efforts to reduce the time required to process applications for economic immigration, particularly through administrative simplification and the digitisation of procedures.⁷⁰

2.4 Efforts to avoid "social dumping" and erosion of labour rights

2.4.1 The fight against social dumping and the posting of labour

The fight against social dumping, especially in relation to posted workers, remains a major concern: In 2018, 3,884 posting companies submitted 47,167 posting declarations and posted 114,188 employees in Luxembourg.⁷¹

Several initiatives testify to the legislator's desire to actively strengthen the fight against social dumping.

In terms of legislation, it is necessary to mention the tabling of bill no. 7319 amending: 1. the Labour Code 2. the law of 21 December 2007 reforming the Inspectorate of Labour and Mines (ITM), before the Chamber of Deputies on 20 June 2018.⁷² The text of the bill aims, among other things, to reform the ITM⁷³ by giving it a more efficient structure and ensuring the implementation of procedures, which are appropriate to all its missions.

The text of the bill seeks to amend a number of previous legislative provisions concerning the posting of employees.⁷⁴ The amendment seeks to ensure that any qualified or specialised employees of a foreign-based company who come to Luxembourg to carry out maintenance or repair work on machines may be exempted from the reporting obligation to the ITM, if the duration of the work in question does not exceed 5 days per month. The same rule applies to workers posted to Luxembourg to act as a trainer, lecturer or speaker (or to attend training sessions, conferences or work meetings).⁷⁵

The Chamber of Commerce has welcomed the exemption of the obligation to report the posting to the ITM, stressing the financial and organisational impact it will have on Luxembourg companies. It further proposes to extend this exemption to other types of activities and invites the authors of the law to delete any reference to the qualification or specialisation of the posted worker.⁷⁶

The Chamber of Employees wished to obtain more details concerning the main motivation behind the drafting of this text, namely whether this Bill results from an obligation emanating from European texts or from the free judgement of the Luxembourg legislator.⁷⁷

The bill also intends to strengthen the enforcement aspect: not informing the ITM via its electronic platform to allow it to legally control the posting and issue the social badge⁷⁸ may result in a fine of 1,000 to 5,000 euros per posted worker and from 2,000 to 10,000 euros in the case of a repeat offence within two years of the date of notification of the first fine.⁷⁹ The bill also proposes to increase the total maximum amount of the administrative fine in those cases for the same employer from 50,000 euros to 75,000 euros.⁸⁰

At the operational level, the ITM and the Customs and Excise Administration carried out 2,274 posting controls, 277 of which were unannounced (representing an increase of 34.64% compared to 2017). Following these controls, 1,608 injunctions were notified to the posting companies, including 442 against companies, which did not regularise their situation, and were given an administrative fine.

The signing of a cooperation agreement between the Customs and Excise Administration and the ITM on 18 June 2018 formalised a partnership which started informally in 2016.⁸¹ The aim of the agreement is to further intensify controls of the posting of employees, in order to be more effective at combating "social dumping", thereby promoting fair competition and, protecting the rights of posted workers.⁸²

2.4.2 Structural reorganisation

On 1 June 2018, the ITM set up a new service Control, Construction and Authorization whose main objective is to monitor working conditions, and health and safety in the workplace, as well as the posting of workers.⁸³

2.4.3 Debates

The topic of social and wage dumping is most commonly expressed in discussions around the posting of employees. This problem is the subject of social struggle on the part of trade unions, like the OGBL, which argues for universal application of the principle of "the same pay for the same work in the same place" and advocates for rapid transposition of the compromise reached concerning the revision of the Posted Workers Directive.⁸⁴ The Liaison and Action Committee for Foreigners (CLAE) has denounced the posting of workers, as advocated by the EU, as a source of social dumping and precariousness, and calls for the introduction of measures to promote equal rights for workers.⁸⁵ The Chamber of Trades and the Federation of Artisans have asked the Government to treat all competing companies on an equal footing and to ensure compliance with the legal and regulatory provisions in force in Luxembourg by foreign suppliers.⁸⁶ For its part, the Chamber of Commerce noted that the posting of workers is a necessity for the Luxembourg economy, in view of its lack of skills in certain areas and the resulting improved competitiveness of Luxembourg companies, and considers that the posting of workers should not be hampered by new provisions limiting and complicating the practice.⁸⁷

2.4.4 Coalition agreement

The Government intends to combat social dumping with "force and efficiency" and plans to rapidly transpose the directive related to the posting of workers.⁸⁸ From this perspective, it undertakes to provide sufficient resources to ensure that effective monitoring takes place, that consequent sanctions

are carried out, and that there is better coordination of the administrations and services concerned. This coordination will take place through a national social dumping/undeclared work platform.⁸⁹ In order to carry out its functions, the government undertakes to continue the reform of the ITM.⁹⁰

2.5 Students and researchers

In 2018, the number of first student residence permits decreased by 7.2% (see Table 2 above) compared to 2017.

However, with regard to researchers, there was a slight increase of 3.3% (see Table 2 above). The main nationalities applying for student residence permits are China, India and Nepal, while China, India and Turkey are the top represented nationalities for "researcher" residence permits.⁹¹

2.5.1 Admission Policies for Students and Researchers

A number of legislative changes relating to intra-European mobility, attracting and retaining talent, and in particular students and researchers, were introduced during 2018 by the Law of 1 August 2018.⁹²

2.5.2 Intra-European mobility

The Law of 1 August 2018 amending the Immigration Law aims to facilitate the intra-EU mobility of students and researchers residing in the European Union.

2.5.2.1 Students

1. Mobility

The Law of 1 August 2018 introduced a number of measures to simplify the mobility of third-country students in the European Union who are following a European or multilateral programme.⁹³

The validity of the "student" residence permit issued to students (following a European programme or a multilateral programme containing mobility measures or a convention between two or more institutions) is at least two years, or equal to the duration of the studies if this is less than two years. The student residence permit names the programme or convention.⁹⁴ This is a new situation because, until the amendment of the Immigration Law, the residence permit in principle had a maximum validity of 1 year.

In terms of mobility, third-country nationals who have received a valid student residence permit from a first Member State, because of their participation in a European programme or a multilateral program containing mobility measures or a convention between two or more higher education institutions may stay and study in Luxembourg for a period of up to 360 days.⁹⁵ They are no longer required to submit a new application for a residence permit and need to only notify the authorities of the first Member State and the Directorate of Immigration of their intention to carry out part of their studies within a higher education institution in Luxembourg.⁹⁶ Where the student provides the required information and documents, the Directorate of Immigration then issues a document certifying that the latter is authorised to stay in Luxembourg for the duration of their mobility.⁹⁷

Third-country nationals who travel individually (and not as part of a programme etc.) must follow the ordinary procedure for obtaining a residence permit. Students from third countries whose residence permit has been issued by a first Member State which does not fully apply the Schengen acquis must present their residence authorisation and a copy of the notification.⁹⁸

2. Weekly working time

The permitted number of weekly working hours which a student from a third country is allowed to work was increased from 10 to 15 hours. In addition, the conditions applicable to students wishing to work during their studies have been removed. From now on, students at all levels of higher education are allowed to work within the limits prescribed by law.⁹⁹

3. Resources

New resource and housing criteria have come into effect for students.¹⁰⁰

Mobile students (or non-mobile students) who wish to settle in Luxembourg to carry out part of their studies must be able to provide proof that they have monthly resources corresponding to at least 80% of the guaranteed minimum income (i.e. €1,120.95 as of 1 January 2018).¹⁰¹

2.5.2.2 Researchers

1. Mobility

The Law of 1 August 2018 also aims to facilitate the intra-EU mobility of third-country nationals residing in the EU as researchers.

To this end, the Law allows researchers participating in a European or multilateral programme including mobility measures to receive a residence permit valid for at least two years or equal to the duration of the convention or the employment contract if they cover a period of less than two years.¹⁰²

The Law also allows researchers from third countries, who have a "researcher" residence permit in a first EU Member State, to be able to stay in Luxembourg to carry out research at a research organisation.¹⁰³ In the context of short-term mobility, the period is set at a maximum of 180 days over a period of 360 days. In the context of long-term mobility, the period is set between 180 and 360 days over a period of 360 days.¹⁰⁴

In the context of short-term mobility, third-country nationals are not required to apply for a new residence permit but must simply notify the authorities of the first Member State and the competent Luxembourg authorities of the intention to do part of their research in Luxembourg.¹⁰⁵ The notification must contain a valid travel document, the valid residence authorisation issued by the first Member State also covering the period of mobility, the hosting agreement established with the research organisation in Luxembourg, they are required to submit the planned mobility period if not specified in the convention, proof that the researcher has sufficient resources for the duration of the mobility and to finance their return, as well as proof that they are in possession of private health insurance for the duration of their stay in Luxembourg.¹⁰⁶ The Minister may oppose the mobility within 30 days of receiving the notification. Once this period has elapsed, certification of the right of residence for the duration of the mobility is issued to the researcher.

2. Resources

New resource and housing criteria have come into effect for researchers.¹⁰⁷

Researchers in mobility (or non-mobile researchers) must be able to provide proof that they have monthly resources corresponding at least to the minimum social wage of qualified employees (i.e. €2,398.30 as of 1 January 2018).¹⁰⁸

The Chamber of Commerce has criticised the choice of the authors of the Bill to require income thresholds for students and researchers who want to carry out part of their studies or research in Luxembourg, while they are in possession of an authorisation to stay in a first Member State, and have therefore already fulfilled the "sufficient resources" conditions. According to the Chamber of Commerce, no threshold should be required in this case.

The Chamber of Commerce has also questioned the decision of the authors of the Bill to apply different thresholds for students and researchers in mobility (€1,120.95 for students and €2,398.30 for researchers). At the same time, it indicates that person applying for a residence permit as a researcher or wishing to benefit from the mobility of researcher, should not be subject to stricter resource conditions, than those, which request a residence permit to look for a job or start a business. Given the growth of the research sector in Luxembourg and the need to attract and retain the best talent.¹⁰⁹

2.5.3 Incentive mechanisms for retaining students and researchers

2.5.3.1 Job search or business creation

In accordance with the Law of 1 August 2018 amending the Immigration Law, students and researchers, at the end of their studies or research, may be authorised to stay in Luxembourg for a maximum of nine months (non-renewable) to find a job or start a business.¹¹⁰ The student or researcher will receive a "private life" residence permit with the note "job search or business creation."¹¹¹

This residence permit for the purposes of a "job search or business creation" may be issued by the Minister if the student or researcher has obtained a Master's degree in Luxembourg, or has successfully completed their doctoral thesis leading to the qualification of Doctor, have sufficient resources to cover their living expenses without having to turn to the social assistance system, including their return expenses, and are covered by health insurance.¹¹² The residence permit application must be submitted at least one month before the "student" or "researcher" residence permit is no longer valid. The Minister must decide on the application within 90 days.¹¹³ Finally, the salaried activity that the person intends to pursue must relate to their academic training.¹¹⁴

Students and researchers, who want to stay in Luxembourg to look for a job or start a business, must be able to prove that they have a monthly income corresponding to 80% of the guaranteed minimum income.¹¹⁵

2.5.4 International cooperation agreement to promote educational and research exchanges

The Law of 13 March 2018 approving the Cooperation Agreement on Partnership and Development between the European Union and its Member States, , and the Islamic Republic of Afghanistan, aims to promote cooperation in the fields of education, research, youth and vocational training sectors. The Agreement aims to promote the implementation of programmes in the fields of higher education and youth (such as the EU Erasmus+ programme) and in the field of the mobility and training of researchers.¹¹⁶

The Agreement also encourages educational institutions to cooperate in joint programmes to promote university mobility and cooperation, and cooperation between youth organisations, in particular by improving the mobility of young people and educators within the context of informal teaching and learning.¹¹⁷

2.5.5 Pupils

Among the provisions laid down by the Law of 1 August 2018 is the extension of the scope of the residence permit for pupils from third countries who take part in educational projects (this authorisation previously only covered pupils participating in an exchange programme).¹¹⁸ These pupils must meet the conditions currently in force (must be at least 14 years of age and at most 21 years of age, must have parental authorisation in the case of minors, provide proof of their participation in an exchange programme established within the framework of a regional or national bilateral agreement or a European programme or educational project).¹¹⁹ Other conditions apply to pupils: they must be covered by private health insurance, prove that they are hosted by a family or a host institution, selected according to the rules of the programme for the duration of the exchange, and that the educational institution, or a third party, vouches for the pupil for the duration of their stay, as well as for their return, in particular as regards their educational expenses. In the case of compliance with the above conditions, students will receive a "pupil" residence permit valid for one year.¹²⁰

2.5.6 Debates

The Chamber of Commerce has urged the competent authorities to establish greater mobility (international, inter-university, between the public and private sectors) for researchers and has proposed, in particular, the pooling of resources by the various stakeholders to support the ministries in the creation of attractive packages for researchers (whether residents or foreigners).¹²¹ The Idea Foundation notes that the attractiveness of Luxembourg for researchers is vital for the research system

and has recommended certain courses of action in its series of five electoral thematic notebooks (*série de cinq cahiers thématiques électoraux*).¹²²

2.5.7 Coalition agreement

The Government specifically states that immigration must allow for the attraction of talent for research and study purposes.¹²³ It intends to set up a coordinating committee which will bring together higher education and research bodies with a view to strengthening the governance of the higher education and research system, contributing to better coordination of the bodies within this system, with a particular aim of attract more students and talent to Luxembourg.¹²⁴ From this perspective, actions aimed at increasing international and intersectoral mobility will be strengthened in order to create an attractive environment to sufficient number of specialists to Luxembourg.¹²⁵

2.6 Trainees

In 2018, 33 "trainee" residence permits were issued compared to 32 in 2017. This represents an increase of 3.1% (see Table 2 above).

The Law of 1 August 2018 amending the Immigration Law amends the provisions governing the residence permit for trainees in accordance with Directive 2016/801/EU.

For a residence permit to be issued to a third-country national wishing to complete a traineeship (whether paid or unpaid), the applicant must submit a traineeship agreement with a host entity (i.e. an educational institution or a company) which provides theoretical and practical training, and which contains the following elements: a description of the traineeship programme, the duration of the traineeship, the placement and supervision conditions for the trainee, and finally the traineeship hours.¹²⁶

Applicants must also provide proof that they have obtained, in the two years preceding the date of the application, an evidence of formal qualification recognised in Luxembourg¹²⁷, that they will have sufficient resources during the planned stay to cover their living expenses (as well as the costs of return) and that they are covered by private health insurance.¹²⁸

If all the conditions are fulfilled, the third-country national will then receive an "trainee" residence permit valid for a maximum of six months, or valid for the duration of the traineeship if it is less than six months.¹²⁹

The host entity undertakes to cover the expenses related to the trainee's stay as well as return to country of origin. This financial responsibility of the host entity will be maintained until two months after the end of the traineeship agreement if the trainee has continued to reside illegally in Luxembourg.¹³⁰

To date, the issue of traineeships remain without controversy and have not generally been debated in terms of migration in Luxembourg.

2.7 Family reunification

In 2018, 1848 "family member" residence permits were issued to third-country nationals (see Table 2 above). This represents an increase of 15.9% compared to 2017.

Family reunification of third-country nationals fundamentally affects a combination of applicants who are in salaried employment (71.6%) and beneficiaries of international protection (21.5%). Only 9.9% relates to other residence permits.¹³¹ In 2018 there has been a clear increase in family reunification of

beneficiaries of international protection, which has almost doubled proportionally from 10.9% in 2017 to 21.5% in 2018.¹³²

2.7.1 New resource criteria

New resource and housing criteria have come into force for third-country nationals wishing to obtain family reunification.¹³³

The Regulation was adapted following an amendment to the Immigration Law introduced by the law of 8 March 2017, which introduced the abolition of the one-year waiting period that previously applied to third-country nationals wishing to obtain family reunification.¹³⁴

In order to adapt the Regulation which abolishes this 12-month waiting period, the Grand Ducal Regulation provides that any third-country national applying for reunification of their family members must have (and continue to have) adequate resources, which are at least equal to the minimum social wage for unskilled employees.¹³⁵ Until the Regulation entered into force on 21 September 2018, the level of resources was based on the the average monthly non-qualified minimum social wage over a period of twelve months.

In addition, a new paragraph in the Regulation details the assessment of the probability of maintaining stable, regular, and sufficient resources, which is based on a prognosis that resources will be available for the year following the filing date of the application for family reunification, such that the applicant should not need to have recourse to the social assistance system. The Minister may take into account the applicant's income during the six months preceding the application.¹³⁶

This provision is a consequence of judgment C-558/14 of the Court of Justice of the European Union, which recognises the possibility for an administration to assess the future probability that the applicant will maintain a sufficient level of resources.¹³⁷

2.7.2 Family reunification for researchers

The Law of 1 August 2018 amending the Immigration Law introduced provisions on family reunification for researcher resident in Luxembourg in exercise of their short or long-term mobility.

Researchers in short-term mobility¹³⁸ may be accompanied or joined in Luxembourg by members of their nuclear family who are in possession of a valid residence permit issued by a first Member State.¹³⁹ In order to exercise their right to family reunification, the researcher must provide the Minister with a number of documents and information concerning the family member(s).¹⁴⁰ The family member will receive a certificate authorising stay in Luxembourg for the same duration as the researcher in mobility.¹⁴¹

Similarly, researchers in long-term mobility¹⁴² may be accompanied by (or be joined by) their family in Luxembourg. As part of this long-term mobility, an application for a residence permit as a "family member" must be submitted. This application must contain the same information and documents as required for persons applying for family reunification with a researcher in short-term mobility.¹⁴³

The family member will be issued with a "family member" residence permit for the duration of the researcher's mobility. The "family member" residence permit expires on the same date as the researcher's permit.¹⁴⁴ The residence authorisation of a family member holding a permit as a "researcher" must be processed within 90 days of the filing of the application¹⁴⁵ whereas previously decisions on family reunification were communicated within nine months of the filing of the application.¹⁴⁶ In addition, the Minister will simultaneously process the residence permit application for the researcher and the family member(s) if the applications are submitted simultaneously.¹⁴⁷ If the researcher's residence permit has been issued by a Member State that does not fully apply the Schengen acquis, the family member(s) must provide a valid authorisation issued by the first Member State as well as a copy of the notification as evidence.¹⁴⁸

In the case of researchers who are issued a "private life" residence permit in order to seek a job or start a business for a maximum of nine months, the family member's residence permit is renewed for the same duration as that of the researcher.¹⁴⁹

2.7.3 Civil Society proposals and recommendations on family reunification

In its Memorandum to the *formateur du gouvernement* (future Prime Minister), the CLAE has called for simplification and improvement of the rules on access to the territory and work, as well as family reunification.¹⁵⁰

2.7.4 Coalition agreement and family reunification

The Government has stated that family reunification will remain an important driver of immigration.¹⁵¹

2.8 Long-term residents

The Directorate of Immigration issued 539 first residence permits as long-term residents to third-country nationals in 2018¹⁵² (compared to 741 in 2017 and 794 in 2016), i.e. a reduction of 27.2% compared to 2017. It is questionable whether this decrease can be linked to the increase in the number of naturalisations carried out in 2018 (see section 5.10.2.1). The main countries of origin were Montenegro (96), China (81) and Serbia (44).

The Law of 1 August 2018 transposed a paragraph of Directive 2003/109/EC of the Council of 25 November 2003 on the status of third-country nationals who are long-term residents into national legislation.¹⁵³

This provision specifies that the length of stay as a seasonal, posted or transferred worker is not taken into account when calculating the five-year period of residence for long-term resident status. The length of stay of third-country nationals with a legal status governed by the various Vienna Conventions is also not taken into account.¹⁵⁴

2.9 Visa policy

2.9.1 Visas

No changes occurred in 2018 with regard to the Visa Code.

Foreign missions representing Luxembourg processed a total of 13,187 visa applications (C and D Visas) compared to 12,241 in 2017, an increase of 7.7% over the same period.

Among the foreign missions, it is mainly the Abu Dhabi embassy and those in Asia that have experienced considerable increases.

2.9.2 Legalisations

In 2018, the Passports, Visas and Legalisations Office (BPVL) introduced a new procedure for the pre-registration of legalisation and apostille applications online. It is now possible to pre-register and pre-pay for documents online, to make submissions and, in some cases, to receive the passport as part of a "fast track" procedure.¹⁵⁵ The number of files handled by BPVL's Legalisation and Apostilles department increased by 7.5% year-on-year in 2018.¹⁵⁶

2.9.3 "Flying Consul"

New mobile equipment, similar to BPVL ticketing stations, has been tested to be deployed to missions as needed.¹⁵⁷ This equipment is intended in particular to facilitate the mobile inputting of visa and passport applications.

2.9.4 “Einfach Lëtzebuerg”

In the area of visas, the BPVL has developed an approach jointly with the State Information Technology Centre, which offers the possibility of submitting an online application with an electronic signature via Guichtet.lu. An adaptation of the legal basis for undertakings to assume financial responsibility will be necessary before the system can be put online.

This new system will allow receiving, processing and transmitting applications electronically instead of the current paper-based and mail-based procedure, and will reduce the processing time from several weeks to a few days.¹⁵⁸

2.9.5 Bill on visa exemption for holders of service passports from Azerbaijan

Bill No. 7241 approving the Agreement between the Government of the Republic of Azerbaijan and the Governments of the Benelux States on the Exemption from the Visa Requirement for Holders of Service Passports was tabled in the Chamber of Deputies on 2 February 2018.

The aim of such an agreement between the Republic of Azerbaijan and the Benelux countries is to strengthen cooperation between these countries and to maintain good relations, enhanced by the freedom of movement, which can be beneficial both for citizens who hold Azerbaijani service passports and citizens of the Benelux States.¹⁵⁹

2.10 Other measures related to legal migration and mobility

2.10.1 Developments in the context of Brexit

The Directorate of Immigration has started preparations to take the necessary measures to mitigate any unwanted impacts following Brexit. With this objective in mind, the Council of Government decided in October 2018 to provide a temporary reinforcement of the staff of the Directorate of Immigration.¹⁶⁰ In addition, the Council of Government at its session of 19 December 2018 adopted a bill whose main objective is to incorporate the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, into national legislation, with respect to the right of residence of British nationals and the rights of cross-border workers.¹⁶¹

The coalition agreement includes a section specifically dedicated to Brexit in which the Government notes that its objective is to minimise disruption for both citizens and businesses, while ensuring a fair balance between rights and obligations in any future relationship. It states that Luxembourg's preparations for the repercussions of the British withdrawal will be strengthened, both in the scenario of an orderly withdrawal and a withdrawal without an exit agreement.¹⁶²

2.10.2 The Global Compact for Safe, Orderly and Regular Migration (GCM)

The political agenda in 2018 was also dominated by the negotiation of the United Nations GCM and the debate around it.

The overall objective of the GCM is to streamline international migration flows by promoting legal migration routes and minimising the risks of irregular migration, in accordance with existing international law, and by maintaining the principle of national sovereignty.

The GCM has polarised political debate in some countries, with the result that several states decided not to sign up to the GCM. In particular, this was the case for the United States and Hungary and Austria, causing a cascade of withdrawals in Europe (Poland, Czech Republic, Slovak Republic, Italy, Latvia, Estonia, Bulgaria, and Romania).¹⁶³

The GCM was also the subject of political debate in Luxembourg. The Alternative Democratic Reform Party (ADR) firmly opposed the GCM at a press conference held on 14 November 2018, rejecting what it considers to be an ideological approach, far removed from the reality of the GCM. The ADR notably denounced the unilaterally positive representation of migration, which ignores the negative

consequences of this phenomenon on countries of origin such as brain drain, pressure on the housing and employment markets on the host countries, as well as the overuse of budgetary resources allocated to social security.¹⁶⁴

The GCM has also been the subject of some controversy on social networks¹⁶⁵ and the submission of three public petitions calling for the discontinuation of the GCM. Two of these petitions - Public petition no. 1148 - UN Migrationspakt stoppen!¹⁶⁶ and Public petition no. 1153 - Nee zum "UNO Migratiounspakt"¹⁶⁷ are currently in admissibility review. While the last Public petition no. 1147 - Stoppt de Migratiounspakt¹⁶⁸ has collected only 171 signatures, well below the required threshold of 4,500 signatures for a public debate within the Committee on Petitions and the sectoral committee concerned.¹⁶⁹

At the request of the ADR¹⁷⁰, a hearing on the subject took place on 6 December in the Chamber of Deputies to explain the reasons for Luxembourg's support for the GCM. The ASTI also positioned itself on the GCM lamenting that the hearing was taking place only a few days before the Marrakesh Conference, and thus highlighting the risk of the debate taking a provocative turn in the Chamber of Deputies. Subsequently, the ASTI deplored the decision by the United States, followed by several member states of the European Union to not sign the GCM, when this decision could constitute - according to ASTI - an opportunity for the European Union to "play a leading role in the process and to live up to its responsibilities and the values to which it refers". Finally, the ASTI denounced the manipulation of the GCM by populists and the dissemination of certain untruths related to it. It reaffirmed its non-binding nature while noting its main objective, i.e. the regulation of migration flows.¹⁷¹

The Minister of Foreign and European Affairs defended Luxembourg signing up to the GCM, as did the majority of the political class (6 of the 7 political parties represented in the Chamber of Deputies). The Minister went to the Intergovernmental Conference in Marrakesh where the GCM (subsequently known as the "Marrakesh Compact") was approved on 10 December by 164 UN member states. In his speech, the Minister expressed his regret that the GCM "may have given rise to erroneous, partial or malicious interpretations which have attempted to diminish its scope or to give a wrong impression of its objective". He also deplored the "withdrawals and disaffections of certain countries, especially European ones, which have prevented the European Union from making its voice heard as is befitting in a matter that concerns it so much." To then reiterate support for the GCM, the Minister noted that Luxembourg has supported the negotiation of the GCM from the outset, actively contributing to its development in New York.¹⁷² The Ministry also held and attended several information sessions on the GCM with representatives of civil society, including the "Ronnen Dësch".¹⁷³

3. INTERNATIONAL PROTECTION

In 2018, 2,205 applications for international protection were submitted to the Directorate of Immigration.¹⁷⁴ This is a yearly decrease of 4.8% from 2017. These figures are still higher than those recorded before the "2015 migration crisis".

Eritrea has become the top country of origin for applicants for international protection (AIP), with 392 AIPs (17.8%), surpassing Syria (227 AIPs, or 10.3%) which was the top country of origin of AIPs from 2015 to 2017.¹⁷⁵ These are followed by Iraq with 196 applicants (8.9%), Afghanistan with 176 applicants (8.0%) and Georgia with 141 applicants (6.4%).

The number of AIPs from Iraq has increased significantly from 127 in 2017 (when it was the 8th country of origin) to 196 in 2018 (3rd country of origin), or an increase of 54%. The rate of increase of AIPs from Afghanistan was even greater, climbing from 34 in 2017 (14th country of origin) to 176 in 2018 (4th country of origin), or an increase of 417%.

The number of AIPs from Georgia, which doubled from 2016 to 2017 from 64 to 138, remained stable in 2018 with a total of 141 applicants (5th most represented country in 2018).

It should be noted that, in 2018, non of the Maghreb countries nor Western Balkan countries appear among the top five countries of origin of AIPs (unlike in 2017, when Morocco, Serbia and Algeria respectively occupied 3rd, 4th and 5th place).

The Directorate of Immigration issued 2,371 international protection decisions in 2018, a decrease of 26% compared to 2017 (3,211 decisions). This decrease is partly explained by the decrease in the number of negative decisions and incompetence decisions taken on the basis of the Dublin III Regulation (797), the number of which remains at a high level compared to 2016 (617 decisions) and 2015 (284 decisions)¹⁷⁶ but showing a sharp year-on-year decrease compared to 2017 (1,225, a decrease of 34.9%).

In 2018, 978 people were granted refugee status, compared to 1,174 in 2017 (a decrease of 16.6%). Subsidiary protection status was granted to 74 people in 2018 (compared to 54 in 2017), an increase of 37% over 2017 figures.

As in previous years, the high number of positive refugee status determinations is due to the provenance of the AIPs; Syrians are the main group with 313 recipients of refugee status out of a total of 978 beneficiaries, followed by Eritreans (309) and Iraqis (160). The main beneficiaries of subsidiary protection were Afghans (40 out of a total of 74).

With 1,052 persons granted international protection in 2018 out of a total of 1,486 decisions taken (1,052 positive decisions, 361 refusals from normal, accelerated and ultra-accelerated procedures, as well as inadmissibility decisions), the acceptance rate in 2018 was 70.79%. This is a further increase from 66.45% in 2017 and 60.3% in 2016.¹⁷⁷

361 refusal decisions were taken, including 116 refusals in the normal procedure (32%) and 245 refusals in the context of an accelerated procedure (68%). More than 59% of refusals issued in the context of an accelerated procedure were made in the context of the ultra-accelerated procedure (145). This procedure, set up within the Directorate of Immigration in 2017, which provides for shorter deadlines, currently applies to nationals of the Western Balkans and Georgia. Most of the ultra-accelerated rejection decisions concern Georgians (62 out of 145). They are ahead of the Kosovars (32) and Albanians (22). These three groups constitute 80% of the refusal decisions in this type of procedure.¹⁷⁸

In 2018, the Directorate of Immigration granted 1,083 international protection "refugee status" residence permits, which represents a decrease of 15.8% compared to 2017. On the other hand, 103 international protection "subsidiary protection" residence permits were granted, an increase of 243.3% compared with 2017, albeit off low figures (see table 2 above).

Finally, 73 inadmissibility decisions were made in 2018 (compared to 83 decisions in 2017).

3.1 Institutional changes in the national asylum system

3.1.1 Increased workforce

The Luxembourg Office of Reception and Integration (OLAI) and the Directorate of Immigration continued to strengthen their workforce in 2018.

In 2018, the OLAI recruited a total of 21 officers, of whom 11 were on permanent contracts (CDI) and 10 on fixed-term contracts (CDD). Recruitment was aimed at reinforcing the existing workforce in all cross-cutting areas of the OLAI (legal, communication, integration, human resources, quality, social monitoring, AIP reception, management and maintenance of accommodation facilities, administrative support, general reception coordination, security and finance).¹⁷⁹

A Quality Section and Safety Unit were created within the OLAI in 2018 with the objective of ensuring the quality of the services provided to customers.¹⁸⁰ In addition, the team of the Integration and Diversity Division has been strengthened to focus on the reception and integration of newcomers (and in particular on the implementation of the Guided Integration Trail (PIA)).¹⁸¹

In 2018, the Directorate of Immigration recruited 3 civil servants and 25 additional employees (including 5 in the Refugee Service and 3 in the Return Service). Thus, at the end of 2018, the Directorate of Immigration employed 149 officers (civil servants as well as employees on fixed-term and permanent contracts).¹⁸²

3.1.2 Staff training

In 2018, OLAI staff attended approximately 50 different courses and accumulated a total of 517 days of continuing education during the same period (compared to 215 days of continuing education between January and November 2017).¹⁸³

The OLAI organised or participated in the following training programmes: Introduction to the Arabic language - Cultural, sexual and gender diversity - Female genital mutilation - Mental health and mental illness prevention (suicide, depression, trauma, panic) - Approach to and support of victims of THB (Trafficking in human beings) - Work team management training (communication, conflict management, meeting management, human resources management) - Train the trainers (pedagogy, communication, planning) - Jobs and Skills Project and job functions.¹⁸⁴

OLAI officials also participated in several seminars: Crisis intervention, Anxiety disorders, Prevention of depression, Taking care of oneself to take care of others, Post-traumatic stress disorder.¹⁸⁵

Finally, the OLAI regularly organises collective supervision sessions for staff working in the field.¹⁸⁶

3.1.3 Extension of the powers of the Ministry of Foreign and European Affairs

The mission of the Ministry of Foreign and European Affairs was reconfirmed by the government following the elections of 14 October 2018 and its powers were extended to include the "Reception of applicants for international protection" portfolio, which had previously been the responsibility of the Ministry of Family and Integration.¹⁸⁷

The Minister of Foreign and European Affairs remains in charge of the immigration and asylum portfolio. The powers of the Minister of Immigration and Asylum are as follows:

1. National, European and international policy on immigration and asylum - Free movement of persons and immigration: Entry and residence of aliens - International protection and temporary protection - Return of illegal persons - Grant of stateless person status - Travel document for aliens - Relations with international and non-governmental organisations.

2. Detention Centres.

3. National Reception Office - Reception centres for asylum seekers - accommodation for immigrants.

3.1.4 Civil society proposals and recommendations on international protection

Many voices have been raised in civil society to urge the bringing together certain powers within a single body. This is particularly the case with the Ronnen Dësch coordination group, which has highlighted the need to bring together "processing, reception and integration" powers within the same ministry, which would be supported by an interministerial committee open to social partners and civil society.¹⁸⁸ This opinion is also shared by the CLAE which considers that a single ministerial department could include several policies/portfolios (immigration, asylum, reception, and also orientation, information and training, access to work, social and political participation, promotion of intercultural relations) in order to better coordinate these policies between the various services and administrations.¹⁸⁹

In May 2018, five Catholic organisations presented eight proposals for improving asylum policy in Luxembourg intended for political parties ahead of the national elections. Among the proposals set out is the recommendation for a one-stop shop bringing together the reception, processing and integration of newcomers. They urged the establishment of a one-stop shop that would serve as an interface between this department and its users, as well as the designation of a single contact person to whom the AIPs/BIPs could turn if needed during their administrative journey, for the asylum procedure or for any measures aimed at socio-professional integration. According to these organisations, the implementation of such a system would not only strengthen the coherence between the policies of the different ministries but also send a strong message on the issue of reception and integration of foreigners (like the creation of the Ministry of Equal Opportunities and Sustainable Development), guarantee a certain relational stability and a relationship of trust, which is essential to any integration process, as well as rationalise State services.¹⁹⁰

3.1.5 Coalition agreement on international protection

In order to ensure the dignified reception of AIPs, the coalition parties agreed that AIPs should be able to deal with a single point of contact throughout the processing of applications for international protection but also for all reception aspects, such as accommodation and material conditions.¹⁹¹ In this context, it is expected that close collaboration will take place between the authorities responsible for the integration of foreigners and those in charge of the reception of applicants for international protection.¹⁹²

3.2 Reception, support and integration measures

3.2.1 Accommodation

The OLAI accommodation system is organised in three phases: phases 1 and 2 correspond to the first reception, while phase 3 corresponds to accommodation in long term facilities.¹⁹³

In late December 2018, the OLAI hosted a total of 2,721 people in its accommodation facilities, including 210 people in phase 1, 167 people in phase 2 and 2,344 people in phase 3. The phase 3 long term accommodation had an average occupancy rate of 70.8% as of 31 December 2018 (compared to 65% in 2017). This occupancy rate demonstrates the continued demand for OLAI accommodation facilities. Note that the maximum occupancy capacity of OLAI accommodation facilities is limited to 80%.¹⁹⁴

In 2018 on average 285.6 new arrivals per month were accommodated in the OLAI's accommodation structures.

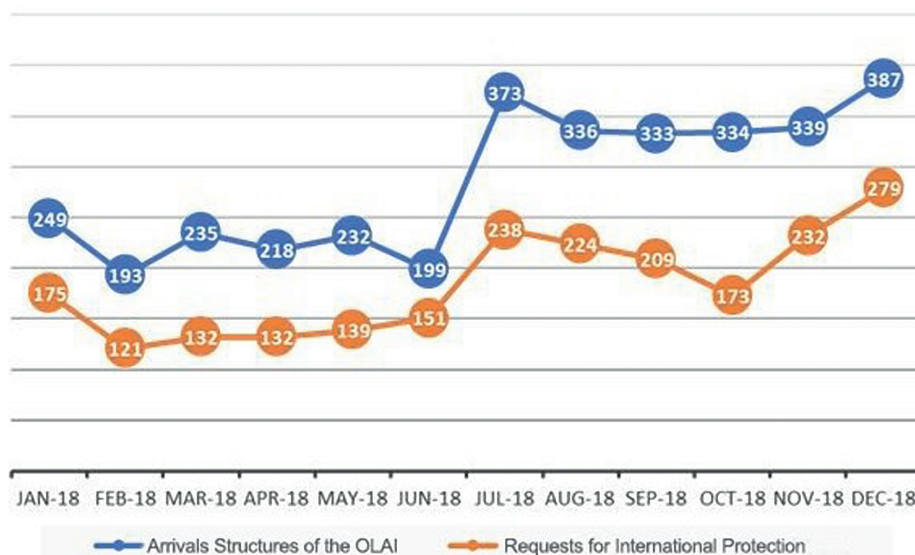
Table 4: New arrivals and new applications for international protection per month (2018)

	Arrivals in the Structures of the OLAI	Requests for International Protection
January	249	175
February	193	121
March	235	132
April	218	132
May	232	139
June	199	151
July	373	238
August	336	224
September	333	209
October	334	173
November	339	232
December	387	279
Total	3428	2205

Source Ministry of the Family, Integration, Activity Report 2018 © LU EMN NCP

Arrivals to the OLAI facilities followed the same curve (see Figure 1) as the number of international protection applications lodged with the Directorate of Immigration in 2018 (2,205 requests, i.e. an average of 183.75 requests per month).¹⁹⁵ The actual difference is due to the fact that, in OLAI facilities AIPs that have not (yet) submitted an application for international protection may also be present, e.g. people who came to Luxembourg as part of a family reunification.

Figure 2: Arrivals of applicants for international protection in OLAI facilities and requests for international protection received by the Directorate of Immigration (2018)



Source Ministry of the Family, Integration, Activity Report 2018 © LU EMN NCP

Some 49.2% of the population living in the OLAI's reception facilities as of 31 December 2018 were BIPs (compared with 20% in 2015).¹⁹⁶

This high number is explained by the difficulties encountered by BIPs in accessing the private and social housing market. In addition, the high number can be due to resettlement and relocation arrivals, family reunification of BIPs and births to families in the accommodation (97 infants aged 0 to 2 years living in the OLAI facilities at the end of December 2018) exerted pressure on the reception facilities.

As of 31 December 2018, the OLAI provided accommodation to 67 nationalities, mainly Syrians (23.4%), followed by Eritreans (22.7%), Iraqis (12.2%) and Afghans (8%).¹⁹⁷

Approximately one-third of those accommodated are minors (29%). Unaccompanied minors (UM) are housed in the facilities of the National Office for Children (ONE), as well as in the AIP accommodation facilities of the OLAI and its partners the Red Cross and Caritas.¹⁹⁸

3.2.1.1 Developments in AIP accommodation structures

Despite government efforts to increase AIP reception capacity, housing remains a problematic aspect of the asylum system, which regularly triggers national debates.

Reception capacity decreased by 9.5% in 2018 compared to the previous year. At the end of 2017, there were 308 beds in phase 1, 120 in phase 2 and 3,704 in phase 3, or 4,132 beds across 67 sites.¹⁹⁹ At the end of 2018, the OLAI had 308 beds in phase 1, 120 in phase 2²⁰⁰ and 3,311 beds in phase 3, or 3,739 beds across 58 accommodation facilities.

OLAI have stated that the loss of capacity is due to the temporary or permanent closure of a number of existing structures due to the expiration of contracts, health requirements or risk control. This loss has been partially offset by the opening of new facilities.

According to OLAI, much of the pressure on housing for AIPs is due to an increasing number of rejected AIPs and BIPs remaining in the OLAI's accommodation structures after their decision.²⁰¹

3.2.1.2 Modular accommodation facilities as part of an emergency reception plan

The emergency plan for the reception of AIP, established in 2015, provided for the setting up of four modular housing facilities (in Diekirch, Mamer, Steinfort and Junglinster) from mid-2016. The planned Diekirch facility opened on 29 November 2016, while the Steinfort and Junglinster facilities were not put in place following appeals lodged with the Administrative Courts.

On 11 January 2018, the First instance Administrative Court returned a judgement concerning the proposed installation of the facility in Mamer. The court annuls the Grand Ducal Regulation declaring the land use plan for this project mandatory. Like its judgment in the case against the Junglinster installation, the Court ruled that the Government was wrong not to consult the Council of State on the draft Grand Ducal regulation. The Council of State was not invited to submit an opinion because of the urgency of the situation invoked by the government. The Court ruled that this urgency was not justified.²⁰²

An association created to "defend the rights of the Neiduerf district" appealed against the establishment of a modular housing facility in Esch-sur-Alzette (in the aforementioned district). The association deemed that the particular development plan for the construction of the modular housing facility, launched by the municipality in November 2016 and approved by the Minister of the Interior on 9 February 2017, was illegal.²⁰³ It also deemed that there had been a breach of several articles of the Law of 19 July 2004 on Spatial and Urban Planning and that the general development plan of the municipality of Esch-sur-Alzette should therefore be amended. On 8 August 2018, the First instance Administrative Court dismissed the association's appeal, considering that none of the claims were supported.²⁰⁴

The competent authorities continue to seek suitable locations for construction of housing.

It should also be noted that several facilities and initiatives exist to promote the relocation of AIPs and especially BIPs within Luxembourg. For example, the LSKO (see section 5.4) and the Oppent Haus

initiative, launched in 2016, have allowed 92 AIPs/BIPs to reside with foster families and, as of late 2018, nearly 300 people are on their waiting lists.²⁰⁵

3.2.1.3 Assessment and improvement of standards of the accommodation facilities

In 2018, the OLAI created a Safety Unit with the aim of diagnosing and identifying the state of its real estate network and initiating, in anticipation of the entry into force of new fire prevention regulations, more homogeneous and consistent building safety in its accommodation. A Quality Section has also been created within the Reception Division, which participates in the development, execution and continuous improvement of quality standards through the OLAI's building stock and the services provided. In addition, the Quality Section supports projects to prospect for new buildings for hosting AIPs.²⁰⁶

3.2.1.4 Legislative developments relating to accommodation facilities

1. Assistance of the Grand Ducal Police

The Law of 18 July 2018²⁰⁷ amended the amended Law of 18 December 2015 on the reception of applicants for international protection and temporary protection ("Asylum Act"). This amendment allows the Director of the OLAI (or his delegate) to request the assistance of the Grand Ducal Police when an AIP objects in a violent or threatening manner to the execution of transfer to another facility.²⁰⁸

The authors of the Bill considered that the measures introduced by this amendment will allow the OLAI to fulfill its mission of reception in an optimal way in case where the transfer of a AIP to another structure (for logistic reasons, organizational or social) can not be executed because of opposition from the applicant by physical force or threats.²⁰⁹

2. Standards for sanitation, safety, hygiene and habitability of the reception centres

Bill no. 7258²¹⁰ tabled in the Chamber of Deputies on 7 March 2018 aims, among other things, to establish standards for the sanitation, hygiene, safety and habitability of the OLAI's accommodation facilities by amending the amended law of 16 December, 2008 concerning the reception and integration of foreigners in the Grand Duchy of Luxembourg.²¹¹

The OLAI has also worked on a Bill on the minimum cleanliness and hygiene, safety and habitability criteria to be complied with by accommodation facilities.²¹²

The standards are based on international and European recommendations and will be applied to housing structures managed by the OLAI, as well as those managed by individuals or organisations.²¹³

3.2.1.5 The 2018 Multi-Annual National Action Plan for Integration (NAP)

The reception of AIPs is an essential part of the Multi-Annual Integration Action Plan. It constitutes one of this instrument's two fields of action. The objectives and measures defined in this area are aimed at developing reception facilities on site to facilitate the first installation of AIPs and to improve the quality of facilities.²¹⁴

The "reception" action area has three objectives.

The first objective is to develop reception and social support, paying particular attention to vulnerable people.

*"The reception and management of AIPs, under the coordination of the OLAI, are intended to inform AIPs of their rights and duties during their stay in Luxembourg, to guide them through their administrative processes, and to help them access social benefits and material benefits. Social monitoring extends from support for the AIP to individualised guidance to develop the autonomy of the individual."*²¹⁵

Six measures are planned to achieve this objective:

1. *"Offering individualised social support;*
2. *Developing mechanisms for responding to daily emergencies;*
3. *Assessing material benefits for facilitating AIPs empowerment upon their arrival;*
4. *Developing and organising the detection of vulnerable and/or traumatised people;*
5. *Evaluating existing procedures and actions for identifying and supervising vulnerable people;*
6. *Promoting the consideration of the specific needs of vulnerable people and of each gender."*

The second objective of the "reception" action area is to ensure access to accommodation.²¹⁶

Three measures aim to achieve this objective:

1. "Developing and modernising the network of accommodation facilities;
2. Developing reception capacities for vulnerable people, including unaccompanied minors (see Chapter 4);
3. Ensuring the coordination of the facilities managed by the OLAI and its partners."

3.2.1.6 Civil Society proposals and recommendations

Access to housing is a problem that affects a large part of the population regardless of their legal status (citizens, residents, BIPs, AIPs). This issue was one of the main themes/issues of the parliamentary elections and has been one of the most frequently asked questions in the field of asylum.

The issue of the accommodation of AIPs was widely reflected in the report of the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (CCDH) on the reception conditions of applicants and beneficiaries of international protection in Luxembourg.²¹⁷

The CCDH proposed a number of recommendations in the areas following an analysis of the material reception conditions (concepts of healthy housing, stable and secure housing, accessibility, the right to adequate food).²¹⁸ The CCDH asks the authorities:

1. to establish safe, stable, secure and accessible housing and to establish minimum housing standards and to renovate, if not close, hostels that do not meet these criteria²¹⁹;
2. to guarantee a certain stability of accommodation. CCDH recommends that the frequency of transfers should be reduced to a strict minimum, especially for minors and unaccompanied minors. The CCDH recommends involving the people in question in the decision-making process leading to a transfer to another facility and making the transfer criteria more transparent²²⁰;
3. to review their accessibility policy due to the isolation/remoteness of certain shelters;
4. to equip accommodation facilities with kitchens so that residents can choose their diet and prepare their own meals.²²¹
5. To promote the empowerment of the AIPs. The CCDH condemns the extensive use of the voucher system, which generates high levels of dependence and consequently a loss of autonomy by the AIPs.²²²
6. Moreover, the CCDH notes restricted access to shelters for third parties, especially for the press.²²³

In this context, Ronnen Däsch²²⁴ and the CCDH²²⁵ have proposed a number of measures to empower the residents of shelters by involving them in the management of the shelter and in day-to-day organisation, such as the preparation of meals and the arrangement of common living spaces.

Some of these recommendations were the subject of ministerial responses. The Minister in charge of immigration and asylum indicated that no transfer is decided from a long-term accommodation facility (phase 3), except for reasons of schooling or professional training, health or very serious conflicts. Any decision to transfer takes into account the safety of all the inhabitants of the shelter, as well as social and behavioural considerations, the family unit and the best interests of the child.²²⁶ In addition, according to the Minister, all new constructions of long-term accommodation facilities

have kitchen areas, and the meals provided in full board or offered by the "grocery store on wheels" are regularly adapted to meet specific cultural needs.²²⁷ The Government has also indicated that reception facilities are private dwelling places and that, in this context, it is primarily about guaranteeing the right to a private life, privacy and the protection of accommodated persons.²²⁸

- *Principle of subsidiarity and distribution of AIPs*

Catholic organisations have proposed a redistribution of accommodation facilities between the State, NGOs and municipalities according to a principle of subsidiarity. In this context, the State would manage first reception centres as well as "Dublin" and "return" facilities. NGOs (such as Caritas or the Red Cross) would be responsible for facilitating human resource, through the establishment of agreements between the State and the managers of reception centres, who will be responsible for the selection and training of their staff. Finally, the municipalities will accommodate BIPs in independent housing units. Such a system would make it possible to accommodate AIPs/BIPs in facilities that correspond to their administrative situation and their specific needs.²²⁹

Ronnen Dösch proposes to distribute AIPs across municipalities²³⁰ and to mobilise reserves from the Compensation Fund to create rental housing in large numbers by the public authorities and to provide municipalities with the powers to build them.²³¹

- Amendment to the Social Inclusion Income Law (REVIS)

The CCDH regrets the limitation to a maximum of twelve months of the measure that allows people of legal age, accommodated for free in a domestic community, to maintain, under certain conditions, the right to REVIS, as well as the exceptional nature of this measure.²³² They note that they consider this limitation as a hindrance to accommodation initiatives of private individuals and for the integration of BIPs by bringing them into contact with residents.

3.2.1.7 Coalition agreement on reception facilities and AIPs.

The coalition agreement notes some points about reception facilities and AIPs such as:

- 1. Increased capacity / improved quality of the accommodation network²³³*

In view of the on-going number of AIPs that continue to arrive in Luxembourg and given that more than half of the OLAI-managed accommodation facilities are occupied by BIPs, the Government emphasises that an increase in both the capacity and quality of the accommodation network is required.

An emergency plan for a possible future mass influx of refugees will also be developed by the Government jointly with the Office of the High Commissioner for National Protection (HCPN).

- 2. Empowerment of AIPs²³⁴*

An assessment of the pilot projects for greater empowerment and accountability of AIPs will be carried out with a view of possible expansion of these projects. In addition, a measure to progressively increase the empowerment of AIPs from their arrival will be developed by the competent authorities.

- 3. Criteria for the distribution of AIPs in the Luxembourg territory²³⁵*

The Government wants to implement a social housing allocation policy based on clear and transparent criteria that will be developed with all public actors in order to provide more adequate housing opportunities for BIPs. It will thereby increase the capacity of the OLAI's accommodation.

- 4. Facilitating the accommodation of BIPs with private individuals²³⁶*

The Government, in partnership with the municipalities, wishes to study the feasibility of facilitating the accommodation of BIPs with private individuals.

3.3 Integration measures

3.3.1 The Guided Integration Trail

The Guided Integration Trail (PIA) aims to integrate AIPs in the first few weeks after their arrival in Luxembourg. It is based on the principle that successful integration mainly consists of two elements: 1. learning the national and administrative languages and 2. understanding how everyday life functions in Luxembourg.²³⁷

The PIA is currently divided into two phases (PIA 1 and PIA 2). PIA 1²³⁸ includes 17 hours of training on:

- Linguistic integration²³⁹,
- Information sessions on everyday life in Luxembourg.²⁴⁰

PIA 2, launched in January 2018, targets candidates who have completed PIA 1 and focuses on two pillars:

- Mandatory language courses,
- Information sessions on everyday life in Luxembourg.

Nearly 600 AIPs started their journey with PIA1 and PIA2 in 2018.²⁴¹ As of January 2018, 596 AIPs have completed PIA 1 (213 women and 383 men) and 566 (among those who arrived in Luxembourg on 1 January 2018) are eligible for PIA 2. The average age of the latter is 32 years and the most represented nationalities are Eritreans (32%), Syrians (15%), Afghans (10%), Iraqis (8%) and Sudanese (6%).²⁴²

2018 saw the consolidation of the PIA by the OLAI in close collaboration with the Ministry of Education, Children and Youth (MENJE)²⁴³, to promote the social and professional integration of AIPs/BIPs.

3.3.2 Civil society proposals

Ronnen Dësch recommends the establishment of an ambitious PIA with a significant volume of language courses established by law and its combination with the Welcome and Integration Contract (CAI) to the benefit of all new arrivals.²⁴⁴

The CCHR welcomes the adoption of the PIA and invites the authorities to further include civil society in the development and implementation of this instrument.²⁴⁵ However, the CCDH believes that the PIA must cover all areas of integration, not just the language aspect.²⁴⁶ From this perspective, the Luxembourgish Council for Refugees (LFR) wants to include information sessions and labour market preparation workshops in the framework of PIA 2 and PIA 3, in particular to facilitate access to the labour market.²⁴⁷

3.3.3 Coalition agreement

The Government intends to continue to develop the three phases of the Guided Integration Trail (PIA) for refugees, adapt the Welcome and Integration Contract (CAI) to the needs of users and to ensure that language courses are offered in sufficient numbers.²⁴⁸

3.4 Access to work

No changes were made to the legal provisions on access to work in 2018 with regard to temporary work permits (AOT).

The number of AOTs issued to AIPs in 2018 by the Directorate of Immigration remains very low, taking into consideration that only 33 AOTs were issued in 2018 and that this figure includes both AIPs in the course of being processed and beneficiaries of a stay of removal for medical reasons or a postponement of removal.²⁴⁹

3.4.1 Reorganisation within the Employment Agency and access to work by BIPs

The Employment Agency (ADEM) reorganised the conditions of registration of BIPs at the end of May 2018. In accordance with this reorganisation, BIPs must register only in the ADEM agencies in Diekirch, Esch-sur-Alzette and Luxembourg. The choice of agency depends on the place of residence of the BIP. Follow-up with an advisor also takes place in the same agency.

The purpose of this reorganisation was to offer BIPs a better service, in particular through a team of specialised referential, English-speaking advisors who have received specific training.²⁵⁰

Awareness-raising and information-sharing are key aspects of the BIP Unit's responsibilities. In this context, it produced a video in May 2018 that presents four BIP "success stories".²⁵¹

In February and May 2018, the ADEM in partnership with the Federation of Luxembourg Industries (FEDIL) and the Chamber of Trades organised several "speed dating" between employers and BIPs.²⁵²

The BIP Unit also partnered and organised information sessions with various associations including ASTI, Caritas, Red Cross, Digital Inclusion, Dress for Success, Touchpoints and Zarabina. Since May 2018, the BIP Unit has regularly organised simulations of job interviews with voluntary companies to enable BIPs to have their performance evaluated in this area.

The Zarabina association's Work in Lux developed a training in direct collaboration with the ADEM. This three-week training aims to help BIPs who wish to reorient themselves professionally to develop a specific professional trajectory.

In addition, the ADEM also works to include several BIPs in its own training, such as Fit4Green & BuildJobs, Fit4CodingJobs and Air Cargo Professional.

The BIP Unit organised intensive French courses with career guidance so that pre-selected applicants would have a good level of French, allowing them to then participate in a training. In the same spirit, and thanks to the experience acquired by the BIP Unit, the ADEM was awarded the European Social Fund (ESF) Words4Work project for the 2019-2020 period. This project will consist of intensive French courses with career guidance in four defined sectors. These courses will in turn be open to all jobseekers registered with the ADEM.²⁵³

3.4.2 Integration NAP

The Integration NAP puts a lot of emphasis on employability issues. Improving the employability of non-Luxembourgers is one of the five priority areas identified in the Integration NAP.²⁵⁴ One of the measures mentioned in this regard specifically targets BIPs and aims to facilitate their integration into the labour market through, among other things, access to social initiatives.²⁵⁵

3.4.3 Civil society proposals

The integration of AIPs and BIPs into the labour market was a particularly concerning issue that was largely debated in 2018 by civil society (CCDH, CLAE, LFR, Catholic organisations, Ronnen Dësch). Among the points discussed were the assessment of skills, reform of the AOT and activation measures.

3.4.3.1 Assessment of skills

The CCDH has proposed, as soon as an AIP arrives, to systematically record their level of education, studies, professional or academic training, in order to be able to better direct the person to training corresponding to their profile.²⁵⁶ This opinion was shared by the LFR and Ronnen Dësch. They include an assessment of their integration needs, including schooling and vocational training. This screening is considered to be essential for their orientation and integration into society, and must be able to take into account not only linguistic and professional skills but also social and cultural skills. The LFR also proposes the establishment of a single body in charge of this system and the sharing of findings between the Directorate of Immigration, OLAI and ADEM.²⁵⁷

3.4.3.2 Reform of the AOT

Reform of the AOT, and simplification of procedures to access the labour market for AIPs, was also a demand widely called for during 2018 by NGOs. Ronnen Dësch recommends the simplification and acceleration of the procedures. The LFR recommends making it possible to access the job market before 6 months, eliminating the need for renewal of the AOT after 6 months by making it valid throughout the procedure with any employer in the same sector, and determining a single competent authority to issue the permit.²⁵⁸ The Catholic organisations proposed the abolition of the AOT and thus create access to the labour market without any other formality for AIPs.²⁵⁹

3.4.3.3 Activation measures

NGOs also considered it necessary to establish activation measures specifically for AIPs. The LFR proposes to set up a legal framework giving AIPs access to activation measures, such as community work, internships in companies, access to employment integration companies, volunteering for young people.²⁶⁰ Ronnen Dësch proposes to consolidate ADEM's partnerships with the Professional Chambers and other professional organisations to provide internships in companies for AIPs.²⁶¹ The CCDH stresses the importance of internships and encourages professional chambers to promote them (ideally by supporting applicants with preparatory courses).²⁶²

3.4.4 Coalition agreement

The Government wishes to facilitate access to the labour market for AIPs. In this context, it has indicated that the partnership will be strengthened between the ministries in charge of the immigration, integration, education and health portfolios, as well as social services and the ADEM and the municipalities.²⁶³

In addition, administrative procedures for refugees wishing to start an independent activity will be facilitated and the lack or impossibility of producing official certificates from their country of origin will be taken into account.²⁶⁴

The Government will generalise the individualised assessment of AIPs in order to quickly identify their skills and needs. It has committed to putting in place a legal framework to enable AIPs to access activation measures such as community work, internships and volunteering.

Finally, after consultation with all the actors concerned, the Government will simplify the procedure for obtaining an AOT in order to facilitate access to the labour market for AIPs and will take into account the specific situation of these persons, while avoiding any possible misuse of the international protection procedure to access the labour market.

3.5 Medical care

In 2018, there was a discussion on the medical care of AIPs, and especially the care of vulnerable people.

On this point, the Minister for Family and Integration has indicated that the working group in charge of piloting the project for the management of holistic care for AIPs with mental illnesses has proposed to guide the organisation of this care towards existing non-hospitalised mental health facilities. It is planned, in particular, to allocate 12 places in accommodation specifically dedicated to migrants with mental illnesses and to allow the beneficiaries access to other facilities in the non-hospitalised contracted psychiatry sector, particularly meeting centres, day centres, the Luxembourg Mental Health League and Liewen Dobaussen consultation centres.²⁶⁵

The Minister has also indicated that a team of psychologists and psychiatric nurses is responsible for firstly, detecting vulnerable people among the AIPs in the days following their arrival in the first reception

facilities and secondly to set up a protocol with the mental health services adapted to the needs of these people.

Civil society has also supported initiatives for the physical and mental health of refugees. The "Psychological support for refugees" project, funded by the work of the Grand Duchess Charlotte National Relief Service through the "Mateneen" project. This project has three activity components: group activities, training for professionals and individual psychological consultations. As a result of this programme, 78 refugees benefited from individual psychological consultations in 2018.²⁶⁶

3.6 Social assistance

The social assistance allocated to AIPs, was also the subject of debate in 2018. The LFR has demanded an increase in the monthly allowances for AIPs as part of a progressive mechanism for the empowerment of AIPs starting as soon as they arrive in Luxembourg.²⁶⁷ The CCDH considers that the amount of the monthly allowance is insufficient and inadequate for essential expenses.²⁶⁸

3.7 Education

See Chapter 6.

3.8 Family reunification

The Government aims to extend from three to six months the statutory period (Article 69 (3) of the Law of August 29, 2008) in which BIPs are exempt from compliance with the conditions to be fulfilled by the applicant.²⁶⁹

3.9 International protection procedure

The majority of the changes related to the 2018 international protection procedure were not legislative, but administrative, practical or organisational in nature.

3.9.1 Application of the accelerated and ultra-accelerated procedure

The ultra-accelerated procedure that has been applied since 9 February 2017 to Western Balkan nationals has been extended to citizens of Georgia (see chapter 3 above).²⁷⁰

The Administrative Courts have noted an increased use of the accelerated procedure in recent years. This trend has continued with 346 judgements in accelerated cases in 2017/2018, 462 in 2016/2017 and 355 in 2015/2016. These represent on average about one-third of overall cases and have resulted in the postponement of other cases to later dates.²⁷¹

3.9.2 Dublin Procedure

In the context of the application of the Dublin Regulation, there were 1,134 requests for the taking charge and taking back of AIPs and persons who were residing illegally in Luxembourg and were sent to another Member State (compared to 1,638 applications in 2017, a decrease of 30.7%). Luxembourg received 489 such requests (compared to 470 in 2017, an increase of 4%).

There was a significant reduction in decision of incompetence in 2018 with 797 decisions compared to 1,225 in 2017, a decrease of 39.4%. As in the previous year, the majority of these decisions concern Moroccan nationals (74), followed by Georgian nationals (73), Algerians (65), Iraqis (58), Tunisians (55) and Afghans (55).

289 people were transferred to other countries under the Dublin system, compared to 408 people in 2017, a decrease of 29%. However, 91 people were transferred to Luxembourg.

According to the Administrative Courts, the number of requests for interim measures introduced under Article 35 (3) of the Law of 18 December 2015 on international protection and temporary protection (concerning the decision to transfer based on the Dublin III Regulation) remains high (49 in 2017/2018). This interim measure procedure usually requires the participation of four magistrates and a trial judge, is therefore considered to be a waste of resources of the First instance Administrative Court.²⁷²

In the context of the Dublin procedure, in December 2018 the German authorities submitted a proposal for a bilateral agreement to the Ministry of Foreign and European Affairs under Article 36 of the Dublin III Regulation in order to speed up transfers and taking charge and taking back procedures.

The Passerell Association strongly denounced the transfer of five AIPs to Italy in September 2018. Based on the findings of the Association, as well as the testimony of AIPs, Passerell alerted the competent authorities in Luxembourg, regarding the deterioration of the situation in Italy. He also asked about a possible suspension of transfers to Italy (as the case for Greece) and accordingly asked the Minister responsible for Immigration and Asylum to respect the rights of the transferred persons.²⁷³ The Minister of Immigration and Asylum replied that Dublin transfers are aimed at illegal residents and that Luxembourg cannot unilaterally suspend the application of a European regulation. The Minister pointed out that the situation in Italy cannot be compared to that of Greece because, unlike in the case of Greece, there is no decision to suspend transfers to Italy from the highest judicial authorities in Europe. However, he specified that Luxembourg was not involved in systematic transfers to Italy and that the decision was based on a case by case basis. Thus, for humanitarian reasons, the Minister has notably declared himself responsible for analysis of the application for international protection of the 41 people who should have been transferred to Italy. Lastly, the Minister pointed out that decisions concerning Dublin transfers are subject to judicial review.²⁷⁴

3.9.2.1 Civil society proposals

Called an "unfair agreement" by some NGOs²⁷⁵, the so-called Dublin III Regulation has been criticised, in particular by Amnesty International Luxembourg, which has called for a reform of the Dublin III Regulation so that asylum seekers have the possibility of applying for international protection in a country other than their country of first arrival.²⁷⁶

3.9.2.2 Coalition agreement

In the case of transfers under the Dublin III Regulation, the Government has indicated that it will amend the law on remedies in order to increase their effectiveness while ensuring maximum legal certainty for AIPs.²⁷⁷

3.9.3 Semi-open return facility (SHUK)

On 1 April 2017, a "semi-open return structure" (SHUK) was set up, which houses AIPs that can be transferred to states which apply the Dublin Regulation. The modus operandi of the SHUK is detailed in the 2017 edition of the Annual Report on Migration and Asylum.²⁷⁸

In 2018, 570 people were assigned to the SHUK (compared to 606 in 2017). Of this number, 316 people left of their own free will, 51 people were transferred to another Member State and 27 people were transferred to the Detention Centre.²⁷⁹

The average length of stay at the SHUK was 40 days in 2018 (compared to 28 days in 2017). The people accommodated at the SHUK were mainly from Eritrea, Morocco, Algeria, Georgia and Tunisia. As of 31 December 2018, 96 international protection applicants were accommodated in the SHUK.²⁸⁰

The establishment of the SHUK has been criticised, especially by the LFR which considers that the SHUK is often used not as an alternative to detention but as an alternative to reception to “make space” in the traditional reception centres. The LFR believes that house arrest in the SHUK is a restriction of freedom measure, which ends up convincing people that the only way out is to flee the day before the forced transfer. In addition, the LFR indicates that some people are accommodated here for more than six months, which calls into question the urgency of the situation. Finally, the LFR regrets that some transfers are made before the decision of the First instance Administrative Court, even if a lawyer has filed a stay of execution of a transfer, which under these circumstances makes that the guarantees of the law are not respected in Luxembourg.²⁸¹

In response to this criticism, the Minister of Immigration and Asylum has taken a public stand by noting that the SHUK hosts AIPs whose fingerprints are already registered in the Eurodac system and it is therefore an alternative to placement in the Detention Centre and it is not an alternative to a reception facility.

Moreover, the Ministry states that the aim of the SHUK is to limit the secondary movements of new arrivals while favouring voluntary transfers towards responsible countries. The Ministry also emphasises that psychosocial support is guaranteed with 4 officers specifically recruited for this purpose. The Ministry indicated that the 60 people, accommodated at the SHUK) are distributed between the 18 available tents (i.e. less than 3.5 persons per tent for a maximum accommodation capacity of a tent for 12 persons) and receive the same material assistance, as those accommodated in an OLAI shelter.²⁸²

Finally, the Ministry notes that the lodging of an appeal before the Administrative Court is not suspensive in terms of a Dublin transfer, with the transfer systematically suspended upon the lodging of an application for interim relief pending the order.²⁸³

The Government is committed to offering alternatives to detention. In this context, it has stated that it plans to replace the SHUK with a new permanent semi-open facility that could serve as an alternative to the Detention Centre and take into account the needs of different groups of people.²⁸⁴

3.10 Safe countries of origin

No changes were made in 2018 to the regulations on the safe country of origin list. It should be noted that applications for international protection by persons from a safe country of origin may be processed as part of an accelerated procedure.

However, in 2018 there were discussions around the list of safe countries. Amnesty International Luxembourg called for the elimination of the concept of "safe countries". It called for the abandonment of the use of a list of so-called safe countries because it encourages faster return procedures and consequently weakens procedural guarantees and could lead to serious violations of the fundamental rights of asylum seekers.²⁸⁵

The Government indicated that it would continue its efforts to support, at the European level, the development of the Common European Asylum System (CEAS) as well as the appropriate safeguards in the context of negotiations on European lists of safe third countries and safe third countries of origin.²⁸⁶

3.11 Length of the procedure

In 2018, the Directorate of Immigration made 2,371 decisions on international protection. This figure represents a decrease of 26.2% compared to 2017.²⁸⁷

In the recent years, the number of Directorate of Immigration staff has steadily increased. The backlog of outstanding decisions has decreased while maintaining the rights of the applicants.

In 2015, the processing time between the submission of the application and the first decision was twenty-one months. This processing time has been reduced to 6.5 months on average in 2018.²⁸⁸

Case law on the maximum processing time for the application for international protection

On 27 June 2018, the Administrative Court issued a decision noting the absence of a penalty for exceeding the maximum period of 21 months for the process of examining an application for international protection. In fact, an applicant for international protection whose application had been rejected appealed their refusal decision on several grounds, including the fact that the length of the 21-month examination had been exceeded.²⁸⁹ The court concluded that this period is a period of order and is not a period of rigour, so it is possible for the Minister to decide after that time if the delay is not considered excessive. In addition, the court noted that the complainant had not relied on any tangible grievance caused by the failure to meet the deadline.²⁹⁰

Compliance with the length of the proceedings was one of the main criticisms by NGOs in the field of asylum. The LFR claims compliance did not always take place with the legal deadlines established by law for the processing of international protection applications and proposes, among other things, the creation of a system of traceability of files that would allow AIPs to monitor the progress of their application as well as strengthening and supporting the workforce of the Directorate of Immigration.²⁹¹

The Government, in its coalition agreement, committed to respecting the procedural guarantees for international protection applications, including the timeframes for reviewing applications, and providing regular information on the status of the application review.²⁹²

3.12 Relocation and resettlement

3.12.1 Relocation from the Republic of Malta

In 2018, Luxembourg took part in two relocation operations from the Republic of Malta, relocating 20 people in response to calls for solidarity launched following the arrival during the summer of two humanitarian ships at the port of Valletta.²⁹³

Following the arrival of "Lifeline" into the port of Malta on 27 June 2018, Luxembourg undertook the ad hoc relocation of 15 of the 235 embarked migrants to fulfil this commitment. Two officials of the Directorate of Immigration travelled to Malta to conduct interviews and identify migrants who are in clear need of international protection. Following this identification operation, 15 people of Sudanese origin were met at Luxembourg airport on 15 July 2018 by representatives of the Directorate of Immigration and the OLAI²⁹⁴ and filed an application for international protection in Luxembourg.²⁹⁵

On 9 September 2018, five applicants for international protection (four Eritreans and one Somali) were relocated from Malta. They were among the 141 people who arrived in Malta aboard the humanitarian ship "Aquarius".²⁹⁶

3.12.2 Resettlement (from third countries)

In his foreign policy statement of 13 March 2018, the Minister of Foreign and European Affairs announced that Luxembourg intends to resettle 200 people from Niger by the end of 2019.²⁹⁷ This decision follows the appeal launched by the European Commission at the end of 2017 for the provision of 50,000 resettlement places for vulnerable people. This commitment was reiterated by the Government in the coalition agreement, stating that this settlement would take place over a period of two years.²⁹⁸ However, in 2018 no cases of resettlement took place.

In this context, the LFR has called on the Government to honour its commitments made under the resettlement programme. It called for the development of other legal and safe access routes such as humanitarian visas, the use of family sponsorship and student reception measures (visas, scholarships,

sponsorship).²⁹⁹ This position is also supported by Catholic organizations which propose, among other things, the development of a reception programme for AIPs arriving as part of the resettlement, as well as the adoption of a framework for private and community sponsorship.³⁰⁰

3.13 Other efforts in the context of European solidarity

The Directorate of Immigration seconded Refugee Service staff to support the operations of the European Asylum Support Office (EASO) in Italy, Greece and Cyprus. The 6 detachments lasted from five to twelve weeks. In addition, 4 officers from the Returns Service were deployed in Germany to support the European Border and Coast Guard Agency (Frontex) for missions lasting from ten to thirteen weeks.³⁰¹

4. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

4.1 Integration NAP

The Integration NAP provides for a number of measures for vulnerable people in the context of the reception and social support of AIPs³⁰², and in particular:

- *"Developing and organising the detection of vulnerable and/or traumatised people;*
- *Evaluating existing procedures and actions for identifying and supervising vulnerable people;*
- *Promoting the consideration of the specific needs of vulnerable people and of each gender."*

Another measure, developed with the broader objective of ensuring access to housing for AIPs, is to develop reception capacities for vulnerable people, including unaccompanied minors.³⁰³ A number of beds should be reserved for unaccompanied minors.

In linguistic and school matters, issues regarding the integration of unaccompanied minors will be dealt with by the MENJE and its services within the framework of existing programmes.³⁰⁴

Finally, the Integration NAP plans to improve the technical skills of officers in the field in the areas of interculturality, transculturality, reception, diversity, inclusion and integration. In this context, it is planned to develop training on identifying vulnerable people for socio-educational staff and reception officers.³⁰⁵

4.2 Unaccompanied minors

In 2018, 36 unaccompanied minors submitted an application for international protection in Luxembourg. These figures are down from the 50 applications submitted in 2017 (a year-on-year decrease of 28%). While Albania and Morocco were the main countries of origin for applications in 2017, during 2018 Eritrea was the top country of origin followed by Afghanistan, Albania and Iraq. The year 2018 was marked by the arrival of even younger unaccompanied minors than in 2017, with two children aged 4 and 10 respectively applying for international protection.³⁰⁶

4.2.1 Creation of a new collegiate body to evaluate the best interests of children

Bill no. 7238 amending the Amended Law of 29 August 2008 was tabled on 29 January 2018 in the Chamber of Deputies.³⁰⁷ One of the aims of this Bill is to guarantee the best interests of unaccompanied minors during the assessment of their situation in the context of a return decision. The Bill introduces an amendment to section 103 of the Immigration Law by providing for a multidisciplinary team to assess the best interests of the child in the context of a return procedure.³⁰⁸

The multidisciplinary team started to function at the beginning of 2018. It is composed of members of the Public Prosecutor's Office, the ONE, the Luxembourg Office for Reception and Integration (OLAI) and the Directorate of Immigration which chairs it.³⁰⁹ The unaccompanied minor's ad hoc administrator is also invited to attend the specific meeting organised for the minor they represent. On the basis of the minor's file as well as the information collected by the IOM on the family situation of the minor in their country of origin, an opinion assessing the best interests of the child is then issued for each minor.³¹⁰

In its opinion of 8 May 2018 on the Bill, the Council of State questioned the reality of the concept of "multidisciplinary team".³¹¹ The CCDH considers that the proposed amendment remains non-compliant with the European requirements relating to the best interest of the child but also with regard to

respecting their fundamental rights. Moreover, it queries whether the multidisciplinary team mentioned in the Bill constitutes the legalisation of the collegiate body that has started to function within the Directorate of Immigration and asks that the composition of this team be specified as well as the method of appointment of its members. It also recommends that the Ombudscommittee for Children's Rights (ORK), the guardian and the ad hoc administrator of the minor concerned, as well as representatives of civil society, be members of this multidisciplinary team and it recommends the adoption of a Grand Ducal Regulation to clarify the operating rules for this multidisciplinary team.³¹²

Finally, it recommends that the return decision be executed only if it is possible to return the unaccompanied minor to the country of return to a family member, a guardian or a reception organisation. It also queries the consequences of non-return decisions, especially when it cannot be proved that removal from the territory would be in the interest of the child.³¹³

The ORK supports the establishment of a multidisciplinary team, while the principle of the best interest of the child is "difficult to understand for those who put it into practice". The ORK stresses that family reunification does not always and necessarily meet the best interests of the child. On the other hand, it is concerned with the risk that searches to assess the possibilities of family reunification in the country of origin can be too long and the status of the unaccompanied minor has not been clarified before reaching the age of majority. Which poses a risk of the disappearance of unaccompanied minors from reception centres and becoming at risk of criminal networks. Finally, the ORK renews its request for the establishment of a special permission status for unaccompanied minors enabling them to integrate validly and sustainably in Luxembourg.³¹⁴

4.2.2 Age assessment

The question of the assessment of the age of minors was the subject of debate as well as wide media coverage in 2018 following the outrage and condemnation of the CCDH of the practice of examinations and taking photographs of genitals to determine the age of AIPs.³¹⁵

This criticism caused the Foreign Minister to react several times in the press. The Minister noted that the examinations relating to the age assessment are carried out according to the applicable ethical rules, with respect for the dignity of the individuals, and that the people are not palpated or touched. He also stated that it is not a medical examination using instruments, but only a visual inspection and that the genitals are never measured or photographed (the taking of photographs having already been discontinued in 2017 with the exception of a portrait/face - torso photo).³¹⁶

In addition, the Minister noted that the Council of Europe report of 2017 cites Luxembourg practice as a good example with a two-step examination and practice of affording the benefit of the doubt regarding the margin of error in favour of the individual. This examination consists initially of an X-ray of the wrist and the hand. If it can be assumed that the person is under 18 years, a medical report is written without further examination. So, doubt benefits the minor. On the other hand, if a serious suspicion that the person is over 18 years persists, then a complete physical examination is carried out. An X-ray of the clavicle and a panoramic dental X-ray supplement this examination.

The Minister also said that no minority could be confirmed during this second stage of the examinations and pointed out that no real minor has ever had to submit to this examination. Of the 8 tests carried out in 2018, the doctors concluded in the majority of cases that the persons concerned were above the age of majority, including people with an estimated age of 26 and 27 years.

The Ministry concluded its position by noting the duty of the authorities to protect children in shelters or schools. In this context, they must therefore prevent adults from being placed among the children.³¹⁷

4.2.3 Coalition agreement

The Government stated in the coalition agreement that it will pay special importance to unaccompanied children and their best interests. In this context, it is committed to setting up the systematic and rapid appointment of a guardian, an ad hoc administrator and a lawyer for each minor.³¹⁸

The Government also indicates that age determination procedures must take a holistic approach.³¹⁹ In addition, it intends to improve the immediate and appropriate care of irregular minors through the establishment of specific reception facilities.³²⁰

The Government will continue its efforts to ensure adequate assessment of the best interests of the child, which it considers to be paramount, throughout reviewing the application for international protection prior to a return decision. Taking into account the specific situation of each minor concerned, by the specific commission set up for this purpose and with the assistance of the IOM.³²¹

Finally, the Government undertakes to provide unaccompanied minors with specific facilities and adequate care. It also intends to guarantee the rapid assignment of a guardian and to make the necessary resources available to enable them to carry out their mission.³²²

4.3 Other vulnerable groups

4.3.1 Detection of signs of vulnerability and support for vulnerable persons

The Minister for Family and Integration had indicated that a team of psychologists and psychiatric nurses is responsible for detecting vulnerable people among the AIPs in the days following their arrival in the first reception facilities and that their needs are taken into account by the OLAI in all accommodation facilities.³²³

The Minister also indicated that the officers of the Directorate of Immigration³²⁴ and the OLAI³²⁵ receive training to detect vulnerable people. A position of 'expert in people at risk of vulnerability' was also held (CDD) within the OLAI in 2018. This role consisted of assessing the existing situation in terms of vulnerability and developing an action plan for the prevention and care of people at risk of vulnerability.³²⁶

Exchanges between the OLAI and the Directorate of Immigration's focal point on vulnerability also take place from the making of of the application for international protection. Support staff receive training on human trafficking, female genital mutilation and LGBTQIA identities. The Ministry of Immigration and Asylum also cooperates with NGOs in identifying signs of vulnerabilities.³²⁷

An individual assessment of the applicant's vulnerability is also carried out prior to a transfer decision or their placement in a semi-closed centre.³²⁸

4.3.2 Female genital mutilation

The Law of 20 July 2018 approving the Council of Europe Convention on preventing and combating violence against women and domestic violence³²⁹ (known as the "Istanbul Convention") is the first international convention covering all forms of violence against women.³³⁰

The Law punishes anyone who practices, facilitates or promotes any form of genital mutilation of a female person, with or without the consent of the female, with three to five years' imprisonment and a fine of €500 to €10,000.³³¹

The penalties are increased by five to seven years' imprisonment and a fine of €1,000 to €25,000 if the mutilation of the genitals has resulted in an apparently incurable illness or permanent incapacity for work. If the mutilation of the genitals was committed by a legitimate, natural or adoptive ascendant of the victim, or by a person who has authority over or abuses the authority conferred upon them by their position, or if it causes death, even unintentionally, the penalties provided are a jail term of seven to ten years and a fine of €2,500 to €30,000.

The legislator has also introduced more severe criminal penalties if the victim of the offence is a minor or is particularly vulnerable due to their illegal or precarious administrative situation, their precarious social situation, age, state of health, physical or mental disability, or a pregnancy which is known or visible to the perpetrator, or if the mutilation was perpetrated under threat, force or other form of

coercion, or by abduction, fraud or deception. The perpetrator of such acts is then liable for a jail term of 10 to 15 years and a fine of €1,000 to €25,000.³³²

4.3.3 LGBTQIA

4.3.3.1 National Action Plan for the Promotion of the Rights of LGBTQIA Persons

In 2018, Luxembourg enacted a national action plan for the promotion of LGBTQIA rights.³³³ Structured in eight thematic chapters,³³⁴ this plan provides for several goals and actions regarding the reception and integration of AIPs.³³⁵

In this context, the first goal is to improve the training of professionals in charge of hosting AIPs and to ensure the secure reception of LGBTQIA AIPs. Several measures focus on this:

- *"Training of all officers of the Directorate of Immigration's Refugee Service on issues around sexual orientation, gender identity and variations in gender characteristics;*
- *Training all officers of the Luxembourg Reception and Integration Office (OLAI), the staff who supervise management partners and security staff at AIP accommodation facilities on issues around sexual orientation, gender identity and variations in gendered characteristics, and ensuring the safety of LGBTQIA AIPs through appropriate means, such as protected areas;*
- *Providing for a procedure to ensure that transgender gender identity is respected within Detention Centres".*

The second goal is to integrate the theme of LGBTQIA rights into the tools for the reception and integration of AIPs, BIPs and immigrants. To this end, it provides for measures to include an overview of the rights of LGBTQIA people in civic courses offered as part of the Guided Integration Trail (PIA) for international protection applicants and beneficiaries, as well as in civic courses offered under the Welcome and Integration Contract (CIA) for non-Luxembourg residents.³³⁶

In order to implement this action plan, the OLAI regularly organises continuous training and voluntary awareness training courses for its officers, accommodation facility management staff, management partners mandated to carry out the daily management of certain accommodation facilities (the Red Cross and Caritas) and security staff at accommodation facilities for AIPs, for which they are responsible.³³⁷

These training courses are organised by national partners, international partners or the National Institute for Public Administration (INAP). The OLAI is currently working on scaling up awareness projects for the years to come.³³⁸

Regular meetings "Welcome LGBT Refugees" were organised for LGBTQIA BIPs and AIPs in 2018 by CIGALE in order to offer a protected space for conversation and exchange as groups or individuals.³³⁹ These meetings brought together 23 AIPs.³⁴⁰

4.3.4 Victims of forced marriages or domestic violence

4.3.4.1 Right of residence for victims of forced marriages or domestic violence

The law implementing the Istanbul Convention in Luxembourgish law also amends certain provisions of the Immigration Law, allowing victims of forced marriage who have been made to leave Luxembourg to benefit from a simplified procedure to recover their residence permit.³⁴¹

The text also provides that victims of domestic violence may be granted a residence permit for private reasons if their stay is necessary because of their personal situation, which is assessed according to various factors (including their health status, family situation, situation in the country of origin and whether it is necessary for the victim's cooperation with the competent authorities in the context of an investigation or criminal procedure).³⁴²

4.3.4.2 Awareness campaign

On 3 December 2018, the Ministry of Equal Opportunities launched a new information, prevention and awareness campaign on preventing and combating violence against women and domestic violence.

A new website, www.convention-istanbul.lu, provides information on the various forms of violence covered by the Convention, details the ways in which they are penalised in Luxembourg, and indicates where to go to get help.³⁴³

As in previous years, prevention and awareness-raising campaigns around violence against women, in cooperation with NGOs, were also organised in 2018, such as the White Ribbon Campaign and Orange Week.³⁴⁴

4.3.5 Debates on vulnerabilities

4.3.5.1 *Detection of vulnerabilities*

During 2018 the CCDH lamented the lack of a specific internal procedure for identifying vulnerable persons and that this procedure is mainly carried out by private partners, including Caritas and the Red Cross.³⁴⁵ This opinion is also shared by the LFR, which has requested that the Government develop an independent process to detect vulnerabilities.³⁴⁶

The Ministry of Immigration and Asylum pointed out that detection of signs of vulnerability, trauma and/or harassment and violence of any kind, is carried out right from the beginning of the management process, and that exchanges between the OLAI and the Directorate of Immigration's point of contact on vulnerability also takes place as of the beginning of the application for international protection. Therefore, the Ministry believes that the needs of vulnerable people are taken into account in all accommodation facilities. Finally, it specifies that cooperation between the Ministry and NGOs in this area is useful and necessary.³⁴⁷

4.3.5.2 *LGBTQIA*

Rosa Lëtzebuerg-CIGALE asked the Government to continue its efforts concerning the promotion of the rights of LGBTQIA and has made a number of claims relating to, among other things, the production of statistics (cross-referencing country of origin, gender, family status and, where appropriate, sexual orientation), the opening of a discussion on the creation of a hostel (or part of a hostel) that would be reserved for LGBTI AIPs who request it because of physical and psychological harm, and officers responsible for interviews around difficulties associated with coming out, sexual orientation, gender expression and gender identity.³⁴⁸

4.3.5.3 *Right of residence for victims of forced marriages*

Although the LFR expressed satisfaction with Luxembourg's compliance with the Istanbul Convention, it also expressed concerns over what it viewed as systematic rejection of applications for international protection from women who were victims of domestic violence in their country of origin.³⁴⁹

5. INTEGRATION

5.1 Multi-Annual Integration Plan

On 13 July 2018, the Council of Government adopted the National Action Plan on Integration (Integration NAP) which is to succeed the 2010-2014 Multi-Annual National Action Plan for Integration and the Fight Against Discrimination (which was extended until 2017). This document provides the general and strategic framework for programmes and tools for social cohesion between Luxembourgers and non-Luxembourgers.³⁵⁰

The Integration NAP is developed in two parts: 1) reception and social support for applicants of international protection residing in Luxembourg (see section 3.2.1.6) and 2) integration of non-Luxembourgish residents.

Three cross-cutting areas have also been identified:

1. Access to information and interaction;
2. Quality of services;
3. National and international cooperation and coordination.

In addition, five priority areas will be implemented by the various stakeholders involved in the integration process (ministries, administrations, municipalities, civil society, etc.) among others, through calls for projects and focussed on:

1. The establishment of a system for monitoring and evaluation of long-term integration policy;
2. Improving the employability of non-Luxembourgers;
3. Promotion of education, continuous training and language learning for non-Luxembourgers;
4. Strengthening of local stakeholders and support for municipalities in implementing shared responsibility at local level;
5. Implementing shared responsibility for integration with the community host society by promoting intercultural exchanges) While some actions fall within the scope of immediate intervention, other projects are long-term with a common thread of *"social cohesion, ultimate goal of the Government integration efforts."*³⁵¹ The fight against discrimination, although no longer included in the title of this new framework, is an integral part of the Integration NAP, as is the promotion of diversity and equal opportunities.³⁵²

This new framework has taken into account the major changes in migration in Luxembourg since the significant arrival of AIPs at the end of 2015. The Integration NAP focuses on the integration process of migrants settling in Luxembourg, whatever their status, in order to guarantee *"successful integration leading to greater social cohesion and harmonious living together within Luxembourg society"*.³⁵³ This new approach is the result of an extensive consultation process with the various stakeholders involved in welcoming and integrating non-Luxembourg nationals (civil society³⁵⁴, municipalities³⁵⁵, Parliament³⁵⁶ and the National Council of Foreigners³⁵⁷) from late 2017 until 2018.

Unlike the aforementioned 2010-2014 NAP, the Integration NAP is no longer limited in time but can be revised and adapted according to changing needs.³⁵⁸ A mid-term evaluation of the Plan is foreseen two and a half years after its launch with a full evaluation after five years.

5.1.1 Civil society opinion

Although the Integration NAP has been well received by civil society, there has been also some criticism. Some call it a "catalogue of good intentions" due to the lack of statistical and financial data and no forecasts of deadlines for the implementation of announced measures.³⁵⁹

5.1.2 Coalition agreement

The new Government has stated that it is committed to providing the necessary resources to the relevant ministry to implement the Integration NAP.³⁶⁰

In addition, it provides that regular exchanges and joint meetings between the Interministerial Committee for Integration and civil society will be maintained.³⁶¹

5.2 Socio-economic participation

The socio-economic participation of non-Luxembourgers in the host society and access to employment occupy an essential place in the Integration NAP. They represent key elements in the integration process for non-Luxembourgers as they facilitate their empowerment³⁶² and social inclusion.

As such, improving the employability of non-Luxembourgers is one of the five priority areas of the Integration NAP.³⁶³

Access to training and employability is one of the objectives of the second action area of the Integration NAP.³⁶⁴ It is intended that this will be implemented through existing programmes put in place by the competent authorities and through following specific measures:

1. *“Increasing unemployment prevention initiatives through lifelong learning;*
2. *Promoting the management of diversity in the workplace by, among other things, signing the Diversity Charter;*
3. *Promoting business creation by non-Luxembourgers;*
4. *Facilitating access to certain activities subject to an authorisation of establishment;*
5. *Promoting language-learning leave;*
6. *Enabling lifelong learning and acquisition of new skills as well as the intercultural/intergenerational exchange of knowledge and know-how;*
7. *Facilitating the integration of beneficiaries of international protection (BIPs) into the labour market through, among other things, access to social initiatives;*
8. *Developing actions with the private sector, such as tutorials/mentoring and mentoring programmes”.*

5.3 The "Kulturentwécklungsplang 2018-2028"

Presented on 27 September 2018 by the Secretary of State for Culture, the "Kulturentwécklungsplang 2018-2028" (Cultural Development Plan, KEP) is a roadmap based on a vision of culture in Luxembourg for the next ten years. The result of a participatory process with the cultural sector that lasted more than two years³⁶⁵, the KEP presents a series of goals accompanied by recommendations.

Noting that culture acts as a driver of social cohesion, integration, inclusion and individual and collective well-being³⁶⁶, the KEP set the goal, among other things, of welcoming new arrivals to Luxembourg through privileged access to the country's cultural offerings.³⁶⁷ To this end, it recommends the development of specific integration actions, in particular the introduction of a "cultural welcome kit" designed to encourage discovery of the country's cultural offerings by newcomers (immigrants, refugees, students, etc.).³⁶⁸

Among the other preferred courses of action, the KEP recommends: diversifying, developing and multiplying communication tools and channels; adapting them to different needs and capacities, including linguistic ones: creating platforms for dialogue about cultural life between all audiences; encouraging the expression of diversified and alternative cultures in order to contribute to better

intercultural and intergenerational communication; better integration of the population through culture; and improved social cohesion.³⁶⁹

5.4 LSKO

The aim of the Luxembourg Centre for Integration and Social Cohesion (Lëtzebuurger Integratiouns- a Sozialkohäsiounscenter - LSKO) is to facilitate the integration of beneficiaries of international protection into Luxembourg society and thus to promote social cohesion in general.

The LSKO provided assistance to 2,335 people in 2018, which represents a 25% increase compared to 2017. The number of cases supported has also increased by 29% over the same period.³⁷⁰ The vast majority of cases concern people with refugee status. The LSKO also assisted 8 unaccompanied minors that are not supported by specialised services.³⁷¹

During 2018, the LSKO carried out 5,500 individual social consultations.³⁷² The LSKO actively collaborated on a number of projects in 2018 such as integration contracts³⁷³, volunteering³⁷⁴, access to social grocery stores³⁷⁵ and the "National Voluntary Pre-Service".³⁷⁶

In order to facilitate access to housing for BIPs, the LSKO continued to develop several measures:

- Housing workshops (presentation of the institutions in question and the private housing market, coaching to help access housing and support in the search for housing). A specific workshop was created in 2018 for people aged under 25 who have no income except social assistance. The content of this workshop covers, among other things, the issue of housing.³⁷⁷ In 2018, the LSKO organised 85 workshops on topics related to housing, integration and administrative procedures for a total of 1,798 participants.³⁷⁸
- The "LSKO guarantee" based on an agreement between the BIP and the LSKO, provides homeowners with certain guarantees such as the payment of two months of the tenant's rent in the event of breach of payment, as well as the reimbursement of material damages up to €3,000. In 2018, 24 "LSKO guarantees" were concluded for the private real estate market.³⁷⁹

In 2018, a major development within the LSKO saw the establishment of psychological monitoring and the recruitment of a psychologist.³⁸⁰

5.5 National Employment Agency Unit for Beneficiaries of International Protection

Some developments can be reported with regard to the Unit for Beneficiaries of International Protection³⁸¹, which is dedicated to assisting BIPs to access employment and which has been in place since February 2017 within the Employment Service of the Employment Agency (ADEM).

As of 4 April 2018, 765 BIPs are registered as job seekers with the ADEM, of which 561 are available for the labour market and 203 are participating in one of the measures offered by the ADEM.³⁸²

(See also section 3.4.1)

5.6 Social Inclusion Income Law (REVIS)

The Law of 28 July 2018 on Social Inclusion Income, hereinafter referred to as REVIS, repealed the Law Creating a Guaranteed Minimum Income (RMG).³⁸³

In accordance with the provisions of the new law, any person wishing to benefit from REVIS must first of all benefit from a right of residence, be registered in the main register of the National Register of Natural Persons and reside at the place where their habitual residence is established.³⁸⁴

Previously, the law on the RMG required that a third-country national must reside in Luxembourg for five years of the last twenty years in order to benefit from the RMG. Luxembourgers and EU nationals, nationals of a State acceding to the European Economic Area (EEA), Swiss nationals, persons recognised as stateless on the basis of the Convention relating to the Status of Stateless Persons, and persons recognised as refugees within the meaning of the 1951 Convention relating to the Status of Refugees, were exempted from this condition.³⁸⁵

The REVIS law now exempts all BIPs from this residency requirement instead of just refugees under the Geneva Convention.³⁸⁶ It also exempts family members of third-country nationals (as well as nationals of Luxembourg, the EU, the EEA and Swiss nationals) from this residency condition and it now includes the family members of BIPs.³⁸⁷

The new REVIS law came into effect on 1 January 2019.

The Ministry of Family, Integration and the Greater Region has set up a website www.revis.lu to inform the general public and beneficiaries of the RMG about the new terms, conditions and procedures of REVIS.³⁸⁸

5.7 Prohibition of concealment of the face

Bill No. 7179, amending Article 563 of the Penal Code by creating an offence prohibiting concealment of the face in certain public places, was adopted by the Chamber of Deputies in its session of 26 April 2018 with 32 votes in favour and 28 against the bill. The debate on this bill was discussed in the 2017 edition of the Annual Report on Migration and Asylum.³⁸⁹ The Law of 23 May 2018 came into force on 1 June 2018.³⁹⁰

5.8 Social security agreements

Several bilateral social security agreements were concluded and/or approved in 2018. As a reminder, these agreements offer residents of the contracting countries additional legal guarantees and security with regard to social security. Like other international social security instruments, these agreements are based - in particular - on the two fundamental principles of equal treatment³⁹¹ and the portability of benefits.³⁹²

The Law of 25 July 2018³⁹³ approves the bilateral social security agreement between the Grand Duchy of Luxembourg and the People's Republic of China, concluded in Beijing on 27 November 2017. The main objective of the Agreement concerns the posting of workers, such that persons who are temporarily posted to the territory of the other State remain subject to the legislation of the country of origin, which is of great interest to the companies of the two countries. The general principle which applies when determining the legislation to be applied is that the worker is subject to the legislation of the Contracting

State in which they perform their professional activity. Two exceptions are noted in this context with regard to workers in the air transport sector.³⁹⁴

Bill no. 7369³⁹⁵, tabled in the Chamber of Deputies on 1 October 2018, aims to approve the bilateral social security agreement between Luxembourg and the Republic of Korea, concluded in Luxembourg on 1 March 2018.

Other improvements include the general principle of aggregation of periods of insurance in either country for pension entitlement purposes, better posting rules and improvement of mutual administrative assistance.³⁹⁶

5.9 Coalition agreement

The coalition agreement notes that integration and socio-cultural inclusion will be at the heart of Government activity.³⁹⁷ The Government plans to improve living together between the residents of the Grand Duchy of Luxembourg, which it considers to be an asset³⁹⁸, through "a policy of integration and inclusion that will promote cultural diversity as well as the heritage and traditions of Luxembourg, which are all essential elements of our identity".³⁹⁹

In terms of integration policies, the government also mentions two categories of people for which integration into society should be improved:

- Older migrants, through the development of an "active ageing" strategy,
- Refugees⁴⁰⁰, through improved consultation between the ministries in charge of immigration, integration, education, and health, as well as social services, the ADEM and the municipalities. In order to improve their professional integration

The Government intends to pursue the development of an inclusive, participatory and open cultural policy.⁴⁰¹ In this context, the KEP will be analysed and adapted regularly and the necessary resources for its transposition will be made available.

5.10 Access to citizenship and civic participation

5.10.1 Integration NAP

The Integration NAP notes the fundamental importance of the political participation of non-Luxembourg populations in the democratic process, in a specific demographic context (with a rate of more than 47% non-Luxembourg nationals living in Luxembourg).

Also, increasing the political participation of non-Luxembourg nationals is one of the objectives (objective 5) of the Integration NAP. This objective provides a series of measures to strengthen various forms of participation⁴⁰², such as:

1. "Continuing to organise awareness-raising and voter registration campaigns for municipal and European elections, including the importance of local politics in day to day life,
2. Raising student awareness through political education,
3. Encouraging participation in Advisory Committees on Integration (CCCI),
4. Facilitating access to Luxembourg citizenship for non-Luxembourg nationals by implementing the law of 8 March 2017 on Luxembourg Nationality both by the various state actors and by the municipalities,
5. Improving the participation of non-Luxembourg representatives in the development of integration policies, particularly in the CCCI and the National Council for Foreigners (CNE)."

5.10.2 Law of 20 July 2018 amending the law on Luxembourg Citizenship

The Law of 20 July 2018 amending the Law of 8 March 2017 on Luxembourg Citizenship introduces a number of technical adaptations to the Citizenship Law. These adaptations concern the documents required to assess the good repute of applicants for Luxembourg citizenship and, in particular, the criminal record of applicants for Luxembourg citizenship.⁴⁰³

The 2017 Citizenship Law required candidates to submit a criminal record from any foreign country in which the candidate has resided from the age of 18 and within the 15 years immediately preceding the application. The amendment now requires the applicant for naturalisation to submit an extract from the criminal record of the country or countries of which they are (or were) citizens.⁴⁰⁴ Other measures aim to bring the Citizenship Law into line with the legislation on the organisation of criminal records and improving legal certainty.⁴⁰⁵

This Law came into force on 1 September 2018.

5.10.2.1 Acquisitions of citizenship

In 2018, 13,372 people acquired Luxembourg citizenship, an increase of 48% on 2017. These figures include all acquisitions of citizenship (with the exception of minors who automatically become Luxembourgers following the acquisition of citizenship by one of their parents) and break down as follows:

- 11,876 persons acquired citizenship by procedural means (naturalisation, option or recovery),
- 1,308 people became Luxembourgers on the basis of first generation *ius soli*,
- 188 children became Luxembourgers, because of their birth in Luxembourg to 2 foreign parents of which at least one was born in Luxembourg (double *ius soli*).

Acquisitions of Luxembourg citizenship by procedural means increased by 31.5% compared to 2017. This mainly related to residents of Luxembourg (58.5% compared to 55.1% in 2017).

Almost a third of new Luxembourgers are third-country nationals (3,936 persons or 33.10%). This year, Brazilians top the list of third-country nationals who have acquired citizenship (931), followed by the United States nationals (665) and Montenegrins (490).

Table 5: Nine top third countries whose nationals have acquired Luxembourg citizenship (2018)

Nationality	Number of acquisitions
Brazil	931
United States of America	665
Montenegro	490
Bosnian/Herzegovinian	393
Serbia	225
Cape Verde	219
Kosovo	119
Russia	77
China	74

Source: Ministry of Justice, Statec © LU EMN NCP 2019

In absolute terms, the highest number of persons who acquired Luxembourg citizenship in 2018 were French (2,784), followed by Belgians (1,598), Portuguese (1,594), Brazilians (931) and United States nationals (665).

Great disparities appear according to the place of residence, as some national groups who become Luxembourgers reside mainly or even exclusively in Luxembourg, while other groups mainly consist of non-residents.

Table 6: Top twenty nationalities of persons who have acquired citizenship of Luxembourg by procedural means according to residence status (2018)

	Former nationality	Residence in Luxembourg	Residence abroad	Total	Proportion of residents (%)
1	French	760	2,024	2,784	27.3
2	Belgian	413	1,185	1,598	25.8
3	Portuguese	1,591	3	1,594	99.8
4	Brazilian	51	880	931	5.5
5	American	53	612	665	8.0
6	Montenegrin	489	1	490	99.8
7	Italian	440	21	461	95.4
8	British	399	41	440	90.7
9	Bosnian/Herzegovinian	392	1	393	99.7
10	German	286	78	364	78.6
11	Serbian	225	0	225	100.0
12	Cape Verdean	219	0	219	100.0
13	Spanish	122	2	124	98.4
14	Kosovar	118	1	119	99.2
15	Polish	94	8	102	92.2
16	Greek	99	0	99	100.0
17	Russian	76	1	77	98.7
18	Chinese	74	0	74	100.0
19	Danish	69	0	69	100.0
20	Dutch	56	1	57	98.2
21	Other	924	67	991	93.2
	Total	6950	4926	11876	58.5

Source: Ministry of Justice, Statec, 2018

The acquisition of citizenship by French, Belgian, Brazilian and American nationals mainly concerns non-residents, while the Portuguese, Montenegrins, Italians, British, Bosnians, Serbs, Cape Verdeans,

Spaniards, Kosovars, Poles, Greeks, Russians, Chinese, Danish and Dutch who become Luxembourgers reside almost exclusively in Luxembourg.

Of note is the continuous growth in the number of British citizens who have become Luxembourgers: 440 in 2018 compared to 384 in 2017 (and 128 in 2016), or an increase of 14.5%.

Taking into account all possible ways of acquiring Luxembourg citizenship, we can see that:

- In all, there were 6,453 new Luxembourgers by option (48.3% of the total), 4632 by recovery (34.6%), 1308 on the basis of first-generation *ius soli* (9.8%), 791 by naturalisation (5.9%) and 188 on the basis of double *ius soli* (1.4%).
- The largest number of transfers of citizenship (34.5%) can be attributed to recovery of citizenship by persons who can prove that they had a direct Luxembourg ancestor who was alive on 1st January 1900. This article almost exclusively benefits non-residents.
- In second place are foreign nationals who can claim 20 years of residence in the country and prove they have attended 24 hours of classes in Luxembourgish.
- Right of the soil – *ius soli* – has a significant impact: it is checked for persons aged 12 years and over who can provide evidence of 5 years of consecutive residence in Luxembourg before the declaration of option (2261 people, i.e. 16.9%), but also with regard to first generation *ius soli* (1308 people, or 9.8%). By adding these two categories based on the first generation *ius soli*, we arrive at a total of 4,651 people, which represents 34.8% of the total number of acquisitions of Luxembourg citizenship.

The strong demand for access to Luxembourg citizenship is also reflected in the National Language Institute (INL), which had to reorganise its examination system for the language test (*Sproochentest*) required in many cases to acquire Luxembourg citizenship. As of January 2018, all the sessions scheduled for that year were full. Additional sessions were organised in July 2018 to allow 2,173 candidates to register for the language test (*Sproochentest*), which represents a 55% increase over the previous period.⁴⁰⁶

The overall pass rate for all sessions is 74%.

5.10.3 Promoting voter registration

5.10.3.1 Amendment of the electoral law

The Chamber of Deputies adopted the Law of 8 March 2018 amending the Electoral Law with 34 votes against 26.⁴⁰⁷ The purpose of this law is to simplify the electoral process and make a number of substantial changes in this regard.

The Law establishes postal voting as an alternative to voters going to the polls. Previously, postal voting was limited to voters over the age of 75, Luxembourg nationals resident abroad and those who could not appear at the polling station in person for duly evidenced professional or personal reasons. The law now allows electronic submission of a request for a postal vote via form, which must be signed electronically on the portal MyGuichet.lu.

In order to vote in municipal elections, foreigners were previously required to fulfil the 5-year residence requirement at the time of registration on the municipal electoral roll. From now on, only the last year of residence preceding the application for registration on the electoral roll needs to be uninterrupted.

Similarly, to be a candidate in the municipal elections, it will be necessary to prove 5 years of residence, of which only the last year of residence preceding the submission of the candidacy must be uninterrupted.

Lastly, the deadline for submitting applications for registration on the electoral roll for all municipal administrations is set at 5:00 p.m. on the 87th day before polling day.

The Law also introduces the possibility of registering third-country nationals on electoral rolls electronically.

5.10.3.2 Overview of registration on municipal electoral rolls

In 2018, the Centre for Intercultural and Social Studies and Training (CEFIS), with the financial support of OLAI, produced three publications on the participation of foreigners in the municipal elections of 8 October 2017.

The study entitled "The municipal elections of October 2017" presents the results of quantitative and qualitative research into the results of the awareness campaign on registration on the municipal electoral roll. It describes and analyses the rate of registration of foreigners on the electoral roll in the October 2017 municipal elections according to various sociodemographic, cultural and geographical variables. This study also focuses on the sociological profile of candidates and elected officials and studies the actions implemented by municipalities, CCCIs, associations and multipliers to mobilise foreigners for increased participation.

The other two publications are educational in nature and are based on the results of the aforementioned research. The "Guide for Municipalities, CCCIs and Multipliers" provides recommendations as well as best practices for raising awareness of voter registration.

"2017 municipal elections. Some information and key figures on foreign residents and the 2017 municipal elections" presents the essential data on the registration of foreign nationals on the municipal electoral rolls, and candidates and elected representatives with foreign nationality.

The research work highlighted, among other things, the following elements:

- The actual rate of registration was 22.8% (34,638 registrants). The proportion of registered EU nationals was 23.2% (31,288 persons). The proportion of registered third-country nationals was 19.7% (3,350 persons).
- The main EU nationalities with the highest actual rates of registration were Belgians and Germans (28% with respectively 3,186 and 2,215 people registered), followed by French (24%) and Portuguese (22%). The main non-EU nationalities with the highest actual registration rates were Montenegrin residents (27%), Cape Verdeans and Serbians (22%), United States nationals (18%) and Chinese (9%).
- In the municipal elections of 8 October 2017, 12% of voters were of foreign origin and 88% were of Luxembourg nationality.

The results of this research were able to demonstrate the positive impact of the actions of the multipliers who were trained to raise awareness in their network to register on the electoral roll. (see section 5.10.3.3)

5.10.3.3 National information and awareness campaign for the European elections

1. National "I can vote" campaign

In view of the European elections of 26 May 2019, the Ministry of Family, Integration and the Greater Region launched an information and awareness campaign for non-Luxembourg residents who are nationals of the European Union, with a view to their registration on the electoral roll.⁴⁰⁸

The "I can vote" campaign was coordinated by the Luxembourg Office for Reception and Integration (OLAI) and is supported by the Liaison Office of the European Parliament in Luxembourg.⁴⁰⁹ A leaflet containing the most important information (in 10 languages), posters (in 5 languages), information kits and a dedicated website (in 5 languages) were developed as part of this campaign.

2. Calls for projects

In addition, a call for projects was launched by the OLAI to support projects from non-profit associations wishing to carry out actions aimed at encouraging foreign nationals from Europe to register on an

electoral roll for the European elections.⁴¹⁰ As a result, the OLAI subsidised 13 projects in the amount of €42,770.⁴¹¹

3. Training of multipliers

In order to mobilise more foreign residents in Luxembourg to go to the polls during the European elections, the CEFIS organised a "Multiplier Training" programme, with the support of the OLAI and in partnership with the Liaison Office of the European Parliament of Luxembourg.⁴¹²

The objective of this training was to provide tools and skills to "multipliers" who undertake to inform and raise awareness within their community, their network, the neighbourhood, about how to register on the electoral roll and participate in elections. The training focused on the powers of the European Parliament and the Luxembourg electoral system, as well as the awareness-raising projects that the multipliers intended to run.

In total, five courses were held from October to December 2018, in French and English and 58 multipliers of various nationalities were trained.

5.11 The National Council for Foreigners (CNE)

A ministerial decree of 18 January 2018 appointed the members of the CNE⁴¹³ for a five-year term.⁴¹⁴ The CNE is composed of 34 full members representing non-citizens, refugees, SYVICOL, employers' organisations, the largest unions, and representatives of civil society. There are 22 non-citizen representatives, seven of whom are third-country nationals.⁴¹⁵

The new CNE's members met for the first time at a plenary session on 28 February 2018. Where 6 permanent commissions in charge of priority issues were established⁴¹⁶: (1) Liaison with the CCCI, (2) Migrants and Border Workers, (3) Refugees and AIPs, (4) Youth, Education and Continuing Education, (5) Civic Participation and Liaison with Associations, (6) Seniors and several ad hoc groups.⁴¹⁷ The Minister for Family and Integration and the Director of the Luxembourg Office for Reception and Integration (OLAI) may attend the meetings of the Council.⁴¹⁸

During 2018, the CNE held 6 plenary sessions, on 26 March 2018 drafted an opinion on the draft Integration NAP for 2018⁴¹⁹, as well as a regulation of internal order and submitted 2 proposals addressed to the Government through the Minister for the Family and Integration.⁴²⁰

In 2018, the CNE was allocated an operating budget.⁴²¹

5.12 Advisory Committees on Integration (CCCI)

The CCCIs⁴²² were renewed within three months of the inauguration of the new Municipal Council, elected at the local elections held on 8 October 2017. The members of the CCCI are appointed by the Municipal Council on the basis of a list of candidates established by the College of Mayors and Aldermen following a call for candidatures published in the municipality at least thirty days before the scheduled date for the nomination.

In 2018, a training programme was launched for CCCIs. It took place within the framework of the CEFIS agreement with the OLAI/Ministry of Family and Integration to equip the members of the CCCI from the beginning of their mandate in order to better fulfil their missions. The training was developed in close consultation with the OLAI and the Syvicol. It consisted of a module of two introductory sessions, the

objective of which is to understand the functioning and missions of a CCCI in order to help them develop a strategy and integration projects adapted to the local reality, the specificities of their municipality and the aspirations of its members. A total of 54 trainings were conducted involving a total of 32 CCCI members.

As part of its agreement with the OLAI, the CEFIS has developed a 16-page brochure entitled "CCCI: Mission and Operation" which is intended to visually illustrate the workings and essential missions of a CCCI. This document, produced in partnership with the SYVICOL, provides members of the CCCI with a working tool that helps them understand the legal framework of their mission as a CCCI.

5.13 Welcome and Integration Contract (CAI)

The Welcome and Integration Contract (CAI)⁴²³ is made available by the OLAI to any foreigner over the age of 16, who is legally resident in Luxembourg and wishes to stay there in a longer-term way.⁴²⁴

The CAI allows the signatories to enjoy the following benefits:

- An orientation day in the presence of numerous actors presenting the public services, as well as the cultural and sporting offer.
- Civic education training to better know and understand the traditions, values, history, culture and political system of the Grand Duchy.
- Luxembourgish, French and German language courses at a reduced rate.

In 2018, 1,441 people from 109 different nationalities signed the CAI (compared to 802 people in 2017), an increase of 79.6% compared to the previous year.⁴²⁵ Some 46 of the candidates were BIPs.⁴²⁶

More than 8,000 CAIs have been signed since the launch of this instrument in September 2011.⁴²⁷

5.14 Volunteer Agency

In 2018, the Volunteer Agency has been involved in various projects related to engagement for AIP/BIP volunteers and organised training courses with the help of experts, particularly in the framework of the "Get Involved"⁴²⁸ project funded by the Grand Duchess Charlotte National Relief Service. The project aims to provide basic training for volunteers who want to engage with refugees. In-depth modules for volunteers in contact with a multicultural audience, mainly AIPs/BIPs, were provided on the "Rights and Duties of Applicants for International Protection" (in collaboration with the Asti and the Red Cross) following the training courses carried out as part of the "Get Involved" project.

The Agency also participated in 7 meetings with the Ronnen Dësch coordinating team in order to be involved in the discussions about integration measures for AIPs and BIPs in Luxembourg.⁴²⁹

Other projects in which the Agency was involved included:

1. Master class

This module made it possible to deepen several themes within the framework of the ongoing training of volunteers, such as: "The administrative pathway of AIPs and the asylum procedure", "The Guided Integration Trail (PIA)", "Access to the labour market for AIPs", "Schooling of AIP children and youths", "Current statistics on asylum applications in Luxembourg", "European asylum policy" and finally "Important general information for volunteers".

17 people took these modules.⁴³⁰

2. Pilot project with municipalities

This project, in partnership with CNE, aims to create intergenerational meeting and exchange places in Luxembourg municipalities in partnership with the CNE. The CNE intends to ensure a national patronage role in the conduct of the project in partnership with the Volunteer Agency.⁴³¹

5.15 Projects contributing to the participation, integration and citizenship of seniors

The Ministry of Family, Integration and the Greater Region continues to pay particular attention to the integration of seniors⁴³² and has supported several projects implemented by the Maison des Associations in partnership with Senior Clubs and the intercultural officer of the RBS-Center fir Altersfroen service.⁴³³

For example, the travelling exhibition project "Lëtzebuerg, mäin Doheem: regards croisés " (*Luxembourg my home: combined views*). This intercultural and intergenerational project aims to enhance the individual pathways of older migrants and to raise awareness among the general public about different cultures.⁴³⁴ As well as various intercultural projects targeting migrants over the age of 60, such as: age cafes, language cafes, millefeuilles evenings, world cuisines, computer courses, Tell me a story, - the production of a compendium of senior members (>50) and contacts in the non-Luxembourger associations in Luxembourg.

5.16 Civil society proposals

Access to citizenship and the civic participation of foreigners was the subject of wide debate in view of the 2018 legislative elections.

5.16.1 Promoting political participation by foreigners

The ASTI highlighted the issue of democratic deficit and proposed a number of measures to be implemented in short term, in particular the elimination of the 5-year residence period, in order to participate in local elections, the granting of a right of direct legislative initiative to the Chamber of Employees (because of the representativeness of this body for both resident and non-resident employees) and the opening up of the possibility of presenting or supporting a popular legislative initiative to all residents (not just voters). It also reiterates its proposition to institutionalise, in the medium term, the principle of the right to vote according to residence and not according to nationality.⁴³⁵

The CLAE also wants the new legislation to promote the political participation of foreign residents and it supported the automatic registration of all residents (provided they meet the legal requirements for registration) on the electoral roll. It also calls for a reform of the Law of 8 March 2017 on Luxembourg citizenship through relaxation of the language requirements and increased importance of jus soli (the right of the soil) for the acquisition of citizenship.⁴³⁶

The catholic organisations, for their part, called for easier access to citizenship for refugees over the age of 50, notably by introducing an exception to the legal linguistic knowledge requirements.⁴³⁷

5.16.2 Promoting the attractiveness of the CAI

The ASTI called for reform of the 2008 Law on the Reception and Integration of Foreigners, including the Welcome and Integration Contract (CAI) by involving municipalities more and increasing their promotion and attractiveness.⁴³⁸

5.16.3 Reform of the National Council for Foreigners (CNE)

The ASTI calls for a reform of the National Council for Foreigners (CNE) by giving it more responsibilities and representativeness.⁴³⁹ This opinion is also shared by the CLAE, which proposes in this context to completely overhaul the CNE election procedures⁴⁴⁰, and the League of Human Rights which believes that the CNE can be an effective instrument if the election of its members is carried out by universal suffrage of non-Luxembourg residents.⁴⁴¹

5.16.4 Greater involvement of municipalities

The CLAE calls in particular for specification of the participation of the municipalities and the role of the municipal advisory committees in the context of a discussion on reforming the Law of 16 December 2008 concerning the reception and integration of foreigners.⁴⁴²

5.17 Coalition agreement

The new Government attaches a particular importance to strengthening various forms of political participation to improve social cohesion and combat the democratic deficit.⁴⁴³ This is evidenced by its intention to "study ways to improve the participation of foreign citizens in local elections"⁴⁴⁴ to reform and promote the CNE following prior consultation with stakeholders⁴⁴⁵, and to promote the CCCIs.⁴⁴⁶

More broadly, it intends to support local activity in favour of integration by supporting the municipalities in their integration work, particularly through the work of integration officers.⁴⁴⁷ It also plans to adapt the CAI to the needs of users and to propose it in a decentralised way.⁴⁴⁸ Finally, it intends to expand the offer of language courses.

6. EDUCATION

It should be noted that education integration measures apply to all children of migrants, irrespective of their country of origin (whether they are nationals of European or third countries) or even their status (whether they are applicants or beneficiaries of international protection).⁴⁴⁹

The growing heterogeneity of the Luxembourg population is also reflected in the school population. Overall, the proportion of non-Luxembourg pupils in primary education (EF) was 45.9% for the 2017/2018 school year; it was 24.4% in classical secondary education (ESC) and 46.2% in general secondary education (ESG).⁴⁵⁰

This proportion of non-Luxembourg pupils respectively in Luxembourg public education and private education which applies the Ministry's official programmes remains relatively stable as shown in the table below. This fact must be related to the use of a educational offering that is outside this type of education that does not apply official programmes⁴⁵¹ thus, for the 2017/2018 school year, 12,152 students attend private schools that do not follow official MENJE programmes.⁴⁵²

For 64% of pupils in primary school, the first language spoken at home is not Luxembourgish.⁴⁵³

The composition of the school population represents a major challenge for the education authorities in terms of integration and raises a broad discussion on the issues.⁴⁵⁴

Table 7: Change in the proportion of foreign students in Luxembourg (2006-2018)

Year	EF	ESC	ESG
06/07	42,5%	17,8%	41,0%
07/08	43,8%	18,6%	42,5%
08/09	45,7%	19,2%	43,0%
09/10	46,9%	18,6%	42,5%
10/11	47,4%	18,7%	42,7%
11/12	48,5%	19,1%	43,2%
12/13	49,0%	20,0%	44,2%
13/14	49,0%	21,3%	45,3%
14/15	48,9%	21,5%	45,7%
15/16	45,7%	21,8%	46,1%
16/17	45,8%	23,3%	46,3%
17/18	45,9%	24,4%	46,2%

Source: Ministry of Education, Children and Youth, activity report 2018

There is a significant change in the nationality groups of the newly arrived students welcomed by the School Reception Unit for Newly Arrived Pupils (CASNA). While Portuguese pupils are once again the biggest group of pupils welcomed by CASNA, and the proportion of Eritrean students has increased considerably during the past years, the proportion of Syrian, Afghan and Iraqui students has fallen sharply.

Table 8. Nationalities represented most frequently among newly arrived students welcomed by CASNA (2015 to 2018)

Main nationalities	2015-2016	2016-2017	2017-2018
Portuguese	20,26%	17,11%	18,96%
Eritrean	2,04%	7,83%	10,01%
Syrian	9,12%	12,51%	8,17%
Luxembourgish (return to the country)	6,63%	6,30%	8,08%
French	4,97%	5,25%	6,41%
Italian	2,67%	3,31%	4,92%
Afghan	11,97%	3,71%	2,46%
Brazilian	2,39%	2,01%	2,72%
Iraqi	8,01%	7,51%	2,37%
Cape Verdean	2,58%	1,37%	1,84%

Source: Ministry of Education, Children and Youth, 2018.

6.1 Integration NAP

Promoting education, continuing training and language learning for non-Luxembourgers is one of the five priority areas in the Integration NAP.⁴⁵⁵

One of the objectives of the second area of action is to promote the linguistic and educational integration of non-Luxembourgers. Twenty measures are set out for the achievement of this objective, namely:

1. "Increasing and better adapting the language and re-literacy or even literacy (literacy and numeracy) classes to the diverse needs of learners;
2. Developing the offer of plurilingual education in child education and reception services;
3. Adapting the reception courses according to the specific needs of newcomer pupils;
4. Ensuring the rapid integration of newcomer pupils into regular classes;
5. Developing support for teachers through, among other things, continuing education such as intercultural training, diversity management and the promotion of civic values;
6. Promoting the intervention of intercultural mediators;
7. Encouraging non-Luxembourger youths to enter higher education;
8. Increasing human and financial resources for municipalities for school and extracurricular support;
9. Diversifying the school offer (languages and training paths);
10. Developing teaching methods adapted to the needs of non-native students;
11. Promoting the mother tongue;
12. Promoting informal language learning initiatives, such as conversation tables, language cafés, language coaches;
13. Strengthening linguistic "teamteaching";
14. Promoting exchanges between Luxembourgish, private and international schools in Luxembourg, and between schools in the Greater Region;
15. Promote exchanges between all actors involved in schooling;
16. Supporting initiatives that promote respect for diversity in the school environment;
17. Associating parents and parents' associations along the educational trajectory;
18. Improving recognition of prior learning and life-long learning;
19. Promoting libraries as pathways to knowledge and culture;
20. Promoting the Luxembourgish language as a factor of integration by, among other things, the development of the Lëtzebuerg Online Dictionary plurilingual dictionary".

6.2 Schooling of newly arrived pupils: developments at the level of specific reception classes

During the year 2017/2018, at the level of primary education there were 13 specialised State reception classes compared to 28 in 2016/2017. The Ministry of Education, Children and Youth (MENJE) explains this decrease by the fact that municipalities are increasingly favourable to the integration of AIP children into regular classes in mainstream education.⁴⁵⁶

As of 1 July 2018, 698 pupils attended one of the 50 reception classes outside of regular classes at secondary level, while 2,807 pupils were enrolled in classes with a specific language regime (insertion classes⁴⁵⁷, or classes with a specific linguistic regime⁴⁵⁸).

Launched at the beginning of the year 2018/2019, the reception courses are organised by the LTC Kirchberg, and attended by students from various types of reception classes, aiming at optimising educational and social integration as well as increasing opportunities for all students. These courses are the result of the realisation that students need extended support.⁴⁵⁹

In 2018, the MENJE organised French-language summer schools for the third time, which were free for newly arrived students.⁴⁶⁰

6.2.1 Responding to the challenges of educational heterogeneity

The MENJE has continued to develop and adapt the school and education system to cope with the growing heterogeneity of the school population. Among the measures put in place, of note is the increase in the number of international and European schools on offer, the establishment of a support mediator service, educational inclusion and integration, as well as the development of plurilingual education in early childhood facilities.

In order to enable families to more easily find a school suited to the needs and aspirations of the student within a highly diverse school landscape, the Minister of Education, Children and Youth has set up a new website www.mengschoul.lu.⁴⁶¹ This interactive platform provides information related to different high schools according to "areas of interest, level of teaching, linguistic offers and innovative projects".⁴⁶² It is of particular relevance for pupils entering secondary education and for foreign pupils joining the Luxembourg school system during their studies.

6.2.2 Increase in the international and European school offer

Diversification of the public education system is a priority of the Government's education policy. The objective of diversifying the school supply not only increases the chances of pupils from all backgrounds succeeding at school, but is also part of a broader strategy aimed at creating the conditions necessary to attract highly qualified workers to Luxembourg and responding to the "needs and desires of parents of different origins". According to the MENJE, "(...) the offer of international schools, mainly in English and French, is particularly suitable for expatriates who wish to provide a high level of education to their children, regardless of the state's borders".⁴⁶³

The Law of 13 July 2018⁴⁶⁴ creating a high school in Mondorf-les-Bains fits into this context. With the aim of widening and diversifying the public education system through multicultural, multilingual and European education, the Law sets up three new accredited European Schools:

1. An accredited public European school, integrated into the Mondorf-les-Bains high school and bearing the name "International School of Mondorf-les-Bains".
2. An accredited public European school, integrated into the Junglister high school and bearing the name "Junglister International School".
3. An accredited public European school, integrated into the Edward Steichen de Clervaux Junglister high school and bearing the name "Edward Steichen de Clervaux International School".

These three new schools offer European education in the French, German and English leading to the European Bacculaureate.⁴⁶⁵

In addition to the possibility of learning up to 4 foreign languages, the Luxembourgish language is also taught there. The international schools of Junglinster and Clervaux offer courses in German and French for primary and secondary education, while the Mondorf-les-Bains International School offers English classes, as well as classes in German and French.⁴⁶⁶

This extension of the international school offer⁴⁶⁷ is intended for foreign students residing permanently in Luxembourg, those who are temporarily resident in the country and who may wish to study outside Luxembourg, as well as persons with no multilingual experience but who wish to participate to a varied linguistic and cultural programme.

Presentations of the European Schools system took place (Higher Council of National Education, regional directorates, high schools, information evenings, etc.) throughout 2018.⁴⁶⁸

In 2018, the number of pupils enrolled in a school offering public European education was 721 at the primary education level (including 168 French pupils and 113 Luxembourgish pupils) and 1,312 at the secondary level (including 306 Luxembourgish pupils and 201 Portuguese pupils).⁴⁶⁹

6.2.3 Establishment of the School Mediation Service responsible for keeping students in school, inclusion and integration

The School Mediation Service (SMS) was created by the Law of 18 June 2018⁴⁷⁰ as part of the reform of post-primary education.

Three major issues faced by national education, motivated the creation of this service, namely: a) the schooling of students with an immigrant background, facing the challenge of having to master the three administrative languages of Luxembourg as well as English and their mother tongue; b) the specific educational needs of students with disabilities; and c) school dropouts.⁴⁷¹

Since its entry into service in September 2018, the SMS⁴⁷² has received 36 complaints, 15 of which relate directly to keeping students in school/dropping out, 13 to school inclusion issues and finally four to difficulties/obstacles encountered by students with an immigrant background (integration component).

6.2.4 Plurilingual education programme extended to mini crèches

In order to promote the educational integration of all children and to increase social cohesion, the Law of 29 August 2017 introduced a plurilingual education programme in reception facilities and early childhood education (children aged 1-4 years), providers of the reception service voucher system (CSA).⁴⁷³

The Law of 1 August 2018 amending the amended Law of 4 July 2008 on youth establishes the creation of a new reception model, mini crèches: this service offers activities in the context of day reception for a maximum of 11 children aged 0 to 12 years.⁴⁷⁴

This new type of structure is eligible for financial support from the State as part of the reception service voucher. The mini crèche applies the plurilingual education programme for children from 1 to 4 years of age and provides them with 20 hours of free reception per week for 46 weeks a year. To do this, it must meet certain conditions related to language skills, and frequency of ongoing training of the supervisory staff. These conditions are specified in the Grand Ducal Regulation of 19 October 2018 concerning the approval to be granted to managers of mini nurseries.^{475 476}

This mechanism is part of the government's youth policy (Law of 24 April 2016), the objective of which is to work for inclusion and social cohesion and to contribute to the learning of the country's languages.⁴⁷⁷ (See also section 6.8)

6.3 Intercultural mediators

The Department of Schooling for Foreign Children (SECAM) manages the Intercultural Mediators Service, which is made available to parents, teachers and school authorities to facilitate communication between the families and the school stakeholders.

The use of this service has increased considerably since the end of 2015. In 2017/2018 the service processed more than 6,058 applications for intercultural mediation (most of them in Arabic, Portuguese and Bosnian-Croatian-Montenegrin-Serbian) compared with 6,806 requests in 2016/2017.

Following the arrival in 2018 of many AIPs from Eritrea, the SECAM hired a part-time Eritrean intercultural mediator. Two other mediators were hired on permanent contracts: an intercultural mediator in the Farsi/Dari languages and an intercultural mediator in Portuguese and Cape Verdean Creole languages.

The team of intercultural mediators has also been strengthened, increasing from 64 mediators covering 30 languages at the end of 2017 to a total of 79 intercultural mediators for 32 languages by the end of 2018.⁴⁷⁸

6.4 National Report on Education in Luxembourg (Bildungsbericht)

Under the direction of the Luxembourg Centre for Educational Testing (LUCET) of the University of Luxembourg and the Educational and Technological Research and Innovation Coordination Service (SCRIPT), the second national report on education in Luxembourg (Bildungsbericht) was published in December 2018.⁴⁷⁹

This interdisciplinary report analyses the challenges of the education system and is "a solid support for informed debate on eco-education and education."⁴⁸⁰

The report highlights the discriminating factors in terms of educational background and academic performance, such as social background and migration context.

At the beginning of the cycle (grade) 3, there are marked differences in skills, particularly in reading, which can be attributed to socio-economic status or linguistic context of pupils (Chapter 1.6). Studies of the changes in performance between grade 3 and grade 9 shows an improvement in performance among native German speakers who had difficulties initially, whereas the proportion of French- and Portuguese-speaking students who are making up ground they lost in cycle 3 in German is significantly lower. For students from a lower socio-economic status, the likelihood of improvement is even less. Hence the importance, according to the authors, of supporting the literacy process through language teaching. Linguistic context and socio-economic status also appear as discriminating factors in terms of mathematical skills. The inequalities that can be observed at the start of grade 3 increase to grade 9 between national speakers whose mother tongue is one of the three official languages of the country and Portuguese-speaking pupils.⁴⁸¹

The report also examines the distribution of students according to the type of secondary education attended by the students in light of several factors: social background, migration/language background and gender.⁴⁸² In the framework of the analysis of the migratory context, a distinction is thus established between students from a Luxembourgish-speaking/German-speaking environment and all other young people from other linguistic groups. A large proportion of pupils from a Luxembourgish/German linguistic background are found in classical secondary education, whereas this proportion is much lower among young people with a different linguistic background. Conversely, pupils with an immigrant background are twice as likely to be represented in modular education as pupils from a Luxembourgish/German

linguistic background. The differencing rate between groups have remained relatively stable over the last five years.⁴⁸³

6.5 Civil society proposals

Issues related to the educational integration of newly arrived pupils in Luxembourg was an issue raised by various actors of civil society.

Starting from the observation that the Luxembourg school system remains unequal in the face of the social and cultural differences between students, the CLAE has proposed that attention be paid to future school reforms and asks the Government to look into the professional integration of both new immigrants and those who have permanently settled in Luxembourg, and that effort should be made to recognise the qualifications of residents from third countries. In this respect, the CLAE proposes the creation of a professional integration information centre which would be responsible for advising and monitoring applicants.⁴⁸⁴

In terms of schooling AIP and BIP children, the LFR has advocated for preventing isolation and calls for the removal of state reception classes in isolated buildings in order to operate these classes within regular schools and hopes for early integration of AIP children into regular classes.⁴⁸⁵

The Ronnen Dësch shares this position and proposes access to childcare centres for AIP/BIP children as well as provision of additional costs (such as meals in the school canteen) to facilitate integration.⁴⁸⁶

6.6 Coalition agreement

In terms of education, the Government wants to continue to diversify the school offerings⁴⁸⁷, and expand the offer of international and European public classes, by providing in particular a new accredited European school in the territory of the City of Luxembourg.⁴⁸⁸ It intends to systematically introduce learning of the Luxembourgish language in private international schools.⁴⁸⁹

More broadly, equality of opportunity will remain a guiding principle of educational policy.⁴⁹⁰

In terms of school integration, the Government coalition wants to promote the linguistic skills of children/students through the implementation of a number of measures, including the development of French language learning in the primary cycle, the launch of new pilot projects based on a system of simultaneous use of French and German in natural and social science courses from the 7th grade and the expansion of the offer of French-language sections of general secondary education.⁴⁹¹

In addition, the Government has stated that it wants to set up several pilot projects:

- "Camps abroad", allowing students with insufficient skills in one language, to learn this language through engagement.⁴⁹²
- "Neighbourhood parents" ("Stadtteileltern") who will play the role of multipliers by providing "information on topics such as education, training or health, especially to families from immigrant backgrounds whose children are not enrolled in an education and reception facility".⁴⁹³

A Government concern is to ensure, in close partnership with the municipalities, that all children subject to compulsory schooling (including children applying for international protection⁴⁹⁴) can attend their classes at a regular school and be integrated into the municipalities' education and reception services.⁴⁹⁵

In educational matters, the Government intends to reinforce the place of Luxembourgish language and culture in primary and high schools. In particular, it envisages the possibility of optional courses in Luxembourgish written expression and the cultural history of the country for upper secondary education classes.⁴⁹⁶

6.7 Measures to improve the language skills of migrants

6.7.1 Integration NAP

As mentioned above, the promotion of language learning by non-Luxembourgers occupies a large place in the Integration NAP and is one of the five priority areas of the Plan.⁴⁹⁷ Several specific measures are planned to improve the language skills of migrants. (see section 6.1)

6.7.2 Language courses

The demand for language courses continues to grow in both MENJE's Adult Education Service (SFA) and the INL.

In 2018, 17,480 registrations for language courses were recorded (compared to 15,845 registrations the previous year) by the SFA, an increase of 9.7% year-on-year.⁴⁹⁸

Luxembourgish courses are the most popular (53%), followed by French (32%), English (4%) and German (3%). The annual increase has been considerable since 2000-2001, which saw 1,407 registrations for Luxembourgish courses compared with 9,192 registrations in 2017-2018.

The INL, for its part, organised 829 courses during the year 2017-2018 (compared to 710 in 2016-2017) and totalled 14,731 registrations, which is 11% more than in 2016-2017. Of the eight languages offered, French and Luxembourgish are the most popular and account for 37% and 32.3% respectively of total registrations. Of note, courses in Luxembourgish have grown by 25% compared to 2016-2017.⁴⁹⁹

The INL also plays an essential role in international certification, among other things, with the language test (Sproochentest) in the context of the acquisition of Luxembourgish citizenship (see section 5.10.2.1). As well as organisation of the examinations of Luxembourgish as a foreign language (*Lëtzebuergesch als Friemsprooch*). In 2017-2018 167 candidates took this test (compared to 179 candidates in 2016-2017) with a pass rate of 61%.

According to the SFA, the attractiveness of language course, and in particular Luxembourgish courses, is the result of the steady increase in immigration, and the "increased willingness to learn national languages" and the high demand for acquiring Luxembourg citizenship.⁵⁰⁰

Language courses are offered as part of various public measures to promote the integration of foreigners, whether in the context of the CAI, the acquisition of Luxembourg citizenship, language-learning leave or the PIA.

Demand is also high for basic training courses, as more and more migrants, in particular AIPs, are either illiterate or do not know the Latin alphabet. Registration on these courses increased from 334 in 2014-2015 to 851 in 2017-2018, an increase of 154%. However, the number of registrations in 2018 was down 19.2% from the previous year (1,054).

6.7.3 Language-learning leave

Language-learning leave is a special leave of 200 hours per career path for salaried and self-employed persons of all nationalities, whether resident or non-resident, to learn or improve their skills in the Luxembourgish language.⁵⁰¹

Since the introduction of language-learning leave in the Law of 17 February 2009, 3,134 persons have submitted one or more applications to benefit from Luxembourgish lessons. In 2018, 314 people submitted an application (compared to 253 in 2017, an increase of 24.1%). The data on the beneficiaries of language-learning leave from 2009 to 2018 can be broken down as follows⁵⁰²:

- Beneficiary salaried workers: 3,044
- Beneficiary self-employed workers: 90
- Beneficiary border workers by country of origin: France (1,337), Belgium (454), Germany (108)
- Beneficiaries by economic sector: service sector, excluding banks, insurance, commerce (1,407), health and care sector (1,111), Commerce (247).

Border workers, with 1,899 applications, represent 59% of the total applications.

6.8 Measures to promote the Luxembourgish language

The overall strategy for the promotion of the Luxembourgish language, presented on March 2017, emphasises the importance of Luxembourgish as a language of communication and integration.

Within this context the Law of 20 July 2018 on the promotion of the Luxembourgish language, adopted by the Government unanimously⁵⁰³, introduced a number of measures to promote the Luxembourgish language⁵⁰⁴ within the framework of a twenty years action plan.⁵⁰⁵

The text of the Law notes the objectives of the Luxembourgish language policy, which aim to 1) reinforce the importance of Luxembourgish, 2) support the use and study of Luxembourgish, 3) encourage the learning of the Luxembourgish language and culture, 4) promote culture in the Luxembourgish language.

Several bodies have been set up to implement this action plan, including:

1. A commissioner for the Luxembourgish language (Kommissär fir d'Lëtzebuenger Sprooch), which will be in charge, in particular, of supervising and coordinating the implementation of the action plan.
2. A Centre for Luxembourgish (Zenter fir d'Lëtzebuenger Sprooch), which will be responsible for the study and standardisation of the Luxembourgish language (publication of rules related to the spelling and grammar of the Luxembourgish language) as well as the promotion of Luxembourgish at the national and international level.
3. A Permanent Council for the Luxembourgish Language (Conseil fir d'Lëtzebuenger Sprooch - CPLL), a consultative body to provide opinions on any questions arising during the implementation of the Luxembourgish language policy.

To contribute to this action plan, citizens' forums and an online discussion platform were set up to allow the general public to participate in a public consultation on the role of Luxembourgish and other languages.⁵⁰⁶ The results of this initiative, entitled *Sproocheronn.lu*, which resulted in more than 100 concrete proposals, were presented on 10 July 2018 by the Minister of Education, Children and Youth and the Secretary of State for Culture.⁵⁰⁷

As part of the strategy for promotion of the teaching and learning of Luxembourgish, the INL has assured continuous training with the Zertifikat Lëtzebuenger Sprooch a Kultur (ZLSK) diploma. The 2017-2018 promotion began in October 2017 with 12 applicants, 9 of whom graduated in July 2018.⁵⁰⁸

6.8.1 Debates

During 2018, the Ronnen Dësch coordination group called for the multiplication of language learning measures and in particular the introduction of an ambitious PIA that would include a substantial volume of language courses based on a law. It has also proposed combining the PIA with the CAI for the benefit of all newcomers, and a review of the law on language-learning leave.⁵⁰⁹

The ASTI commented that it regretted that identity issues, of which the Luxembourgish language is the most visible face, have become "mainstream" in the political debate and media discourse, as well as the limited place given to offers of Luxembourgish language courses and language-learning leave in the manifestos of political parties competing for parliamentary elections.⁵¹⁰

6.8.2 Coalition agreement

In order to improve the integration of all non-Luxembourgers living in the country, the Government wants to expand the offer of language courses⁵¹¹ and to develop the adult training offer in the area of learning the Luxembourgish language (and digital skills).⁵¹²

A section of the coalition agreement is specifically dedicated to the promotion of the Luxembourgish language.⁵¹³ The Government undertakes, among other things, to put in place the measures defined by the action plan related to the "Strategy to promote the Luxembourgish language".

In the health sector, the Government has stated that it intends to support hospitals to offer Luxembourgish courses in order to strengthen the use of the Luxembourgish language between patients and healthcare professionals.⁵¹⁴

6.9 Non-discrimination and management of cultural diversity

6.9.1 Integration NAP

Although the reference to "combating discrimination" is no longer included in the Integration NAP title, this topic, along with those of promoting diversity and equal opportunities, remain integral parts of the Integration NAP.⁵¹⁵

The Integration NAP provides for a number of measures such as promoting the management of diversity in the workplace (in particular by signing of the Diversity Charter⁵¹⁶) and raising awareness among teachers and students on non-discrimination issues through a number of measures, such as developing support for teachers via continuing education such as intercultural training, diversity management and promotion of civic values, as well as supporting initiatives that promote respect for diversity in the school environment.⁵¹⁷ It is also planned to develop intercultural and diversity management training for staff in contact with newcomers, including public sector workers and volunteers.⁵¹⁸

6.9.2 Legislative developments and civil society debates

The Law of 7 November 2017, completing the transposition of Directive 2014/54/EU of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, which amended the amended law of 28 November 2006 (hereinafter the Anti-Discrimination Law), came into force on 1 January 2018. The changes it brought were addressed in the 2017 Annual Report.

Issues of discrimination, xenophobia and racism have been raised within civil society, in particular with the creation of an Observatory of Islamophobia in Luxembourg⁵¹⁹ within the Institute for Research, Education and Intercultural Dialogue (IREDI)⁵²⁰, which aims to measure the extent of this phenomenon in Luxembourg. At the same time, report on antisemitism in Luxembourg⁵²¹ by the working group "Research and Information on Antisemitism in Luxembourg" (RIAL⁵²²) and a European study "Being black in EU"⁵²³ were published, with media spin-offs for Luxembourg.⁵²⁴

6.9.3 Diversity charter

In 2018, the Lëtzebuerg Diversity Charter welcomed 17 new signatories. The number of organisations committed to managing diversity has thus increased to 174.⁵²⁵

The third edition of the "Diversity & Business" barometer⁵²⁶ gave an overview of the measures put in place by the signatories of the Lëtzebuerg Diversity Charter. This assessment shows that the diversity of talents in companies is beneficial, both internally and externally. A large majority of signatories (65%) said they have seen an improvement in their image and reputation, with 63% of "old" signatories (who signed before 2015) observing the creation of opportunities in new markets because of the emergence of a diversity criterion in many calls for tender.

6.9.4 Coalition agreement

The Government notes that the successful living together of all residents of the Grand Duchy is "an asset that will be actively promoted" and that the fight against all forms of discrimination is "an essential element" thereof. It also indicated that it will examine the anti-discrimination powers of the various actors⁵²⁷ and will study the possibility of introducing class action in the fight against discrimination.⁵²⁸

The ASTI criticised the coalition agreement for ignoring the fight against discrimination, racism and xenophobia, noting the "racist acts perpetrated during the campaign against some candidates", the ASTI reiterated its proposal to set up an observatory for racist, xenophobic and antisemitic phenomena.⁵²⁹

6.10 Local integration, cooperation, consultation and coordination of local actors

6.10.1 Integration NAP

In the Integration NAP essential place is given to cross-sectoral dimension of integration which is based on the sharing of responsibilities and reciprocity and must therefore involve a whole range of actors, including municipalities. Municipalities were consulted in the elaboration process of the Integration NAP.⁵³⁰

Consultations with the various stakeholders have highlighted five priority themes, one of which is devoted to strengthening the capacity of local actors and supporting municipalities in implementing shared responsibility at the local level.⁵³¹ This area relates to actions and projects targeting various activities (access to information, administrative procedures, exchanges and networking between actors in the field, intercultural dialogue, etc.) by local actors, primarily within the framework of existing integration tools.

In addition to the two areas of action of the Integration NAP (1. reception of applicants for international protection, 2. integration of all non-Luxembourg nationals), three cross-cutting pillars have also been identified⁵³²: (1) Ensuring access to information and interaction, (2) Developing the quality of measures, (3) Optimising processes.

In addition, several objectives and measures have been identified at the level of the cross-cutting pillars of the Integration NAP that may involve cooperation at the local level. This is particularly the case for pillar 1 (Access to Information and Interaction) which aims to provide newcomers with information about the host society and to ensure transparent communication between all stakeholders in the integration process, facilitate the settlement of newcomers, encourage solidarity and work for a positive public opinion towards the non-Luxembourger population.

The second objective of this pillar is specifically to promote exchanges and the shared responsibility of integration with the host society.⁵³³ This objective includes a number of measures, including "promoting exchanges in everyday life and networking at the local level through, among other things, sport and culture".

Pillar 3 aims to strengthen cooperation and coordination between actors in the reception and integration fields.⁵³⁴ In this respect, close collaboration is necessary, particularly between municipalities, ministries, administrations, State services and civil society.⁵³⁵

Strengthening cooperation and coordination between public authorities is one of the priority objectives.⁵³⁶ This cooperation aims in particular to develop "an "ambitious" reception and integration policy, to ensure better support for applicants for international protection and thus lead to better reception and integration of the target audiences of the policy". Several measures are proposed to this end, including:

- *"Encouraging reciprocity and information sharing for effective partnership relationships that are satisfying for all;*

- *Raising awareness and equipping ministerial and municipal partners with shared responsibility for reception and integration;*
- *Ensuring regular exchange with the municipal authorities in order to assess the needs and the tools to be developed or strengthened."*

The second objective of this pillar is developing partnerships.⁵³⁷ The Integration NAP recognises that state actors cannot be the only actors involved in the implementation of national reception and integration policies and that they need the support of expert partners in the field to ensure the best results for target populations. To do this, it will be necessary to:

- "Collaborate closely with partners to identify needs in the field and define the necessary actions,
- Combine and maintain good practices,
- Pooling skills and developing complementarity,
- Strengthen cooperation with municipal, national and international actors,
- Strengthen cooperation with social, economic and cultural partners."

6.10.2. Local Integration Exchange and Support Group (GRESIL)

The second national integration meetings at the local level underlined the strong interest and need for the Luxembourg municipalities to work as a network on matters relating to integration and living together. Thus, the Local Integration and Exchange Support Group (GRESIL) was established in collaboration with the SYVICOL.⁵³⁸

The goal of the GRESIL is to support and better equip the municipalities to meet the integration needs of all residents and to support and promote good practices in local integration, including the development of municipal integration plans. This group is led by the ASTI in the context of one of its approved projects.

The first meeting of the GRESIL jointly organized by the OLAI, the Union of Luxembourg Towns and Municipalities (SYVICOL) and the ASTI, gathered over 80 municipal representatives as well as members of the CCCI to discuss the theme of "Reception of new residents in my municipality"^{539, 540}

The second meeting of the GRESIL focused on the topic of "state of the art and assessment of needs - a valuable working tool for CCCIs and a first step towards a municipal integration plan" and brought together nearly a hundred municipal actors, representing 51 Luxembourg municipalities. Various strategic approaches in terms of inventory and assessment of needs (polls, quantitative and qualitative surveys, public forums, etc.) were presented.⁵⁴¹

6.10.3 Other resources and tools to support local integration

On 18 April 2018, the OLAI launched a call for projects providing financial support to municipalities initiating integration actions. The call provided for co-financing of up to 75% of eligible costs and within the limits of the funds available for 2018.⁵⁴²

In 2018, the OLAI subsidised 8 municipalities in a total amount of €21,773 for integration projects. The OLAI also granted subsidies for Municipal Integration Plans to 10 municipalities in a total amount of €25,000.⁵⁴³

The ASTI, in partnership with the OLAI and the SYVICOL launched in 2018:

- A helpdesk, i.e., an advisory and support service for integration to municipalities and CCCIs, for example, regarding the development of an integration plan, financing requests, the implementation of initiatives, projects, etc.⁵⁴⁴
- The website www.integratioun.lu, which aims to provide local stakeholders (CCCI, municipalities and others) with examples of good practices in local integration, as well as other resources (contacts, specific documents, association projects, websites, educational material).⁵⁴⁵

6.10.4 Coalition agreement

The Government has stated that it wishes to strengthen the relations between the Ministry in charge of integration and the municipalities, enhance the municipal integration advisory commissions and support the municipalities in their integration work, particularly through integration officers.⁵⁴⁶

6.11 Raising awareness about migration in Luxembourg

6.11.1 Integration NAP

The Integration NAP reminds of the fundamental role played by communication in the reception and integration policy. In this context, first part on the Integration NAP aims at pursuing a proactive and transparent communication strategy with citizens, in particular in order to consolidate the acceptance of newcomers in the society and to work for a positive public opinion towards any non-Luxembourg population.⁵⁴⁷

In this context, the first objective is to develop the dissemination of information on reception and integration.⁵⁴⁸ Several measures are planned in this regard, including in particular:

- “Developing information and raising awareness among the various target audiences on the topics of reception and integration;
- Developing information tools for different audiences in multiple languages;
- Updating and better distributing information leaflets;
- Developing information and awareness campaigns for the general public about reception and integration;
- Optimising the flow of information with municipalities;
- Supporting municipalities in their efforts to inform the public in the context of the creation and opening of new accommodation structures for AIPs;
- Translate strategic documents, such as the Integration NAP and PCI (Municipal Integration Plan), into multiple languages.”

6.11.2 CAP MOBI LUX

The results of the "Cap-Mobi-Lux" study have been officially presented on January 2018.⁵⁴⁹ This study presents a socio-economic overview of the Cape Verdean community in Luxembourg, describing the following themes: migratory practices, solidarity practices with Cape Verde, and the situation of Cape Verdean nationals in the different areas of integration such as school, work, housing, recreation and socio-political participation.⁵⁵⁰ The study was funded by the Asylum, Migration and Integration Fund and co-financed by the Directorate of Immigration of the Ministry of Foreign and European Affairs.

6.11.3 Coalition agreement

The Government attaches particular importance to intercultural awareness. Considering that cultural activities promote exchanges, integration and social cohesion, the Government wishes to encourage the elaboration of intercultural activities and will ensure "that public cultural institutions dedicate a part of their program and resources to intercultural activities".⁵⁵¹

6.12 Developing the quality of measures

6.12.1 Integration NAP

The second cross-cutting focus of the Integration NAP is specifically dedicated to the development of the quality of the services implemented in terms of integration. This focus has the aim of ensuring that contacts between public authorities and/or project leaders and newcomers are successful.⁵⁵² It includes a number of courses of action for the intermediary of the host society. Three objectives are planned in this context:

1. *Objective: Develop the skills of public officials, volunteers and outreach workers,*
2. *Objective: Improve the monitoring and evaluation of reception and integration policies,*
3. *Objective: Optimise processes.*

The first objective is to acquire and/or improving the technical skills of officers in the field in terms of interculturality, transculturality, reception, diversity, inclusion and integration.⁵⁵³ A certain number of measures are dedicated to this, for example:

- "Develop training on individualised social monitoring for social workers and educators working with newcomers;
- Develop intercultural and diversity management training for staff in contact with newcomers, including public sector workers and volunteers;
- Develop training for socio-educational staff and reception officers in identifying vulnerable persons;
- Develop training in conflict management and violence prevention;
- Develop training in non-European language learning according to the origin of newcomers;
- Develop linguistic knowledge of public officials, who have been granted an exemption from the knowledge of the Luxembourgish language, by introduction of Luxembourgish courses in a generalized way in the public sector;
- Develop training courses in non-European languages according to the origin of newcomers;
- Develop tools such as application forms, final report templates, financial procedures manuals, project implementation manuals, evaluation tools
- Develop training for multipliers and/or trainers;
- Continue cooperation with the Volunteer Agency in the implementation of basic training designed to inform people with voluntary commitments;
- Provide more information to volunteers about reception conditions and the material support to which AIPs and BIPs are entitled;
- Inform seniors about volunteering."

6.12.2 Coalition agreement

After consultation with the stakeholders concerned, the Government plans to introduce training in intercultural mediation for companies, volunteers and professional mediators.⁵⁵⁴

7. RETURN, IRREGULAR MIGRATION AND DETENTION

7.1 Return and irregular migration

In 2018, 351 people returned to their country of origin (either voluntarily or by forced return) or were transferred back to another Member State (compared to 514 in 2017, which represents a decrease of 31.7%).

This decrease is reflected in the decline of voluntary returns, which reduced by 24.4% compared to 2017 (272 in 2018 against 360 in 2017) and even more in the number of forced returns which were drastically reduced (48.7% - 79 in 2018 against 154 in 2017).⁵⁵⁵

Table 9: Number of returned persons by type of return and migratory situation (2017-2018)

	2017	2018
Voluntary returns	360	272
-IPR	126	25
-IPR rejected	198	154
-migrants in an irregular situation	36	93
Forced returns	154	79
-IPR rejected	97	29
-migrants in an irregular situation	57	50
Total	514	351

Source: Directorate of Immigration 2017, 2018 © LU EMN NCP 2018

In 2018, the vast majority of both voluntary and forced returnees came from an international protection procedure (ongoing or unsuccessful). Their share is 65.8% for voluntary returns but only 36.7% for forced returns. This contrasts with the previous year when 90% of voluntary returns and 63% of forced returns involved people from an international protection procedure. The number of returns of irregular migrants has increased from 10% in 2017 to 34.2% in 2018 for voluntary returns, and from 37% in 2017 to 63.3% in 2018 for forced returns.

The ranking of the nationalities of persons being returned has radically changed in 2018, with the entry of Georgia in the top of the ranking in front of the Balkan nationals. This should be put in the context of the entry into force of visa liberalisation with Ukraine and Georgia in 2017. The number of returned Georgians has increased from 9 in 2017 to 50 in 2018 and returns of Ukrainian nationals to their country of origin has almost doubled (see table 10 below).

Nevertheless, the nationals of the Balkan countries continue to be heavily represented in the numbers of returns, although their proportion in the total of returns (voluntary and forced) decreased from 66% in 2017 to 52% in 2018.

Table 10: Top-10 returned nationalities broken down by type of return and by year (2017-2018)

Nationality	2017			Nationality	2018		
	Voluntary	Forced	Total		Voluntary	Forced	Total
Albania	79	33	112	Georgia	40	10	50
Kosovo	82	26	108	Kosovo	42	3	45
Serbia	35	20	55	Serbia	39	5	44
Bosnia-H.	54	0	54	Albania	23	6	29
Montenegro	19	17	36	Bosnia-H.	22	5	27
Iraq	21	0	21	Ukraine	25	0	25
Brazil	15	4	19	Montenegro	16	4	20
Morocco	4	11	15	FYROM	15	1	16
Ukraine	12	1	13	Nigeria	2	10	12
FYROM	10	1	11	Brazil	7	3	10
Total	331	113	444	Total	231	47	278

Source: Directorate of Immigration, © LU EMN NCP 2018

The Directorate of Immigration has attributed the overall decrease in voluntary returns to several factors: a change in the profile of AIPs (people fleeing armed conflict and likely to receive a positive asylum decision), the decrease in the number of requests for international protection from nationals of the Western Balkans, and finally the increase in the number of applicants falling within the scope of the Dublin Regulation.⁵⁵⁶

In 2018, 213 people benefited from support through the Voluntary Return and Reintegration Assistance Programme managed by the International Organization for Migration (IOM), compared with 145 people in 2017 and a year-on-year increase of 46.8%.

Nationals of the Western Balkan countries are not eligible for this programme but benefit from a specific scheme. This was the case for 121 people in 2018 (compared to 192 people in 2017). Another 59 people left Luxembourg by their own means (compared to 17 in 2017), i.e. as part of a voluntary unassisted return.

In 2018, 79 people were removed from the country as part of a forced return, namely with the support of a Grand Ducal Police escort (compared to 154 persons in 2017 - see table 9 above). The Balkan countries account for 30.4% of forced returns in 2018 compared to 52% (80) in 2017.

The majority of people repatriated as part of a forced return are returned by air via commercial flights. Participation in 2 charter flights organised by another Member State made it possible to repatriate 9 people to Nigeria. It should be noted that forced returns that are operated by scheduled commercial flights are eligible for funding from the Asylum, Migration and Integration Fund (AMIF).

In 2018, 22 people benefited from a stay of removal for medical reasons (compared to 13 in 2017). Some 104 people benefited from a postponement of removal in 2018 (compared to 27 in 2017).

7.1.1 Developments in the field of return and prevention of irregular migration

Bill 7238 amending the amended Law of 29 August 2008 on the Free Movement of Persons and Immigration was tabled on 29 January 2018 in the Chamber of Deputies.⁵⁵⁷ The text of the Bill responds to several observations made as part of the evaluation of the Schengen system. The main changes in the area of return are:

1. The creation of a multidisciplinary commission responsible for the systematic evaluation of the best interests of the child, with the aim of being able to issue return decisions and carry out the removal of

minor applicants in illegal situations in accordance with Article 10 of Directive 2008/115/EC (the Return Directive).⁵⁵⁸ The Bill provides an amendment to Article 103 of the Immigration Law for this purpose.

2. An amendment to Article 123 (6) of the Immigration Law which provides that in the event of a decision to extend the length of detention beyond the initial detention decision and the following three extensions, the Minister shall systematically, within 5 working days of the notification of the decision, make an application to the President of the Administrative Tribunal. The President must rule urgently on the merits of the extension within 10 days of the submission of the application. The parties may appeal this decision to the Administrative Court. If the Minister in charge of immigration does not make an application to the Tribunal, the detainee must be released.⁵⁵⁹

The Council of State expressed formal opposition to the introduction of an automatic check by the courts in the event that the Minister decides to extend the detention beyond the 4-month period.⁵⁶⁰ It challenged the fact that, pursuant to this provision, the Minister must bring an appeal against his own decision, which is contrary to the logic of administrative litigation. It further criticised the fact that the person concerned is deprived of the right to be heard before the judge, which would be contrary to Articles 5 and 13 of the European Convention on Human Rights.⁵⁶¹ The Council of State was supported on this point by the CCDH.

3. In order to simplify the procedure, the Bill provides that the parties can only introduce one legal brief including the introductory motion for appeal to the Tribunal, as well as the appeal, in the case of an appeal before the Administrative Court, instead of two as it currently stands.⁵⁶²

On this point, the CCDH has criticised the regime derogating from the common law procedure before the Administrative Courts by not providing for the introduction of a single brief instead of two. The CCHR indicated that this regime intended to simplify the procedure and would represent an unjustified weakening of the guarantees of access to a judge by the person deprived of liberty.⁵⁶³

4. The Bill also provides for an amendment to Article 124 (1) of the Immigration Law concerning the enforcement of a removal order by the Grand Ducal Police in the event that the alien does not leave voluntarily the territory. To this end, the removal of foreigner includes the following measures:

- presentation of the foreigner to embassies, consulates or a hearing delegation to determine the identity/nationality of the person concerned in order to obtain the travel documents required for the removal;
- taking of fingerprints and photographs in order to establish or verify the identity of the foreigner.⁵⁶⁴

The amendment allows the police to enter residential premises when this access is refused. Authorisation must be requested by the police from the president of the district court to allow police officers to enter the dwelling in order to proceed with the forced removal of the foreigner.⁵⁶⁵ However, coercive measures must be proportionate, and the use of force must not exceed the limits of reasonableness. In any case, the measures must be applied in accordance with fundamental rights and with respect for the dignity of the person concerned.

On this point, the Council of State indicates that only residential premises are covered by this paragraph, excluding any other premises which may, if applicable, accommodate foreigners to be removed, without those being considered as residential premises.⁵⁶⁶

The CCDH criticised this amendment by arguing that any intrusion into a dwelling place constitutes an infringement of the fundamental right to inviolability of the home because the amendment does not meet the requirements of Article 8 (2) of the European Convention on Human Rights, in the sense that the law neither sets the procedure nor the conditions of intrusion under which the judge can give the prior authorisation.⁵⁶⁷

5. A modification is introduced in Article 141 of the Immigration Law to penalise false declarations and the use of forgery in the context of entry into and residence in the territory: the penalties are adapted to those provided for by the Penal Code regarding the use of forgery. The scale of penalty is modified: the length of imprisonment increases from "one month to two years of imprisonment" to "one month to

three years of imprisonment" and the fine of "251 to 3,000 euros" is replaced by a fine of "251 to 12,500 euros".⁵⁶⁸

6. Finally the Bill provides in Article 147 (1) for an increase of the penalty by €1,000 thus the current amount of the fine is €5,000 in the context of the sanctions applicable to transporters who land third-country nationals in Luxembourg without a valid travel document or which, due to fault, do not transmit data or transmit incomplete or erroneous data in respect of travellers.⁵⁶⁹

7.1.2 Assessment of the best interests of unaccompanied minors in a return decision

On the matter of the best interests of unaccompanied minors in the context of a return decision, see the section on unaccompanied minors.

7.1.3 Cooperation in the areas of return and readmission

The Law of 3 February 2018 approving the Agreement on Political Dialogue and Cooperation between the European Union and its Member States, as the party of the first part, and the Republic of Cuba, as the party of the second part, contains provisions on migration and trafficking in human beings and migrants. The Law notes that the parties also wish to cooperate to prevent irregular migration and to explore the possibility of concluding a readmission agreement at the request of either party. It came into force on 12 February 2018.⁵⁷⁰

Pursuant to the Law of 27 April 2018 approving the Partnership Agreement on relations and cooperation between the European Union and New Zealand⁵⁷¹, the parties agreed to cooperate and exchange views on migration matters and to cooperate to prevent and control irregular migration. The parties have undertaken to explore the possibility of concluding a readmission agreement at the request of either party.⁵⁷² The Law of 13 July 2018 approving the Framework Agreement between the European Union and Australia runs along similar lines.⁵⁷³

The protocol of application between the Benelux States and Georgia concerning the readmission of persons residing illegally entered into force on 1 June 2018.⁵⁷⁴

7.1.4 Consular Day

In addition to the readmission agreements, the Directorate of Immigration is also working on strengthening relations with the consular authorities of the countries of origin of third-country nationals subject to the obligation to leave Luxembourg. In this context, the Directorate of Immigration organised a consular day, "which allowed various actors from the Benelux in charge of returns to inform consuls of the countries of origin on the functioning and specificities of readmission".⁵⁷⁵ This project benefited from European co-financing via the Asylum, Migration and Integration Fund.⁵⁷⁶

7.1.5 Equipment

In order to facilitate the identification of third-country nationals detained "and to facilitate their removal from the territory at the end of their sentence" the Luxembourg Penitentiary Centre has been equipped with a VCI screen allowing videoconferencing with the embassies of the suspected countries of origin of the detainees.⁵⁷⁷

7.1.6 Measures to improve the effectiveness of external border controls

The Grand Ducal Police has undertaken a number of measures to cope with the increase in the number of passengers from third countries using Luxembourg airport as a gateway to the Schengen area. The first step was to allocate staff according to increasing influx periods, in order to reduce waiting times for identity checks as much as possible.⁵⁷⁸

In addition, automated border control gates (ABC Gates) were installed in July 2018 to improve passenger flows and services while ensuring border security. The number of border control channels has increased from 3 to 9 in immigration and from 3 to 8 in emigration. Passengers coming from countries outside the Schengen area and travelling to Luxembourg via the airport will benefit from a reduced processing time.

The installation of the ABC gates was implemented with an investment of €3.65 million, of which €1.3 million was financed by the Luxembourg Government (with 64% co-financing from the EU Internal Security Fund) and €2.35 million were financed by Lux-Airport.⁵⁷⁹

7.1.7 Operational support in the Mediterranean

Luxembourg has continued to support Operation EUNAVFOR MED Sophia, which aims to dismantle the economic model of human traffickers by identifying, and neutralising ships and boats, as well as resources, that are used (or suspected of being used) by smugglers or traffickers of migrants in the Mediterranean. In this context, Luxembourg has continued its detachment of two observation patrol aircrafts, which has prevented many casualties, through the early detection of drifting vessels.⁵⁸⁰

7.1.8 Debates

During 2018 the CCDH and the LFR encouraged the authorities to consider creating specific return facilities adapted to the hosting of target groups (families, vulnerable people, AIPs transferred under the Dublin system, etc.) during their removal, inspired by examples of "return houses" set up abroad.⁵⁸¹

7.1.9 Coalition agreement

The Government has stated that it recommends a comprehensive European approach to migration policy that includes not only asylum but also other aspects such as the establishment of legal migration routes, return policy, the fight against irregular migration⁵⁸², protection of external borders and cooperation with countries of origin and transit. In this context, the Government advocates "for migration management based on respect for the rules, mandatory solidarity, reinforcement of mutual trust and standardisation of the functioning of the Schengen area."⁵⁸³ Maintaining free movement of people remains a priority. The lack of internal border control goes hand in hand with the improvement of the management of the external borders, in particular through "the national implementation of European projects for the management of migratory flows at external borders, such as the Entry/Exit System (EES) and the European Travel Information and Authorisation System (ETIAS)."⁵⁸⁴

The Government has noted that it will explore the possibility of bilateral cooperation with targeted third countries to strengthen cooperation in terms of both legal migration and readmission.

It will continue to favour voluntary return, focusing on cooperation with the IOM, and will implement an information policy for rejected persons, as well as mechanism for a personalised return.⁵⁸⁵

To increase the efficiency of more effective returns the Government will support "the increased role of European agencies in organising returns" and will implement "the concept of a migration liaison officer within a target region to improve the administrative efficiency of returns."⁵⁸⁶

In addition, it intends to open an internal working group within the Directorate of Immigration responsible for the assessment of the situation of persons in an irregular situation with representatives of civil society. This group will advise the Minister on any possible regularisations on humanitarian grounds of exceptional seriousness.⁵⁸⁷

7.2 Administrative detention

In 2018, 423 people were placed in detention. This represents a decrease of 14.2% compared to 2017. With regard to the profile of the persons detained, 390 were single men, or 92% of the total number of detained persons (compared with 376 in 2017), 23 were single women (compared to 16 in 2017) and 4 families comprising 10 people (compared to 28 families in 2017, representing a total of 101 people in 2017).

Another peculiarity is the large number of persons detained to be transferred as part of the Dublin procedure (177 persons, 41.8%) while 84 of them were removed to their country of origin, 7 took

advantage of a "semi-voluntary return" through IOM, 90 were released, 2 were transferred to the Penitentiary Centre and 6 escaped.⁵⁸⁸

The average length of detention in all categories was 40 days in 2018 (compared with 27 in the previous year). However, 19 people were detained for 120 days or more. As of 31 December 2018, there were 57 detainees at the Detention Centre.⁵⁸⁹

The Detention Centre was the subject of several visits during 2018. These were carried out by:

- A delegation from the Swedish Migration Agency (Migrationsverket), for an exchange of good practices on administrative detention.
- Around twenty consular representatives who made a working visit to the Detention in the context of the consular days.
- Social workers of the OLAI, who have attended several times a presentation on the mission of the Detention Centre.
- Around thirty legal practitioners who attended a presentation on the Detention Centre, at the initiative of the President of the Administrative Tribunal.⁵⁹⁰

The Government coalition while stating that detention is a measure of last resort⁵⁹¹, wishes to supplement the current measures (closed and semi-open facilities) "with facilities which are better adapted to the needs and situations of the different groups of people concerned."⁵⁹² In this context, it plans "to create a specific facility for the detention of women, families and vulnerable people" and to subsequently adapt the detention legislation to ensure that children are no longer placed in the Detention Centre.⁵⁹³

The coalition agreement envisages a temporary replacement of the Kirchberg Emergency Accommodation Facility (SHUK) with a permanent semi-open facility.⁵⁹⁴

7.2.1 Extension of the detention period for families with children

The LFR reiterated its opposition to any detention measures for unsuccessful AIPs, especially if children are involved and wishes the Government to implement less coercive alternatives. In this context, the LFR also deemed that it is important to develop the promotion of voluntary return as an alternative to detention.⁵⁹⁵ And recommended to draw on good practices from the Benelux countries and other EU member states that actively prepare for the return of rejected AIPs either through "coaches" (Belgium) or by using specialised return facilities with professional supervisors (Netherlands).⁵⁹⁶

The Minister for Immigration and Asylum has stated that⁵⁹⁷:

1. the extension of the detention period for families with children from 72 hours to 7 days was deemed necessary after the criticism of the European Commission in the Schengen evaluation and in order to improve the organisation and procedures for forced returns;
2. the length of detention for families with children is well below the maximum provided for after the legislative amendment. In practice, the detention period is 3.46 days;
3. the promotion of voluntary returns remains the Government priority, especially for families with children, and added that each person is invited to an interview to explain the benefits and possible help in the case of a voluntary return.⁵⁹⁸

8. FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS

In 2018, eight third-country nationals were identified/alleged victims of human trafficking in Luxembourg, of which six were women and two were men. All the victims were over eighteen years of age. The main countries of origin of the victims are China, India and Moldova.

Five had been victims of labour exploitation, while three had been sexually exploited.

The Organised Crime Section of the Grand Ducal Police stated that, among the labour exploitation cases, two cases referred to exploitation in catering establishments and three cases to households. The other cases relate to sexual exploitation in apartments. In this context, a suspect was arrested in *flagrante delicto*, and several victims of trafficking were cared for by the Search for Fugitives and Victim Protection Unit.⁵⁹⁹

In 2018, 20 people were sentenced for human trafficking.⁶⁰⁰

8.1 Evolution of the national strategic policy

The law of 28 February 2018, which strengthens the fight against the exploitation of prostitution, procuring and trafficking in human beings for sexual purposes and amends (1) the Code of Criminal Procedure, (2) the Penal Code that entered into force on 13 March 2018.⁶⁰¹ It is part of the Government strategy on prostitution in Luxembourg.⁶⁰²

This Law introduces new provisions in the Penal Code and allows victims of the exploitation of prostitution, procuring or trafficking in human beings for sexual purposes to be exempt from criminal responsibility for soliciting.⁶⁰³ It introduces the criminalisation of clients of underage prostitutes, particularly vulnerable persons, and victims of sexual exploitation, procuring or trafficking of human beings for sexual purposes.⁶⁰⁴ Public prosecutions are not to be initiated against the client under certain conditions (e.g. in the event of a client's testimony in relation to the offence). It also institutionalises the "prostitution" platform as a permanent committee. The Committee is expected to work closely with the Monitoring Committee against Trafficking in Human Beings.

Finally, the Act creates an offence of obtaining, procuring, destroying, concealing, removing, confiscating, preserving, altering, reproducing and keeping another person's travel or identity document or facilitating a fraudulent use with a view to committing offences of sexual exploitation, procuring, trafficking in human beings or illegal smuggling of migrants. These crimes can be punished by a jail term of three to five years and a fine of €10,000 to €50,000.⁶⁰⁵

8.2 Other measures

The Ministry of Equality between Women and Men concluded in October 2018 a new cooperation agreement with the Caritas Foundation in the field of assistance to victims of human trafficking. Taking into account the statistical over-representation of men among the victims of trafficking, the authorities intend to provide adequate responses through this partnership which provides for the provision of a new housing facility for male victims of human trafficking, alongside the existing counselling centres and accommodation facilities.⁶⁰⁶ This facility opened its doors in March 2019⁶⁰⁷ and can host approximately 10 people.⁶⁰⁸

Within the framework of the "Exit Prostitution" project a *Streetworker* position was created to strengthen social work with victims of human trafficking and improve psychological support for children living in an environment of domestic violence.⁶⁰⁹

8.3 Developments in the area of assistance and support for victims from third countries

8.3.1 Training and awareness-raising measures

An awareness raising campaign (radio ads, cinema screenings, posters, social media presence) on trafficking in human beings was launched in December 2016 and continued in 2018. This campaign benefits from a funding of € 90.000 from the Fund to combat certain types of crime.⁶¹⁰

8.3.2 Collaborative measures between authorities and various stakeholders involved in the identification, reception and protection of victims

The anti-trafficking policy in all its forms is defined and coordinated in Luxembourg by the Monitoring Committee against Trafficking in Human Beings, which brings together the Ministries concerned, the police and judicial authorities, the national rapporteur on trafficking and NGOs responsible for the reception and management of victims.⁶¹¹

The Monitoring Committee decided to create sub-groups to discuss solutions to specific problems, particularly with regard to the identification, reception and protection of victims.⁶¹²

In February 2018, the Grand Ducal Police created the Search for Fugitives and Victim Protection Unit. It is responsible for implementation of the protection programme and ensures, in particular, the determination of the level of danger and care for victims of the trafficking. In order to ensure that victims benefit from effective continuity of assistance services, a one-stop shop and direct cooperation between this Unit and the Helpdesk have been in place since the creation of this unit.⁶¹³

The "Identification of victims of human trafficking during international protection and forced return procedures" booklet, prepared at the request of the Ministry of Justice and in collaboration with the Luxembourg National Contact Point of the European Migration Network, has been translated into English.

8.4 Identification of victims

8.4.1 Training and awareness-raising in identifying and supporting victims

Since 2016, basic training on "Informing and raising awareness among the target audience about the phenomenon of trafficking and the possibility of detecting victims of trafficking (women, men, children, unaccompanied minors)" has been put in place through the Anti-Trafficking Monitoring Committee of the INAP. This training is intended for state officers, municipal officers and NGO social workers. It is provided by the Ministry of Equal Opportunities, the Judicial Police and support services for victims of trafficking, the Victims of Trafficking in Human Beings Service (SAVTEH) and the Ozanam Centre for Trafficking in Human Beings (COTEH). These training courses were continued in 2018.⁶¹⁴ In addition, extensive training was offered on the theme of "Approaches to supporting victims of trafficking".

Staff of the OLAI⁶¹⁵, professionals of the health sector and most of the employees of the Detention centre also attended this training.

It should be noted that the costs related to organisation of the training are applicable for co-financing from the Asylum, Migration and Integration Fund.⁶¹⁶

The Ministry of Justice, in collaboration with Caritas, is developing an educational guide for secondary school teachers on the topic.⁶¹⁷

8.4.2 International cooperation measures

The Ministries of Justice of the three Benelux countries in charge of coordinating prevention and the fight against trafficking in human beings are represented in the "Trafficking" working group within the Benelux Secretariat. The Ministry of Equal Opportunities, in charge of coordinating assistance for victims of trafficking, is also a member of this group alongside the Ministry of Justice.

An awareness day was organised for health professionals from the three Benelux countries, entitled "What is the role of medical professionals?".⁶¹⁸ The objective of this day was to inform and raise awareness of stakeholders in the field of health to the phenomenon of trafficking, detection of victims of trafficking and how they are supported by various stakeholders, such as the assistance services and judicial authorities who were also present at the awareness day, and their role as a potential detector. The awareness day allowed participants to meet each other, exchange good practices and set up networks and guidelines for victims detected by the health sector.⁶¹⁹ Several representatives from the Monitoring Committee (representatives of NGOs and the Ministry of Justice) participated in this meeting.⁶²⁰

8.5 Debates

The issue of trafficking in human beings has been debated, particularly within the CCDH. The CCDH invited political parties to consider the recommendations it made in its March 2017 report as the National Rapporteur on Trafficking in Human Beings.

It highlighted, in particular, the need to collect accurate statistics in order to determine trends in trafficking and therefore to combat it more effectively, as well as to pay "greater attention to human trafficking for the purposes of labour exploitation because of the increased number of victims of this type of exploitation." Finally, it called for the establishment of a "rigorous and effective procedure for the proactive detection of victims of human trafficking among AIPs."⁶²¹

On 6 November 2018, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) published its second evaluation report on the implementation of the Convention on Action against Trafficking in Human Beings by Luxembourg. This report aims to assess developments since the first report was released in January 2014.⁶²²

GRETA noted that Luxembourg has made progress in a number of areas (legal framework for combating trafficking in human beings, training and awareness raising) and welcomes the formal establishment of an interministerial committee to coordinate Anti-Trafficking, the mandate of the Independent National Rapporteur on Trafficking in Human Beings entrusted to the CCDH and the development of a roadmap to clarify the roles and responsibilities of the State and non-state actors during the detection and identification of victims of trafficking, and during their referral to assistance services.

However, the report reveals that improvements are still needed in some areas, such as the identification of victims of trafficking, particularly for labour exploitation purposes, forced begging and forced crime, as well as in the detection of victims of trafficking among asylum seekers and foreign workers.

GRETA encourages the authorities to systematically refer all potential, presumed and identified victims of trafficking to specialised assistance services, irrespective of the victim's cooperation with the authorities and to establish a clear identification procedure involving specialists, and to pay particular attention to unaccompanied foreign children and street children.⁶²³

8.6 Coalition agreement

The Government is committed to improving national and international efforts against trafficking in human beings in all its forms (prostitution, slavery and forced labour).⁶²⁴

It also plans to improve assistance for victims of human trafficking in terms of legal consultation and professional support within a protected accommodation facility and will strengthen inter-ministerial collaboration in this regard.⁶²⁵

9. DISCUSSION ON MIGRATION AND INTEGRATION DURING THE LEGISLATIVE ELECTIONS

9.1 Legislative elections

2018 was undeniably marked by the legislative elections of 14 October 2018 to appoint the 60 deputies of the 2018-2023 legislature of the Chamber of Deputies of Luxembourg.

9.1.1 Electoral campaign and political debates

On 19 July 2018, the main Luxembourg political parties (CSV, DP, LSAP, dei Gréng and ADR) signed a joint electoral agreement for the legislative elections. The election campaign was officially launched on 10 September 2018.⁶²⁶

At the request of RTL and Luxemburger Wort, TNS Ilres conducted an opinion poll to identify the topics that would most influence the vote on 14 October. The survey found that housing (44%), mobility (26%) and education (23%) followed by health and the environment could be the three main focuses for the elections in 2018.

Although very present in the public debate in recent years, the themes of identity, the Luxembourgish language and the living together of Luxembourgers and non-Luxembourgers ranked lowest, respectively in 9th, 11th and 15th positions.⁶²⁷

9.1.2 The result of the legislative elections

In 2018, 232,886 people (or 89.66 % of people on the electoral register) voted to elect their representatives, an increase of 6.1 % compared to the previous election.⁶²⁸

The election results saw the existing coalition between the LSAP, DP and dei Gréng maintain a majority of seats in Parliament (31 out of 60 seats, compared to 32 out of 60 in 2013).

A coalition agreement between these three parties⁶²⁹ was signed on 3 December 2018 and presented by the Prime Minister to the Chamber of Deputies on 11 December 2018.⁶³⁰ This document sets the priorities of the new Government and the measures that the Government intends to take on various aspects of immigration, asylum and integration policy, within the period of next five years.

9.2 Party manifestos and migration policies

The various political parties participating in the legislative elections⁶³¹ addressed issues relating to migration policy, whether immigration, asylum or integration policy, with varying degrees of importance in their manifestos. While some political parties devoted a specific chapter or sub-chapter to these issues, others set out more or less concrete proposals on migration policy in various sub-items or chapters.⁶³²

9.2.1 Integration policies

- The Pirate Party

The Pirate Party has mainly positioned itself on asylum and immigration policy. Taking into consideration the linguistic diversity of Luxembourg, the Pirate Party, like other parties, commits to the use of Luxembourgish as a language of integration, reconsideration of literacy learning in German in primary schools to draw attention to the diversity of mother tongues, and introducing a course on the diversity of living together in Luxembourg schools.⁶³³

- The Green Party

The Green Party (*Déi Gréng*) has dedicated a chapter of its electoral program (*Avenir, Bien vivre, Cohésion. Parce qu'on aime notre pays.*) to the question of living together in Luxembourg. In this context, they paid particular attention to strengthening the political participation of foreign nationals, in particular to combat the democratic deficit.

A set of measures has been proposed in this respect, such as awareness-raising actions (strengthening of voter registration awareness campaigns, systematic invitation of EU nationals to register on electoral lists), a modification of the legislative framework (automatic registration of citizens on electoral lists for municipal elections, lowering the minimum length of stay from 5 years to 3 years in order to exercise the right to vote in municipal elections), or the strengthening of certain structures responsible for integration at national or local level (reform of the National Council for Foreigners and strengthening of its advisory function, strengthening the role of integration committees at the municipal level).

The Greens called for better monitoring of the integration policy, in particular through the preparation of a bi-annual integration report measuring the impact of integration initiatives, and an observatory. Recognizing all forms of discrimination and adapting / developing existing instruments (revision of the Integration NAP of civil society, evaluation and flexibilisation of the offer of language leave, promotion or even reform of the possibilities offered by the law on nationality).

They advocate strengthening integration especially in the field of immigration and the abolition of "spatial segregation" in reception classes at secondary level.

They also advocate strengthening local integration through the exchange and networking between the various stakeholders and through provision of resources to finance integration officers.

The Greens considers Luxembourgish language as an important factor of integration and the linguistic diversity of the country as a major asset that has to be preserved and developed. Finally, they are favourable to a regularisation, under certain conditions, of individuals who benefit of temporary residence permit (ie. children).

- The Socialist Party

The manifesto⁶³⁴ of the Socialist Party (*Lëtzebuenger Sozialistesche Aarbechterpartei – LSAP*) emphasises the value of solidarity, which is essential for social cohesion and living together. It insists on shared responsibility within the integration process: it is a common task, involving a whole range of actors.⁶³⁵ In this framework they estimate that more pro-active civic and political participation of all the country's citizens leads to greater social cohesion.⁶³⁶

The Socialist Party proposes to combine all asylum, immigration and integration matters under one ministry, but with separate administrations.⁶³⁷

The LSAP is committed to combating all forms of discrimination, xenophobia and racism, and advocates for strengthening the resources of the CET (Centre for Equal Opportunities) and the CCDH to better monitor these phenomena.

It intends to support plurilingual education and the acquisition and speaking of Luxembourgish.⁶³⁸

- The Christian Social Party

In its manifesto⁶³⁹, the Christian Social Party (*Chrëschtlech-Sozial Vollekspartei - CSV*) is committed to an aggressive and proactive integration policy and emphasises multiculturalism as one of the essential aspects of an open society and social cohesion.⁶⁴⁰ The Christian Social Party intends to promote Luxembourgish as a language of integration. They consider that the acquisition of Luxembourgish language skills should be facilitated with a view to promoting living together.⁶⁴¹ In this context, the Christian Social Party proposes several measures, including support for companies offering language courses and the promotion of Luxembourgish, as well as the improvement of instruments to facilitate learning and oral and written language skills.⁶⁴²

The CSV considered the acquisition of citizenship as the right way to improve political participation of foreigners. In addition, the CSV intends to revitalise the CNE so that foreign residents feel better represented through this body.⁶⁴³ In addition, the CSV wants to support municipal commissions, national and local initiatives that promote integration and interculturality (ie. linguistic sponsorship).⁶⁴⁴

They believe that in terms of schooling, languages should not become an obstacle, and language teaching should be adapted. The CSV wishes to integrate the Luxembourgish language as a common language in education, as well as Luxembourg culture and to promote integration and social cohesion. They intend to promote Luxembourgish from Cycle 1 and evaluate the multilingual orientation of this Cycle.⁶⁴⁵ The CSV is critical of a broad and diverse offering of different schools and international programmes, advocating instead for public schools with similar permanent offerings in all regions of the country, while presenting options for students.

- The Communist Party

We find only a few direct references to migrants in the manifesto⁶⁴⁶ of the Communist Party (Kommunistesch Partei Lëtzebuerg – KPL). In the section dedicated to education, the KPL advocates for greater participation in school activities by children from working-class backgrounds or immigrant families. They estimate that cultural policy should take better account of the cultural traditions and experiences of workers and foreign citizens. The KPL advocates for the equal treatment of all persons regardless of their ethnic or social origin, skin colour, sexual orientation or religion and argues for the acquisition of Luxembourg citizenship at the end of a period of residence of three years.

- The Democratic Party

The Democratic Party (DP) presents its manifesto under the theme of *Zukunft op Lëtzebuergesch* (the Future in Luxembourgish). According to the DP, the society in Luxembourg has been enriched throughout history by people of various origins and cultures. It states that the country's identity is a blend of national attachment and openness to the world.

The DP grants particular attention to Luxembourgish as communication and integration language, they take into consideration the linguistic diversity of the country, considered as an advantage, and want to promote its diversified identity.⁶⁴⁷ It believes that learning the country's languages, and especially Luxembourgish, is a central element of successful integration.

Linguistically, the DP wants to promote Luxembourgish, an important factor of social cohesion, in a targeted way, and strengthen its place in society⁶⁴⁸, for example in the field of health. At the same time the DP insists on the advantages of multilingualism. It wants to introduce compulsory Luxembourgish courses in private schools⁶⁴⁹ and set up language colonies for high school students by organising language courses in French, German and English abroad.⁶⁵⁰ It defends the idea of a diversified schooling⁶⁵¹, in order to offer to each and everyone equal opportunities to succeed.⁶⁵²

On the issue of reception and integration of note is the DP's proposal that the integration of migrants and refugees remain within the portfolio of the Ministry of Integration. The DP is committed to implementing public integration instruments such as the Integration NAP and CAI, which should be offered at the regional level. It wants to support the development of another local integration instrument: the Municipal Integration Plan, as well as local community integration measures.⁶⁵³

It believes that political participation should be improved through awareness campaigns prior to municipal and European elections, with the participation of foreigners through community advisory committees and the CNE.

Finally, the DP will continue its engagement for living together based on respect, tolerance, inclusion and fights against any form of discrimination.

- The Alternative Democratic Reform Party

The electoral party⁶⁵⁴ of the *Alternativ Demokratesch Reformpartei* (ADR) outlines the importance of the Luxembourgish language as a key factor for the country's integration and social cohesion.⁶⁵⁵ From this perspective, the ADR intends to extend the range of courses offered in Luxembourg and proposes, among other things, to establish a new 'Ministry for the Luxembourgish Language, Integration and Culture', to increase the requirement to understand Luxembourgish from level A2 to level B1 of the Common European Framework of Reference for Languages in the context of acquiring Luxembourg citizenship.⁶⁵⁶

According to the ADR, Luxembourgish should gain more importance in areas such as public service, municipality administrations, healthcare and in particular in the sector of education.⁶⁵⁷ More concretely, ADR wants to condition access to the public service, and the health care sector, on knowing Luxembourgish. Obtaining a work permit would also be conditional on knowing Luxembourgish.

Regarding the teaching of languages at school, the ADR also believes that linguistic diversity (and in particular the learning of German, French and English) is an asset for the country and that children's mother tongues are important and should be better supported.⁶⁵⁸ Moreover, the ADR believes that the segregation of school classes into different languages may have a negative impact on the social cohesion of the country. The ADR also questions the introduction of French as part of a plurilingual education in early childhood reception facilities. In this regard, the ADR argues for public education in Luxembourg, rather than private and international schools. At the same time, it believes that newly arrived children should be mainly directed towards reception classes in order to improve their linguistic skills to better integrate them into regular education.⁶⁵⁹

- The Left

The left-wing party '*Déi Lénk*' intends to further steer integration measures towards the most vulnerable groups and to promote intercultural dialogue and the promotion of all cultures present in Luxembourg in order to overcome any identity trends.⁶⁶⁰ In addition, *Déi Lénk* advocates for the establishment of a system for monitoring and evaluating integration policies, and for evaluation of the naturalisation policy in order to facilitate access to Luxembourg citizenship.⁶⁶¹

The fight against all forms of discrimination is a major theme in the *Déi Lénk* manifesto. In this context, it calls for, among other things, more effective procedures for victims of discrimination to assert their rights, in particular by: strengthening the Centre for Equal Treatment and the Ombudsman's potential to take action; an action plan against all forms of discrimination and to combat racism, islamophobia and antisemitism⁶⁶²; establishment of an annual consultation mechanism between civil society and the public bodies specialising in the fight against these phenomena. In terms of professional integration, *Déi Lénk* wants to facilitate access to employment for people with an immigrant background and to put an end to the "community preference" in employment policy.

Déi Lénk is also in favour of the use of the Luxembourgish language as the main communication language in all pre-school and extracurricular facilities and, especially, in early education.⁶⁶³ It is in this context that the party is committed to literacy in Luxembourgish in order to promote Luxembourgish as a link language, especially for children from migrant families⁶⁶⁴, and to fight against academic failure.⁶⁶⁵

- The Conservatives

The Conservative party (*Déi Konservativ*) devotes a specific chapter to linguistic and integration policies.⁶⁶⁶ The party advocates a concept of integration based on cultural and linguistic assimilation. It wants to promote Luxembourgish as the main instrument of integration. It proposes the creation of an integration centre and the establishment of the profession of integration manager. Municipalities should offer free Luxembourgish courses as part of the Welcome and Integration Contract. They state that Luxembourgish must occupy more significant place in the schooling curriculum.

They believe that the acquisition of Luxembourg citizenship should be the last phase of the integration process. To become a Luxembourger, it is necessary to demonstrate a willingness and a capacity for

integration that can be verified through language skills, a certain length of residence and participation in the integration course. The party argues for stricter conditions to become a Luxembourgier.

They state that people who refuse integration could be severely punished: by withholding of residence permits, withdrawal of social benefits, return to the country of origin.

9.2.2 Asylum policy

- The Pirate Party

In its manifesto⁶⁶⁷, the Pirate Party (*Piratepartei*) devoted a whole chapter to asylum and immigration.⁶⁶⁸ It considers that a good asylum policy is a part of a more global framework of foreign policy, that must aim to fight against the causes of which should aim to fight against the causes of fleeing and migration.

In order to ensure faster decisions, the Pirate Party has also proposed to combine the reception, the international protection procedure and the integration under the supervision of a single ministry.⁶⁶⁹

In addition, they put forward concrete proposals for the socio-economic inclusion and reception conditions of AIPs, such as facilitating access by AIPs to the labour market, establishment of an assessment of the professional, linguistic, social and cultural profiles of AIPs competences as soon as they arrive in Luxembourg, increased decentralisation of AIP housing in municipalities, taking into account the population and the socio-economic situation of the municipality, the participation of AIPs in management committees in reception centres, and suitable housing options for LGBTQIA AIPs.

With regard to the procedure for examining applications for AIPs, the party wanted faster decision-making on applications without exceeding the six-month period, and the automatic granting of the status in the case of no decision in a case within one year. It calls for extending the grounds for international protection to sexual identity or sexuality, and to whistle-blowers.⁶⁷⁰

- The Green Party

The Green Party (*Déi Gréng*) criticises the European asylum policy that is based on repression and inward-looking attitudes and considers that asylum “will remain a major challenge as long as a clear EU policy on the promotion and regulation of legal immigration from third countries is not defined.” The party calls for continued efforts for a humane reception of refugees and advocates for a commitment to the Common European Asylum Policy based on respect for the Geneva Convention.

In terms of reception conditions and socio-economic inclusion of AIPs, the party made a series of proposals: a one-stop shop for AIPs to have a single interlocutor throughout the whole procedure of asylum application, as well as for other areas related to their daily life (social security, housing, integration into the labour market, etc.); an improved cooperation between the various public and civil society stakeholders in supporting refugees; distributing and receiving AIPs through a national system of binding quotas; supporting the empowerment of AIPs and BIPs in the centres; access to vocational and language training, the facilitation of access to the labor market, the improvement of the methods of determining and welcoming vulnerable people, the rapid integration of children of AIPs and BIPs into mainstream education.⁶⁷¹

With regard to the application examination procedure, the party advocates for the respect of the legal durations of the procedures for the processing of asylum applications and the establishment of a monitoring system which allows applicants to know at what stage of procedure is their file.

As for BIPs, the Greens propose to further support accommodation with private individuals, and have proposed derogation in order to access Luxembourg citizenship, especially regarding language requirements.

- The Socialist Party

The LSAP calls for the centralisation of competences in the fields of asylum, immigration and integration within a single ministry but with different administrations. That would allow for better consultation between the various administrations and lead to a better procedural efficiency and more consistent support for AIPs. The LSAP also defends the principle of a transparent, fast and efficient application process, which should not exceed the 6-month period provided for by the law.

The LSAP proposes to implement the AIP Integration Action Plan.⁶⁷² It wants to improve the reception conditions of IPRs and provide them with more opportunities to live independently. Several proposals were made in this regard: to identify professional skills held by AIPs at an early stage, facilitate access to the labour market as well as social involvement, the promotion of integration through the acquisition of language skills, the integration of AIPs children in mainstream education⁶⁷³, improved housing, living conditions and support for AIPs, as well as facilitated access to health system and the psychological supervision of AIPs.

At the European level, the LSAP, like other parties, is committed to reforming asylum policy in order to allow people fleeing their country of origin to live a dignified life in Europe.⁶⁷⁴

- The Christian Social Party

The Christian Social Party (CSV) considers that asylum policy represents both a European and national challenge that requires a European response. The CSV advocates for a coherent and long-term strategy⁶⁷⁵ for the elaboration of terms of reference defining the areas of competence and duties of the various actors (State, municipalities, NGOs).

The CSV advocates for the development of the "National Integration Plan" and proposed reception and mentoring of AIPs in three phases. During the first phase ("First Reception" or "First Response"), IPRs would be hosted in state-run shelters. Special attention would be paid to vulnerable people who would benefit from adapted support. The second phase corresponds to the period of examination of the application for international protection during which the municipalities would be involved in the management of the accommodation structures, the supervision of the refugees and the educational accompaniment of the children, on the condition that there is a clear division of tasks and responsibilities between the municipalities and the state. In order to set up accommodation facilities "Sector Plan for Reception Facilities" should be developed. Finally, the third phase comes at the end of the procedure. In case the application is rejected, the individual must return to the country of origin as soon as possible. In the case international protection is granted, the BIPs must leave the reception centre as soon as possible. In this respect, solidarity between municipalities should play a role; and if necessary, quota system could be introduced.

The CSV is also in favor of regular adaptation of the list of safe countries of origin and faster processing of applications for international protection.

At European level, the CSV advocates an adaptation of the procedures for examining applications for protection and a reform of the Dublin III regulation.⁶⁷⁶ It supports the granting of financial support to regions hosting AIPs, in particular through regional and structural funds to promote solidarity.

- The Democratic Party

The Democratic Party (DP) advocates for dignified and respectful reception of AIPs. The party believes that it is necessary to plan for new reception facilities and anticipate for new flow of refugees. Particular attention is given to unaccompanied minors for whom the DP is planning to create special facilities.

At the institutional level they propose to centralise matters related to asylum and reception of AIPs within the Ministry of Foreign and European Affairs, this would allow for greater efficiency and provide that the management and support of AIP is carried out by the same person throughout the procedure. In addition, the DP proposes to further develop the Guided Integration Trail (PIA) with the aim of

promoting integration into society as well as the professional integration on AIPs.⁶⁷⁷ Finally, they call for quick and fair review procedures of the applications.

- The Alternative Democratic Reform Party

The Alternative Democratic Reform Party (ADR) advocated for effective protection of the EU's external borders in order to prevent illegal immigration to the EU. ADR supports Luxembourg's participation in FRONTEX operations as well as the application of the Dublin Regulation, stating that AIPs that require international protection should be able to take advantage of European solidarity in the context of relocation from Italy or Greece to Luxembourg.⁶⁷⁸ At the same time, ADR believes that the European solidarity should not be imposed by the EU through quotas. In addition, the party recalled that international protection is a temporary status, which means that AIPs and BIPs should return to their home countries as soon as conditions permit.⁶⁷⁹

- The Left

The left-wing party *Déi Lénk* warned against an increasingly repressive European asylum policy. They advocated for the humanization of European asylum and immigration policy while deploring thousands of deaths in the Mediterranean and at the ports of Europe.

In this regard, the Left are committed to a complete reform of the Dublin Regulation, the establishment of permanent relocation programs, the maintenance and expansion of resettlement programs, the establishment of humanitarian corridors to ensure safe routes to Europe.⁶⁸⁰ They also spoke in favor of the abolition of the concept and the list of "safe third countries".

They advocate for improvement of the conditions of reception of the AIPs and BIPs, adapted to the persons and families concerned. In this sense, they have proposed to build new reception structures and renovate old ones, improve supervision in reception structures, relax internal regulations of the structures in order to strengthen the autonomy and the freedoms of the persons concerned (as regards the purchases, preparation of meals, management of health expenses) and to increase the amount of the monthly allowance.

On a procedural level, the Left proposed to ban bone testing in the context of age determination for minors and to introduce a "presumption of minority".⁶⁸¹

Lastly the Left advocate for strengthening empowerment, training and access to employment mechanisms to facilitate BIPs to leaving of accommodation facilities and integration into the society. They propose launching of a vast construction programme of affordable public housing to improve access to housing for BIPs.

- The Conservative Party

The Conservative Party (*Déi Konservativ*) dedicated specific chapter to asylum and immigration in the electoral program. They believe that the state should be autonomous to set maximum threshold for refugees that it wants to accommodate. On the other hand, they consider that solutions should be sought at the level of safe third countries close to the country of origin of persons who can not be considered as refugees within the meaning of the Geneva Convention.

The party believes that the Frontex agency should be supported in the fight against "illegal asylum" (*Asylillegalitéit*) and the industry of smuggling networks. In order for the asylum system to work and benefit real refugees, it believes that it is necessary to combat the abuse of the right to asylum.

The party also considered that asylum cannot be combined with integration because it has temporary nature and loses its reason for being if the cause of fleeing no longer exists.

9.2.3 Immigration Policy and Entry and Residence Policies (excluding International Protection)

The aspect of legal migration is dealt from the perspective of economic migration or from the point of view of return policy and the fight against irregular migration.

- Economic migration

The CSV reminded the major role of immigration and cross-border workers in the functioning of the labour market.

The CSV and the DP pleaded for policy aimed at attraction of talents that the Luxembourg economy needs in order to remain competitive on an international level.

In this regard, the CSV has proposed to set up a specific tax system for expatriates - as is the case in France, Italy and Spain⁶⁸² - to create a favorable environment for start-ups in order to become a competitive Start-up nation and target foreign investors.⁶⁸³

On its part, the DP intends to make Luxembourg more attractive as an international hub for information and communication technologies (ICT). Positioning the country as a Start-up nation⁶⁸⁴, and creating an attractive framework for international companies that want to access the European market, particularly in the context of Brexit.⁶⁸⁵ Or speed up procedures for work permits, visas and residence permits, especially in some highly specialized sectors.⁶⁸⁶

According to the ADR, the development of infrastructure, housing, nurseries, schools, ... can not keep pace with immigration, and it goes against responsible growth. The ADR also considers that the specialists recruited abroad, which Luxembourg companies need, should be able to receive their work permits quickly. On the other hand, the party believes that the establishment of a large company in Luxembourg should only be accepted following a prior assessment of the advantages and disadvantages for the country.

At the European level, the Green Party, the Democratic Party and the Déi Lénk called for expansion of legal immigration channels. According to the DP, the European Union should invest preventively to improve the living conditions in the countries of origin and thus avoid migration. The Déi Lénk advocates fighting the reasons for fleeing, to also prevent brain drain in other parts of the world.⁶⁸⁷ In addition, Déi Lénk wants to make the issuance of humanitarian visas easier and to facilitate family reunification. The Pirates want to simplify family reunification procedures.

- Fight against irregular migration and return policies

With regard to the return policy and the fight against irregular immigration, the Pirate Party demands that forced returns are carried out in a rapid manner, respectful of human dignity, and taking care that the person in question can have real prospects in their country of origin.

The Green party wants to assess the practice of subsidised voluntary returns.

For the LSAP, the returns policy is an integral part of migration policy. In order to make the asylum system more efficient and less prone to abuse, the LSAP advocates the establishment of structures for rejected AIPs and people without regular residence in Luxembourg, including a 'return home' for families and vulnerable people; improvement of information for rejected AIPs. It wants to extend cooperation with international organisations in the context of returns; to carry out returns as soon as possible and conclude agreements with the countries of origin in negotiations at European, bilateral or Benelux level.⁶⁸⁸

The CSV advocates for the conclusion of new cooperation agreements, including readmission agreements for persons residing illegally in Luxembourg.⁶⁸⁹

According to the DP, joint control of external borders must not prevent openness to people seeking protection.⁶⁹⁰

The ADR, for its part is concerned because, in its eyes, there are always many migrants without a residence permit in Luxembourg. It therefore demands strict application of the legislation on the right of residence.

The *Déi Lénk* opposes the administrative detention of undocumented people and advocates humanisation of the migration policy.

The *Déi Konservativ* pushes for establishment of immigration quotas taking into account the capacity for integration and the need for the Luxembourg community to remain in the majority. According to the party, any migrant who wishes to settle in Luxembourg in a sustainable way must accept the integration process.

LIST OF ABBREVIATIONS

ADEM	Agency for the Development of Employment
ADR	Alternativ Demokratesch Reformpartei (Alternative Democratic Reform Party)
AIP	Applicant for international protection
AOT	Temporary work authorisation
ASTI	Association for the Support of Immigrant Workers
BIP	Beneficiary of international protection
BPVL	Passports, Visas and Legalisations Office
CAI	Welcome and Integration Contract
CASNA	School reception unit for newly arrived pupils
CCCI	Advisory committees on integration
CCDH	Consultative Commission on Human Rights
CEFIS	Centre for Intercultural and Social Studies and Training
CET	Centre for Equal Opportunities
CJEU	Court of Justice of the European Union
CLAE	Liaison and Action Committee for Foreigners
CNE	National Council for Foreigners
COTEH	Ozanam centre - trafficking in human beings
CSA	Care service vouchers
CSV	Chrëschtlech-Sozial Vollekspartei (Christian Social Party)
EASO	European Asylum Support Office
EBC	European Blue Card
EEA	European Economic Area
EMN	European Migration Network
EU	European Union
EURODAC	European Dactyloscopy
FEDIL	Federation of Luxembourgish Industrials
FRONTEX	European Border and Coast Guard Agency
GCM	Global Compact for Safe, Orderly and Regular Migration
GRESIL	Local Integration and Exchange Support Group
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
ICT	Intercorporate transferees
INAP	National Institute for Public Administration
INL	National Languages Institute
IOM	International Organisation for Migration
IREDI	Institute for Research, Education and Intercultural Dialogue
ITM	Inspectorate of Labour and Mines
LFR	Lëtzebuerger Flüchtlingsrot (Luxembourgish Council for Refugees)
LGBTQIA	Lesbian, gay, bisexual, transsexual, queer, intersexual and asexual
LISKO	Lëtzebuerger Integratiouns- a Sozialkohäsiounscenter (Luxembourgish Integration and Social Cohesion Centre)
LU EMN	European Migration Network - National Contact Point Luxembourg
NCP	
MAEE	Ministry of Foreign and European Affairs

NAP	National Action Plan on Integration
NGO	Non-governmental organisation
OLAI	Luxembourg Reception and Integration Agency
ORK	Ombuds-Comité fir d'Rechter vum Kand (Ombuds-Committee for the Rights of the Child)
PCI	Municipal Integration Plan
PIA	Guided Integration Trail
REVIS	Social inclusion income
RMG	Guaranteed minimum income
SAVTEH	Support Service for Victims of Trafficking in Human Beings
SHUK	Semi-open return facility
SNJ	National Youth Service
STATEC	National Institute of Statistics and Economic Studies
SYVICOL	Union of Luxembourg towns and municipalities
UAM	Unaccompanied minor
UEL	Union of Luxembourg Enterprises

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⁵⁰ Letter from the Union of Luxembourg Enterprises addressed to the Minister of State Xavier Bettel on 07 November 2018, p.3, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-plenieres/2-annexes-aux-pv/UEL-Lettre.pdf>

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⁵² Luxembourg Chamber of Commerce, « Entreprise Luxembourg: pour une gouvernance publique innovante », Luxembourg, 2018, p. 16, URL : <https://www.cc.lu/uploads/media/ATn20 - Entreprise Luxembourg 4.0 FR 01.pdf>

⁵³ See: <https://www.fondation-idea.lu/quisommesnous/>

⁵⁴ Fondation IDEA, « Elections législatives 2018: 33 initiatives IDEA(les) pour le Luxembourg », Luxembourg, 2018, p. 32, URL : http://www.fondation-idea.lu/wp-content/uploads/sites/2/2018/09/PR-IDEA_33_initiatives_pour_le_Luxembourg_elections_2018.pdf

⁵⁵ Luxembourg Chamber of Commerce, « Entreprise Luxembourg: pour une gouvernance publique innovante », Luxembourg, 2018, p. 55, URL : <https://www.cc.lu/uploads/media/ATn20 - Entreprise Luxembourg 4.0 FR 01.pdf>

⁵⁶ *Idem*, p. 61.

⁵⁷ *Idem*, p. 63.

⁵⁸ *Idem*, p. 43.

⁵⁹ Luxembourg Business Union, « Que veulent les entreprises », Luxembourg, 2018, URL :

https://www.uel.lu/images/UEL_Que_veulent_les_entreprises.pdf and Federation of Luxembourgish Industrials,

« L'avenir avec nos industries : messages de la FEDIL en vue des élections législatives 2018 », Luxembourg, 2018, p. 7, URL : https://www.fedil.lu/wp-content/uploads/2018/09/FE_FEDIL_BROCH_ELECTIONS_200x200_var2.pdf

⁶⁰ Luxembourg Chamber of Commerce, « Entreprise Luxembourg: pour une gouvernance publique innovante », Luxembourg, 2018, p. 99, URL : <https://www.cc.lu/uploads/media/ATn20 - Entreprise Luxembourg 4.0 FR 01.pdf>

⁶¹ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 230, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>

⁶² *Idem*, p. 130.

⁶³ *Idem*, pp. 121-125.

⁶⁴ *Idem*, p. 126.

⁶⁵ *Ibidem*.

⁶⁶ *Idem*, p. 120.

⁶⁷ *Ibidem*.

⁶⁸ *Idem*, p. 132.

⁶⁹ *Idem*, p. 130.

⁷⁰ *Idem*, p. 230.

⁷¹ Information provided by the Inspectorate of Labour and Mines on 18 April 2019.

⁷² Bill No. 7319 amending (1) of the Labor Code (2) the Act of 21 December 2007 reforming the Inspectorate of Labour and Mines, introduced in Parliament on 20 June 2018. URL :

https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B69F85C391DEE48B615AEE57418C25F22836DCDE86ABC027327651E1E2217964D5E42891036E0AE6C10983CEAFD52D4D556380F1A0F1AEB201094BC9C4225CF1B

⁷³ *Ibidem*.

⁷⁴ The purpose of this bill is (1) to amend articles L.141-2 and L.143-2 of the Labour Code regarding the posting of employees, (2) to adapt the provisions concerning the Health and Safety Coordinators following the decision n ° 117/15 of 26 March 2015

of the Constitutional Court, (3) to amend certain provisions of the Titre Premier of the Livre IV relating to the labour inspection and mining and (4) to amend the law of 21 December 2007 reforming the Inspectorate of Labour and Mines.

⁷⁵ Parliamentary Document n° 7319/00 of 19 July 2018, p. 3. URL :

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=0CE203A5B11E40E1094B00EDFA7505CA\\$D438CD140C83294857F57FB3C67C1351&fn=0CE203A5B11E40E1094B00EDFA7505CA\\$D438CD140C83294857F57FB3C67C1351.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=0CE203A5B11E40E1094B00EDFA7505CA$D438CD140C83294857F57FB3C67C1351&fn=0CE203A5B11E40E1094B00EDFA7505CA$D438CD140C83294857F57FB3C67C1351.pdf)

⁷⁶ Parliamentary Document n° 7319/01 of 13 November 2018, p. 3. URL :

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=0FE33E71200CE318F7A5EED3A29AF49F\\$63AF315F25F99EB70C4A24535E3AB6AD&fn=0FE33E71200CE318F7A5EED3A29AF49F\\$63AF315F25F99EB70C4A24535E3AB6AD.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=0FE33E71200CE318F7A5EED3A29AF49F$63AF315F25F99EB70C4A24535E3AB6AD&fn=0FE33E71200CE318F7A5EED3A29AF49F$63AF315F25F99EB70C4A24535E3AB6AD.pdf)

⁷⁷ Parliamentary Document n° 7319/02 of 15 January 2019, p. 2. URL :

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=E8D0222F95C439AC310622CE20F31C09\\$81EDD69585385B85B57AFFD2E705DEEE&fn=E8D0222F95C439AC310622CE20F31C09\\$81EDD69585385B85B57AFFD2E705DEEE.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=E8D0222F95C439AC310622CE20F31C09$81EDD69585385B85B57AFFD2E705DEEE&fn=E8D0222F95C439AC310622CE20F31C09$81EDD69585385B85B57AFFD2E705DEEE.pdf)

⁷⁸ Art L.142-2 and Art L.142-3, Labour Code. URL : <http://legilux.public.lu/eli/etat/leg/code/travail/20181101>

⁷⁹ Art L.143-2, Labour Code. URL : <http://legilux.public.lu/eli/etat/leg/code/travail/20181101>

⁸⁰ Art 1 (3) Bill No. 7319 amending (1) the Labor Code and (2) the Law of 21 December 2007 reforming the Inspectorate of Labour and Mines, introduced in Parliament on 20 June 2018, p. 15. URL :

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=B69F85C391DEE48B615AEE57418C25F22836DCDE86ABC027327651E1E2217964D5E42891036E0AE6C10983CEAFD52D4D\\$56380F1A0F1AEB201094BC9C4225CF1B](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=B69F85C391DEE48B615AEE57418C25F22836DCDE86ABC027327651E1E2217964D5E42891036E0AE6C10983CEAFD52D4D$56380F1A0F1AEB201094BC9C4225CF1B)

⁸¹ Customs and Excise Agency, Inspectorate of Labour and Mines (ITM), Ministry of Labour, Employment and the Social and Solidarity Economy, “Signature d’un accord entre l’Administration des douanes et accises et l’Inspection du travail et des mines”, Press release, 18 June 2018, URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2018/06-juin/18-douanes-itm.html

⁸² *Ibidem*.

⁸³ Inspectorate of Labour and Mines (ITM), « Le CCA, la nouvelle force de frappe de l’ITM dans le secteur de la construction », Press release, 1 August 2018, URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2018/08-aout/01-itm-cca.html

⁸⁴ OGBL, « Elections législatives nationales 2018: Les propositions et revendications de l’OGBL aux partis politiques », Luxembourg, 2018, p. 19, URL : http://www.ogbl.lu/wp-content/uploads/2011/10/broch_legis18fr.pdf

⁸⁵ CLAE, « Mémoire au formateur du Gouvernement », Luxembourg, 2018, p. 3, URL : <https://www.clae.lu/wp-content/uploads/2018/11/memorandum-nouveau-gouvernement-2018.pdf>

⁸⁶ Chamber of Trades and Federation of Artisans, « L’Artisanat au cœur de la société luxembourgeoise : Propositions à l’intention du Gouvernement issu des élections législatives », Luxembourg, 14 October 2018, on : *gouvernement.lu*, p. 44, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-plenieres/2-annexes-aux-pv/Chambre-Metiers-Note.pdf>

⁸⁷ Luxembourg Chamber of Commerce, « Entreprise Luxembourg: pour une gouvernance publique innovante », Luxembourg, 2018, p. 132, URL : <https://www.cc.lu/uploads/media/ATn20 - Entreprise Luxembourg 4.0 FR 01.pdf>

⁸⁸ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 157, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>

⁸⁹ *Ibidem*.

⁹⁰ *Idem*, pp. 157-158.

⁹¹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l’année 2018 en matière d’asile, d’immigration et d’accueil », Luxembourg, 2019, p. 25.

⁹² Law of 1 August 2018 amending (1) the amended law of 29 August 2008 on the free movement of people and immigration (2) the law of 18 February 2013 on the reception of au pairs, published in Memorial A 827 of September 17, 2018. URL: <http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a827/jo>

⁹³ Article 58 (1) of the amended law of 29 August 2008.

⁹⁴ Article 57 (1) of the amended law of 29 August 2008.

⁹⁵ Article 58 (1) of the amended law of 29 August 2008.

⁹⁶ Article 58 (3) and (4) of the amended law of 29 August 2008.

⁹⁷ Article 58 (7) of the amended law of 29 August 2008.

⁹⁸ Article 58 (8) of the amended law of 29 August 2008.

⁹⁹ Article 57 (3) of the amended law of 29 August 2008.

¹⁰⁰ Grand-Ducal Regulation of 1 August 2018 amending the amended Grand-Ducal Regulation of 5 September 2008 defining the criteria for resources and housing provided for by the law of 29 August 2008 on the free movement of persons and

immigration, published in the Memorial A 828 of 17 September 2018. URL:

<http://legilux.public.lu/eli/etat/leg/rgd/2018/08/01/a828/jo>

¹⁰¹ *Idem*, Article 2.

¹⁰² Article 64 of the amended law of 29 August 2008.

¹⁰³ Article 67 of the amended law of 29 August 2008.

¹⁰⁴ Article 67 of the amended law of 29 August 2008.

¹⁰⁵ Article 67 (3) a) - f) of the amended law of 29 August 2008.

¹⁰⁶ Article 67 (3) a) - f) of the amended law of 29 August 2008.

¹⁰⁷ Grand-Ducal Regulation of 1 August 2018 amending the amended Grand-Ducal Regulation of 5 September 2008 defining the criteria for resources and housing provided for by the law of 29 August 2008 on the free movement of persons and immigration, published in the Memorial A 828 of 17 September 2018.

¹⁰⁸ *Idem*, Article 4.

¹⁰⁹ European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg, 2018, p. 26.

¹¹⁰ Article 67-4 (1) to (4) of the amended law of 29 August 2008.

¹¹¹ Article 67-4 (1) to (4) of the amended law of 29 August 2008.

¹¹² Article 67-4 (1) of the amended law of 29 August 2008.

¹¹³ Article 67-4 (3) of the amended law of 29 August 2008.

¹¹⁴ Article 67-4 (6) of the amended law of 29 August 2008.

¹¹⁵ Article 67-4 (2) of the amended law of 29 August 2008.

¹¹⁶ Law of 13 March 2018 approving the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part, signed in Munich on 18 February 2017, published in the Memorial A 187 of 14 March 2018. URL :

<http://legilux.public.lu/eli/etat/leg/loi/2018/03/13/a187/jo>

¹¹⁷ *Ibidem*.

¹¹⁸ An educational project is defined as "a series of educational activities organized by a Luxembourg secondary school in collaboration with a similar institution in a third country for the purpose of sharing cultures and knowledge". Bill No. 7188 amending (1) the amended law of 29 August 2008 on the free movement of persons and immigration; (2) the law of 18 February 2013 on the reception of au pairs, introduced in Parliament on 29 September 2017, p. 62. URL :

https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletimpl?path=196B09958FBBD95139A239D6007F48159F72F3FA9AC0E286326BA2AB87EE62894240B91B5A71A3FED791765EABE335A57B044ED4492813AC6548C358FE05FC9E

¹¹⁹ Article 60 of the amended law of 29 August 2008.

¹²⁰ Article 67 (4) of the amended law of 29 August 2008.

¹²¹ Chamber of commerce, "Entreprise Luxembourg 4.0. Pour une gouvernance publique innovante. Recommandations de la Chambre de Commerce au Gouvernement issu des élections législatives du 14 octobre 2018 », Luxembourg, 24 October 2018, p.70.

¹²² Idea Fondation, « Special élections – Synthèse de nos 5 cahiers thématiques : 33 initiatives IDEA(les) pour le Luxembourg », 13 September 2018. URL : <https://www.fondation-idea.lu/2018/09/13/special-elections-synthese-des-5-cahiers-thematiques-33-initiatives-ideales-pour-le-luxembourg/>

¹²³ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 230, URL :

<https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>

¹²⁴ *Idem*, p. 74.

¹²⁵ *Idem*, p. 75.

¹²⁶ Article 61 (1) of the amended law of 29 August 2008.

¹²⁷ The candidate must prove that, in the two years preceding the application, he has obtained an academic title entered in the register of diplomas (higher education) referred to in Article 68 of the Law of 26 October 2016 on the recognition of professional qualifications and corresponding to the levels 5 to 8 of the Luxembourg Qualification Framework.

¹²⁸ Article 61 (1) of the amended law of 29 August 2008.

¹²⁹ Article 61 (3) of the amended law of 29 August 2008.

¹³⁰ Article 61 (2) of the amended law of 29 August 2008.

¹³¹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 27.

¹³² *Ibidem*.

¹³³ Grand-Ducal Regulation of 1 August 2018 amending the amended Grand-Ducal Regulation of 5 September 2008 defining the criteria for resources and housing provided for by the law of 29 August 2008 on the free movement of persons and

immigration, published in the Memorial A 828 of September 17, 2018. URL:

<http://legilux.public.lu/eli/etat/leg/rgd/2018/08/01/a828/jo>

¹³⁴ See European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg, 2018.

¹³⁵ Art 6 of the Grand-Ducal Regulation of 1 August 2018 amending the amended Grand-Ducal Regulation of 5 September 2008 defining the criteria for resources and housing provided for by the law of 29 August 2008 on the free movement of persons and immigration, published in the Memorial A 828 of September 17, 2018.

¹³⁶ *Idem*, Art 6 3°.

¹³⁷ Court of Justice of the European Union, press release n°42/16, 21 April 2016, Luxembourg. URL :

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2016-04/cp160042fr.pdf>

¹³⁸ The student holds a residence permit issued by a first Member State and who is authorized to reside in Luxembourg for and to conduct research activities for a maximum period of 180 days within a period of 360 days.

¹³⁹ Article 67-2 (1) of the amended law of 29 August 2008.

¹⁴⁰ Article 67-2 (2) of the amended law of 29 August 2008.

¹⁴¹ Article 67-2 (1) of the amended law of 29 August 2008.

¹⁴² Resident permit issued by a first Member State that authorises the applicant to reside in Luxembourg and to conduct research activities for a period of 180 up to 360 days.

¹⁴³ Article 67-2 (5) of the amended law of 29 August 2008.

¹⁴⁴ Article 73 (9) of the amended law of 29 August 2008.

¹⁴⁵ Article 67-2 (7) of the amended law of 29 August 2008.

¹⁴⁶ Article 73 (6) of the amended law of 29 August 2008.

¹⁴⁷ Article 73 (9) of the amended law of 29 August 2008.

¹⁴⁸ Article 67-3 (1) of the amended law of 29 August 2008.

¹⁴⁹ Article 67-4 (4) of the amended law of 29 August 2008.

¹⁵⁰ CLAE, « Mémoire au formateur du Gouvernement », Luxembourg, 2018, p. 3.

¹⁵¹ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 230.

¹⁵² Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 23.

¹⁵³ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. URL : <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32003L0109&from=en>

¹⁵⁴ Article 80 (3) of the amended law of 29 August 2008.

¹⁵⁵ Ministry of Foreign and European Affairs, « Le Bureau des passeports, visas et légalisations simplifie le dépôt et le retrait des documents à apostiller ou légaliser », 7 September 2018, URL : <https://maee.gouvernement.lu/fr/actualites/articles/2018/07-bpvl-guichet.html>

¹⁵⁶ Ministry of Foreign and European Affairs, « Rapport d'activité 2018 », Luxembourg, 2019, p. 27. URL :

https://maee.gouvernement.lu/content/dam/gouv_maee/ministere/rapports-annuels/Rapport-annuel-2018.pdf

¹⁵⁷ *Ibidem*.

¹⁵⁸ *Ibidem*.

¹⁵⁹ Bill No. 7241 approving the Agreement between the Government of the Republic of Azerbaijan and the Governments of the Benelux States on the exemption from the visa requirement for holders of service passports, signed in Brussels, 23 November 2017, introduced in Parliament on 2 February 2018, p. 2. URL :

[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=98C708138C95D8F57C63E761CC1C5FBF72223FCD9AC101D23CE3DE61F07E6DDC1650B12598A53B8950FC208B5AB59600\\$12B67DF2E2F1714DA3E95D1D085702EC](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=98C708138C95D8F57C63E761CC1C5FBF72223FCD9AC101D23CE3DE61F07E6DDC1650B12598A53B8950FC208B5AB59600$12B67DF2E2F1714DA3E95D1D085702EC)

With the visa waiver, holders of a valid service passport from Azerbaijan can enter, leave or transit on Luxembourg territory without a visa, for a stay of up to 90 days over a period of 180 days. These provisions apply reciprocally to nationals of the Benelux States holding a valid service passport.

¹⁶⁰ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 31.

¹⁶¹ *Ibidem*.

¹⁶² *Ibidem*.

¹⁶³ Ministry of Foreign and European Affairs, « Activity Report 2018 », Luxembourg, 2019, pp. 118-120.

¹⁶⁴ ADR, « NEE zum UNO-Migrationspakt », Luxembourg, 14 November 2018, URL : <https://adr.lu/nee-zum-uno-migrationspakt/>

¹⁶⁵ Josée Hansen, « La cacophonie des nations », Luxembourg, 14 December 2018, URL :

<http://www.land.lu/page/article/966/334966/DEU/index.html>

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- ¹⁶⁶ Parliament, public petition n°1148 «UN Migrationspakt stoppen !» author : Melmer Steve, filed 12 November 2018, URL : <https://chd.lu/wps/portal/public/Accueil/TravailALaChambre/Petitions/RoleDesPetitions?action=doPetitionDetail&id=1382>
- ¹⁶⁷ Parliament, public petition n°1153 «Nee zum «UNO Migrationspakt»» author : Strassener Gustavo, filed 20 November 2018, URL : <https://chd.lu/wps/portal/public/Accueil/TravailALaChambre/Petitions/RoleDesPetitions?action=doPetitionDetail&id=1392>
- ¹⁶⁸ Parliament, public petition n°1147 «Stoppt de Migrationspakt» author : Burghart Kris, filed 9 November 2018, URL : <https://chd.lu/wps/portal/public/Accueil/TravailALaChambre/Petitions/RoleDesPetitions?action=doPetitionDetail&id=1381>
- ¹⁶⁹ Parliament website, Filing a petition, URL : <https://chd.lu/wps/portal/public/Accueil/TravailALaChambre/Petitions/DepotPetition>
- ¹⁷⁰ Alternative Democratic Reform Party, 15 November 2018, URL : https://adr.lu/wp-content/uploads/2018/11/fk_interpellatioun_migrationspakt.pdf
- ¹⁷¹ ASTI asbl, « Le Pacte mondial pour des migrations sûres, ordonnées et régulières : une chance transformée en flop par les opportunistes », Luxembourg, 4 December 2018, URL : <https://www.asti.lu/le-pacte-mondial-pour-des-migrations-sures-ordonnees-et-regulieres-une-chance-transformee-en-flop-par-les-opportunistes/>
- ¹⁷² Statement by Jean Asselborn, Minister of Foreign and European Affairs, on the occasion of the Intergovernmental Conference to adopt the Global Compact on Safe, Orderly and Regular Migration, in Marrakech, 10-11 December 2018, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/10-Disours-de-Jean-Asselborn.pdf>
- ¹⁷³ Ministry of Foreign and European Affairs, « Activity Report 2018 », Luxembourg, 2019, pp. 118-120.
- ¹⁷⁴ The number of applications for international protection has increased considering that 353 of the 2,318 applicants registered in 2017 had been relocated from Italy and Greece. As a result, there is a net increase of 220 applications in 2018. Note that this figure includes 20 arrivals to Luxembourg in the context of two ad hoc relocation actions from Malta. On the other hand, persons resettled from a third country already enjoying refugee status upon arrival in Luxembourg are not taken into account in these figures. Source: Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019.
- ¹⁷⁵ *Idem*, p. 5 and European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg, 2018, p. 35.
- ¹⁷⁶ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 5.
- ¹⁷⁷ We did not include in these figures the data on the withdrawals of the application or the decisions of incompetence under the application of the Dublin III Regulation.
- ¹⁷⁸ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, pp. 10-12.
- ¹⁷⁹ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, pp. 167-168.
- ¹⁸⁰ *Ibidem*.
- ¹⁸¹ *Ibidem*.
- ¹⁸² Information provided by the Directorate of Immigration on 19 April 2018.
- ¹⁸³ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 168.
- ¹⁸⁴ *Ibidem*.
- ¹⁸⁵ 48 OLAI agents participated in the mentioned seminars. Information provided by OLAI on 11 February 2019.
- ¹⁸⁶ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 168.
- ¹⁸⁷ Ministry of Foreign and European Affairs, « Rapport d'activité 2018 », Luxembourg, 2019, p. 8.
- ¹⁸⁸ Ronnen Dësch, « Mémo de la Coordination du Ronnen Desch pour les coalitionnaires », Luxembourg, 25 October 2018, p. 3, URL : <https://ronnendes.lu/suggestions-pour-le-futur-gouvernement/>
- ¹⁸⁹ CLAE, « Mémorandum au formateur du Gouvernement », Luxembourg, 2018, p. 3.
- ¹⁹⁰ Kathoulesch Kierch zu Lëtzebuerg, « Propositions d'amélioration de la politique d'asile au Luxembourg à l'intention des partis politiques en vue des élections nationales », Luxembourg, March 2018, p. 2, URL : https://web.cathol.lu/IMG/pdf/propositions_partis_politiques.pdf
- ¹⁹¹ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 234, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>
- ¹⁹² DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 234, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>
- ¹⁹³ The OLAI housing system is organized in three phases: phases 1 and 2 correspond to the first reception while phase 3 corresponds to accommodation in long-lasting structures. The phase 1 housing facility, located in the former Logopédie de Strassen (308 beds), accommodates newcomers wishing to apply for international protection in Luxembourg. It has for this purpose a permanent reception centre (24h / 24h, 7d / 7d). The duration of the stay is from 24h to 48h (depending on the

administrative steps and the remaining capacity in phase 2) before a transfer to phase 2. Those whose application goes through an ultra-accelerated procedure are also accommodated here during the whole duration of the process as well as families and vulnerable people awaiting a Dublin III transfer. Source : Ministry of Family, Integration and the Greater Region, “Rapport d’activité 2018”, p. 159, URL :

<https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-famille-integration-grande-region/2018-rapport-activites/Rapport-d-activite-2018-Version-definitive-le-28-fevrier-2019.pdf>

¹⁹⁴ An occupancy rate above 80% can hardly be reached in family and mixed structures since the use of the full capacity is impossible (a foreign person can hardly occupy a free bed in a family room). Added to this is the loss of beds associated with rooms being renovated or closed due to obsolescence. Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l’année 2018 en matière d’asile, d’immigration et d’accueil », Luxembourg, 2019, p. 42.

¹⁹⁵ *Idem*, pp. 157-158.

¹⁹⁶ *Idem*, p. 160.

¹⁹⁷ Ministry of Family, Integration and the Greater Region, « Rapport d’activité 2018 », Luxembourg, 2019, p. 159.

¹⁹⁸ *Idem*, p. 160.

¹⁹⁹ European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg, 2018, p. 42.

²⁰⁰ The continued influx of AIPs, however, pressured the OLAI to open in November 2018 an additional 204 emergency beds in former halls. Ministry of Family, Integration and the Greater Region, « Rapport d’activité 2018 », Luxembourg, 2019, p. 159.

²⁰¹ *Idem*, pp. 161-162.

²⁰² Judgment of the First instance Administrative Court, 2nd Chamber, n° 38064 of 11 January 2018.

²⁰³ Judgment of the First instance Administrative Court, 2nd Chamber, n° 39264 of 8 August 2018.

²⁰⁴ *Ibidem*.

²⁰⁵ Telephone consultation with Oppent Haise, 17 April 2019.

²⁰⁶ *Ibidem*.

²⁰⁷ Article 89 of the amended law of 2018 on the Grand Ducal Police.

²⁰⁸ Article 22bis of the amended law of 18 December 2015 on the reception of applicants for international protection and subsidiary protection.

²⁰⁹ Parliamentary Document 7045/09, Amendement 90, p.38. URL :

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=C293A3C74F1124DAEE4E0F4B0F5A83915F59481D733A95CA9541197F4DF88FB75D712A197A9DFB09BB28A4E08935E900\\$847049BB1DE1602DAA96C16A9AB6F065](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=C293A3C74F1124DAEE4E0F4B0F5A83915F59481D733A95CA9541197F4DF88FB75D712A197A9DFB09BB28A4E08935E900$847049BB1DE1602DAA96C16A9AB6F065)

²¹⁰ Bill no. 7258 amending (1) the amended law of 25 February 1979 on housing assistance, (2) the amended law of 21 September 2006 on the lease for residential use and amending certain provisions of the Civil Code, and (3) the amended law of 16 December 2008 on the reception of foreigners in the Grand Duchy of Luxembourg, introduced in Parliament on 7 March 2018. URL :

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=91AECFCAD03DF8C2AB3F409B337AA4485B411675C8140352084042895ED276C8576FFBBD1B5CFAE5CE31D66FD50A686\\$EB93EE371AFDCFE8638A9A450E315A54](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=91AECFCAD03DF8C2AB3F409B337AA4485B411675C8140352084042895ED276C8576FFBBD1B5CFAE5CE31D66FD50A686$EB93EE371AFDCFE8638A9A450E315A54)

²¹¹ *Ibidem*.

²¹² Ministry of Family, Integration and the Greater Region, « Rapport d’activité 2018 », Luxembourg, 2019, p. 169.

²¹³ Comment on article 3 of the Bill no. 7258, p. 16

²¹⁴ OLAI, Ministry of Family, Integration and the Greater Region, « Plan d’action national d’intégration (PAN intégration) 2018 », 13 July 2018, p.10, URL : <http://www.olai.public.lu/fr/actualites/2018/07/pan/PAN-integration.pdf>

²¹⁵ *Idem*, p. 11.

²¹⁶ *Idem*, p. 12.

²¹⁷ CCDH, « Rapport sur les conditions d’accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 28 November 2018, URL : <https://cdh.public.lu/dam-assets/fr/avis/2018/Rapport-Conditions-accueil-DPI-version-26112018-Version-finale.pdf>

²¹⁸ Which are based on testimonies of AIP/ BIP, civil society actors, lawyers specializing in the right of asylum and representatives of public authorities as well as elements collected during visits to certain homes collected by the CCDH.

²¹⁹ CCDH, « Rapport sur les conditions d’accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 28 November 2018, p. 45.

²²⁰ *Idem*, p. 12.

²²¹ *Idem*, pp. 17-18.

²²² *Idem*, p. 28.

²²³ *Idem*, pp. 13-14.

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- ²²⁴ Ronnen Dësch, « Les partis politiques à l'écoute du Ronnen Dësch », 7 August 2018, pp. 5-7, <https://ronnendes.ch/les-partis-politiques-a-lecoute-du-ronnen-desch/>
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- ²²⁶ Jean Asselborn, Minister of Foreign and European Affairs, position paper on the report by the CCDH « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », 13 December 2018, URL : https://maee.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2018%2B12-decembre%2B13-asselborn-poistion-ccd.html
- ²²⁷ *Ibidem*.
- ²²⁸ *Ibidem*.
- ²²⁹ Caritas, Communauté Vie Chrétienne, Communauté jésuite, Commission Justice et Paix, Reech eng Hand « Propositions d'amélioration de la politique d'asile au Luxembourg à l'intention des partis politiques en vue des élections nationales », pp. 2-4, URL : https://web.cathol.lu/IMG/pdf/propositions_partis_politiques.pdf
- ²³⁰ Ronnen Dësch, « Les partis politiques à l'écoute du Ronnen Dësch », 7 August 2018, p. 7.
- ²³¹ Ronnen Dësch, « Mémo de la Coordination du Ronnen Desch pour les coalitionnaires », Luxembourg, 25 October 2018, URL: <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-pleniieres/3-autres-documents/Ronnden-Desch-Note-.pdf>
- ²³² CCDH, « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 28 November 2018, p. 13.
- ²³³ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 3 December 2018, p. 233, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>
- ²³⁴ *Idem*, p. 234.
- ²³⁵ *Ibidem*.
- ²³⁶ *Ibidem*.
- ²³⁷ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 164.
- ²³⁸ Any adult applicant for international protection who has lodged an application for international protection from that date attends the PIA 1 information sessions (on average in the first 6 to 8 weeks of his arrival in the Grand Duchy), regardless of his/her level of education and his/her age. The mandatory nature of PIA 1 ensures the inclusion of vulnerable persons, irrespective of their gender, marital status, work experience or level of education. Information provided by the OLAI on 14 February 2019.
- ²³⁹ This language component is managed by the Department of Adult Education of the Ministry of Education, Children and Youth and consists of a 9-hour course based on 1) learning notions of Luxembourgish that apply to the daily life and 2) a presentation of the linguistic situation and the school system in Luxembourg. Information provided by the OLAI on 14 February 2019.
- ²⁴⁰ The civic component is managed by the Ministry of Family, Integration and Greater Region together with the OLAI and consists of an 8-hour course based on 1) information about community life in Luxembourg, 2) the rights and duties as an applicant for international protection, and 3) equal opportunities. Information provided by the OLAI on 14 February 2019.
- ²⁴¹ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 164.
- ²⁴² Information provided by the OLAI on 14 February 2019.
- ²⁴³ *Ibidem*.
- ²⁴⁴ Ronnen Dësch, « Wahlprüfsteng vum Ronnen Dësch 2018 », Luxembourg, April 2018, p. 8, URL : <https://ronnendes.ch/wp-content/uploads/2018/04/5.-Wahlprüfsteine.docx>
- ²⁴⁵ CCDH, « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 28 November 2018, p. 44.
- ²⁴⁶ *Idem*, pp. 26-27.
- ²⁴⁷ Luxembourgish Refugee Council (LFR), « L'accueil des réfugiés, une politique de longue haleine: propositions aux négociateurs d'un accord de coalition », Luxembourg, 23 October 2018, p. 2, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-pleniieres/3-autres-documents/Letz-Fluchtlingsrot-Note.pdf>
- ²⁴⁸ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 3 December 2018, p. 53, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>
- ²⁴⁹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 23.
- ²⁵⁰ This unit, set up in 2017, provides employers with information on job applications and skills assessments from the BIP.
- ²⁵¹ ADEM, « Être bénéficiaire de protection internationale (BPI) », 21 June 2018, URL : http://adem.public.lu/fr/demandeurs-demploi/Etre_BPI/index.html

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- ²⁵² Le quotidien, « Un speed dating employeurs-réfugiés au Kirchberg », Luxembourg, 14 May 2018, URL : <https://www.lequotidien.lu/economie/un-speed-dating-employeurs-refugies-au-kirchberg/>
- ²⁵³ Information provided by the BIP unit of the ADEM on 14 December 2018.
- ²⁵⁴ OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », 13 July 2018, p. 8, URL : <http://www.olai.public.lu/fr/actualites/2018/07/pan/PAN-integration.pdf>
- ²⁵⁵ *Idem*, p. 14.
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- ²⁵⁷ Luxembourgish Refugee Council (LFR), « L'accueil des réfugiés, une politique de longue haleine: propositions aux négociateurs d'un accord de coalition », Luxembourg, 23 October 2018, p. 2, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-plenieres/3-autres-documents/Letz-Fluchtlingsrot-Note.pdf> and Ronnen Dësch, « Wahlprüfsteng vum Ronnen Dësch 2018 », Luxembourg, April 2018, pp. 4-5, URL : <https://ronnendes.lu/wp-content/uploads/2018/04/5.-Wahlprüfsteine.docx>
- ²⁵⁸ Luxembourgish Refugee Council (LFR), « L'accueil des réfugiés, une politique de longue haleine: propositions aux négociateurs d'un accord de coalition », Luxembourg, 23 October 2018, p. 2.
- ²⁵⁹ Kathoulesch Kierch zu Lëtzebuerg, « Propositions d'amélioration de la politique d'asile au Luxembourg à l'intention des partis politiques en vue des élections nationales », Luxembourg, March 2018, p. 5.
- ²⁶⁰ Luxembourgish Refugee Council (LFR), « L'accueil des réfugiés, une politique de longue haleine: propositions aux négociateurs d'un accord de coalition », Luxembourg, 23 October 2018, p. 2.
- ²⁶¹ Ronnen Dësch, « Wahlprüfsteng vum Ronnen Dësch 2018 », Luxembourg, April 2018, p. 5, URL : <https://ronnendes.lu/wp-content/uploads/2018/04/5.-Wahlprüfsteine.docx>
- ²⁶² CCDH, « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 2018, p. 31.
- ²⁶³ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 3 December 2018, p. 234, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>
- ²⁶⁴ *Idem*, p. 138.
- ²⁶⁵ Joint answer from the Ministries of Family and Integration, Foreign and European Affairs and Health on the Parliamentary question n°3696 of 13 March 2018. URL : [https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=7A88E8B407402D2D0B7F488D7E133E16\\$DE3DD2EDD31B88773D67BA2E34C15849&fn=7A88E8B407402D2D0B7F488D7E133E16\\$DE3DD2EDD31B88773D67BA2E34C15849.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=7A88E8B407402D2D0B7F488D7E133E16$DE3DD2EDD31B88773D67BA2E34C15849&fn=7A88E8B407402D2D0B7F488D7E133E16$DE3DD2EDD31B88773D67BA2E34C15849.pdf)
- ²⁶⁶ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 125.
- ²⁶⁷ LFR, « L'accueil des réfugiés, une politique de longue haleine Propositions aux négociateurs d'un accord de coalition », Luxembourg, 23 October 2018, p. 4, URL : https://ronnendes.lu/wp-content/uploads/2018/10/LFR_propositions_formateur_231018.pdf
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- ²⁶⁹ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 230, URL : <https://gouvernement.lu/en/publications/accord-coalition/2018-2023.html>
- ²⁷⁰ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 5.
- ²⁷¹ See European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg, 2018, p. 29.
- ²⁷² Information provided by the administrative jurisdictions of the Grand Duchy of Luxembourg on 4 February 2018.
- ²⁷³ Passerell, press release « Le Grand-Duché de Luxembourg transfère des demandeurs d'asile vers l'Italie de Salvini », 23 October 2018, URL : https://img.100komma7.lu/uploads/media/default/0001/92/communiquede-presse-passerell-a_80e902.pdf
- ²⁷⁴ Directorate of Immigration, Ministry of Foreign and European Affairs, 26 octobre 2018, *Réaction du ministre de l'Immigration et de l'Asile, Jean Asselborn, suite aux récentes préoccupations formulées quant aux transferts Dublin vers l'Italie*. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2018/10-octobre/26-asselborn-transferts-dublin.html
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- ²⁷⁶ Amnesty International Luxembourg, « Agenda pour les droits humains d'amnesty international Luxembourg », p. 3, URL : https://www.amnesty.lu/fileadmin/Agenda_pour_les_droits_humains_elections_2018.pdf
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- ²⁸¹ ASTI, press conference «Collectif réfugiés – La dignité avant tout», 22 March 2018, URL : <https://www.asti.lu/collectif-refugies-la-dignite-avant-tout-conference-de-presse/>
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- ²⁸⁶ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 3 December 2018, p. 231.
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³⁰⁸ See Parliamentary document n° 7238/00 of 27 February 2018, p. 2.

³⁰⁹ Directorate of Immigration, Ministry of Foreign and European Affairs, « Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil », Luxembourg, 2019, p. 17.

³¹⁰ Ministry of Foreign and European Affairs, Activity Report 2018, Luxembourg, 2019, p. 97.

³¹¹ See Parliamentary document n° 7238/01 of 8 May 2018.

[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A25C715B2396650CAC1FDB52379355B93EA74C03CDBA9F87901B694A58C0F01018F13FF7D0E9A9159F6578F8E282B69D\\$DBE5792E59FAC73BCB9C32985702A0F8](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=A25C715B2396650CAC1FDB52379355B93EA74C03CDBA9F87901B694A58C0F01018F13FF7D0E9A9159F6578F8E282B69D$DBE5792E59FAC73BCB9C32985702A0F8)

³¹² See Parliamentary document n° 7238/02 of 19 July 2018.

[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=F316F1C9BC3104CC3ADB8355A2BFC7331F90722856387C8909344995F8F76CB7FDADC913DEA5255E744A231CBFF95062\\$DA77375ED46F70B37A5998E8373C32A9](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=F316F1C9BC3104CC3ADB8355A2BFC7331F90722856387C8909344995F8F76CB7FDADC913DEA5255E744A231CBFF95062$DA77375ED46F70B37A5998E8373C32A9)

³¹³ *Ibidem.*

³¹⁴ See Parliamentary document n° 7238/03 of 19 July 2018. URL :

[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=3B1A4A5507432657B5474649BFB7B1FDEC7296BFA5E3A1E51070525DF9CC825BEB06E9238C4ED2F5990BA953782E0001\\$3FD63B04AB3F92499853DFEC2642625E](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=3B1A4A5507432657B5474649BFB7B1FDEC7296BFA5E3A1E51070525DF9CC825BEB06E9238C4ED2F5990BA953782E0001$3FD63B04AB3F92499853DFEC2642625E)

³¹⁵ CCDH, « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 2018, p. 4.

³¹⁶ Jean Asselborn Minister of Foreign and European Affairs, position paper on the report by the CCDH « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », 13 December 2018.

³¹⁷ *Ibidem.*

³¹⁸ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 231.

³¹⁹ *Ibidem.*

³²⁰ *Ibidem.*

³²¹ *Ibidem.*

³²² *Idem*, p. 233.

³²³ Answer of the Ministries of Family and Integration, Foreign and European Affairs and Health to the Parliamentary question n° 3696 of 13 March 2018.

³²⁴ *Ibidem.*

³²⁵ *Ibidem.*

³²⁶ *Ibidem.*

³²⁷ Jean Asselborn Minister of Foreign and European Affairs, position paper on the report by the CCDH « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », 13 December 2018.

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<https://gouvernement.lu/fr/publications/rapport-activite/minist-egalite-chances/2018-rapport-activite-mega0.html>

³³¹ Article 2 (introducing the new Art 409bis to the Penal Code), 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 amending (1) the Penal Code; (2) the Code of Criminal 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 persons and immigration, published in Memorial 631 of 30 July 2018 URL :

[https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=D5C38EB5CA10A2B248F423CE8F125C0B4A81022A50A56124B9FE6635AF9AA172BD8DC0E1F66771314171F694EE1F72B9\\$6CA13270AF703FE002FD4F09D2EBD968](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=D5C38EB5CA10A2B248F423CE8F125C0B4A81022A50A56124B9FE6635AF9AA172BD8DC0E1F66771314171F694EE1F72B9$6CA13270AF703FE002FD4F09D2EBD968)

³³² *Ibidem.*

³³³ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 75.

³³⁴ These chapters are: 1) Providing inclusive and equitable education for all learners; 2) Guaranteeing equal treatment in employment and occupation; 3) Ensuring the enjoyment of the highest attainable level of health for all 4) Protecting the diversity of family forms; 5) Reception and integration; 6) Fighting against discrimination, hate crimes and hate speech; 7) Ensuring the equal rights of transgender people; 8) Ensuring the equal rights of intersex persons.

³³⁵ Ministry of Family and Integration, National Action Plan to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersexual Persons, July 2018, p. 32. URL : <https://mfamigr.gouvernement.lu/dam-assets/le->

[minist%C3%A8re/attributions/solidarit%C3%A9/Plan-d-action-national-pour-la-promotion-des-droits-des-personnes-lesbiennes,-gays,-bisexuelles,-transgenres-et-intersexes.pdf](#)

³³⁶ *Idem*, p. 35.

³³⁷ *Ibidem*.

³³⁸ *Ibidem*.

³³⁹ The Gay and Lesbian Information and Consultation Center (CIGALE), URL : <http://www.cigale.lu/>

³⁴⁰ Information provided by CIGALE on 24 April 2019.

³⁴¹ Art 5 1 °, 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 amending 1) the Penal Code; 2) the Code of Criminal 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 persons and immigration, published in Memorial 631 of 30 July 2018. URL :

https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=D5C38EB5CA10A2B248F423CE8F125C0B4A81022A50A56124B9FE6635AF9AA172BD8DC0E1F66771314171F694EE1F72B956CA13270AF703FE002FD4F09D2EBD968

³⁴² *Idem*, Article 5 2°.

³⁴³ Portal for equality between women and men, Egalité des chances, « Brisons le tabou et rendons la violence plus visible ! », 3 December 2018, URL : <http://mega.public.lu/fr/actualites/2018/12/convention-istanbul/index.html>

³⁴⁴ Portal for equality between women and men, Egalité des chances, « Orange wekk 2018 », 21 November 2018, URL :

<http://mega.public.lu/fr/actualites/2018/11/orange-week-2018/index.html>

³⁴⁵ CCDH, « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 2018, p. 35.

³⁴⁶ Luxembourgish Refugee Council (LFR), « L'accueil des réfugiés, une politique de longue haleine: propositions aux négociateurs d'un accord de coalition », Luxembourg, le 23 octobre 2018, p. 2, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-plenieres/3-autres-documents/Letz-Fluchtlingsrot-Note.pdf>

³⁴⁷ Jean Asselborn Minister of Foreign and European Affairs, position paper on the report by the CCDH « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », 13 December 2018.

³⁴⁸ Rosa Lëtzebuerg-CIGALE, "Pour une politique nationale sensible aux question LGBTIQ, Revendications adressées par Rosa Lëtzebuerg-CIGALE aux parties politiques en vue des législatives du 14 Octobre 2018, 3 April 2018. URL : <http://gaymat.lu/wp-content/uploads/2018/06/Revendications-RosaL%C3%ABtzebuerg-CIGALE-ElectionsL%C3%A9gislatives2018.pdf>

³⁴⁹ Luxembourgish Refugee Council (LFR), « L'accueil des réfugiés, une politique de longue haleine: propositions aux négociateurs d'un accord de coalition », Luxembourg, le 23 octobre 2018, p. 5, URL : <https://gouvernement.lu/dam-assets/documents/actualites/2018/12-decembre/05-pv-plenieres/3-autres-documents/Letz-Fluchtlingsrot-Note.pdf>

³⁵⁰ OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », 13 July 2018, p. 3, URL : <http://www.olai.public.lu/fr/actualites/2018/07/pan/PAN-integration.pdf>

³⁵¹ *Idem*, p. 8.

³⁵² *Idem*, p. 5.

³⁵³ *Idem*, p. 4.

³⁵⁴ Civil society was consulted via an online questionnaire in December 2017 and OLAI organized a round table on this subject in January 2018.

³⁵⁵ An online consultation was conducted with municipalities in February 2018. An exchange on the results of the consultation took place on 14 May 2018 with SYVICOL.

³⁵⁶ A consultation debate on the future directions of the Integration NAP took place in Parliament on 15 March 2018.

³⁵⁷ The National Council for Foreigners advised on the drafting of the integration plan of 26 March 2018.

³⁵⁸ OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », 13 July 2018, p. 5, URL : <http://www.olai.public.lu/fr/actualites/2018/07/pan/PAN-integration.pdf>

³⁵⁹ Serge Kollweleter, « Un catalogue de bonnes intentions », Luxemburger Wort, 29/30 September 2018, URL :

https://ronnendes.lu/wp-content/uploads/2018/10/29_09_2018_w_16_d8e1f4f088.pdf and CCDH, « Rapport sur les conditions d'accueil des demandeurs et bénéficiaires de protection internationale au Luxembourg », Luxembourg, 2018, p. 26, URL : <https://ccdh.public.lu/dam-assets/fr/avis/2018/Rapport-Conditions-accueil-DPI-version-26112018-Version-finale.pdf>

³⁶⁰ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 03 December 2018, p. 53.

³⁶¹ *Ibidem*.

³⁶² OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », 13 July 2018, p.8, URL : <http://www.olai.public.lu/fr/actualites/2018/07/pan/PAN-integration.pdf>

³⁶³ *Ibidem*.

³⁶⁴ *Idem*, p. 14.

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- ³⁶⁵ Ministry of Culture, 27 September 2018, *Actualités*. URL: https://mc.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2018%2B09-septembre%2B27-arendt-kulturentwecklungsplang.html
- ³⁶⁶ Ministry of Culture, « Kulturentwecklungsplang 2018-2028 », Luxembourg, Septembre 2018, volume 1, p. 153 ,URL : <https://kep.public.lu/index.html>
- ³⁶⁷ *Idem*, p. 156.
- ³⁶⁸ *Idem*, p. 158.
- ³⁶⁹ *Idem*, p. 159.
- ³⁷⁰ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 97.
- ³⁷¹ LISKO, « Rapport d'activités 2018 », Luxembourg, 2019, p. 6.
- ³⁷² The social permanence allows beneficiaries to obtain information, a targeted orientation and answers to their questions and/or help in their actions.
- ³⁷³ LISKO has a mandate from the National Social Action Service (SNAS) for the integration projects of beneficiaries of the guaranteed minimum income (RMG) who are not fluent in the languages of the country. In 2018, 349 insertion contracts obliged BIPs to collaborate with LISKO in the framework of their integration project and with their obligation to follow French classes. This project finished on 31/12/2018 with the entry into force of the Law on social inclusion income (REVIS).
- ³⁷⁴ Volunteering has been developed inside LISKO during 2018, it is based on weekly conversation groups in French and greatly focused on finding a job (drafting CV and motivation letter). During 2018, approximately 20 candidates were interviewed in order to become volunteers. 17 of those were active at the end of the year. Four trainings were provided for approximately 30 persons. LISKO also participated in the training of volunteers "Supporting recognized refugees" organized by the ASTI.
- ³⁷⁵ Since summer 2018, LISKO can create, if necessary, access to social groceries stores. This access can last for a month and can be renewed.
- ³⁷⁶ LISKO collaborates with SNJ and other services of the Luxembourgish Red Cross in the framework of « Pre-SVN ». This a National Voluntary Service for the persons who are not yet fluent in the national languages. In this context, the volunteers follow intensive language courses and LISKO provides social support and cultural mediation between the location of the training and the volunteer.
- ³⁷⁷ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 97.
- ³⁷⁸ *Ibidem*.
- ³⁷⁹ LISKO, « Rapport d'activités 2018 », Luxembourg, 2019, p. 3.
- ³⁸⁰ The psychologist started to work on April 2018 and has followed 42 regular cases, essentially victims of trauma. See LISKO, « Rapport d'activités 2018 », Luxembourg, 2019, p. 5.
- ³⁸¹ This unit provides information for the employers about the job applications and competences of the BIPs.
- ³⁸² LU EMN NCP answer to the UK EMN NCP ad-hoc query on Refugee employment support launched on 15 March 2019.
- ³⁸³ FNS, REVIS, URL : <https://www.fns.lu/prestations/revenu-dinclusion-sociale-revis/>
- ³⁸⁴ Article 2 of the Law of 28 July 2018 on social inclusion income published in Memorial A630 of 30 July 2018. URL : <http://legilux.public.lu/eli/etat/leg/loi/2018/07/28/a630/jo>
- ³⁸⁵ Article 2 (2) of the amended law of 29 April 1999 on the creation of the right of Guaranteed minimum income. URL : <http://legilux.public.lu/eli/etat/leg/tc/2004/06/22/n1/jo>
- ³⁸⁶ Article 2 (2) of Law of 28 July 2018.
- ³⁸⁷ Article 2 (2) of Law of 28 July 2018.
- ³⁸⁸ The Ministry of Family, Integration and the Greater Region, «revis.lu - Le site Internet sur le revenu d'inclusion sociale», 11 July 2018, URL : https://mfamigr.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2018%2B07-juillet%2B11-revis.html
- ³⁸⁹ European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum », Luxembourg, 2018, pp. 66-69.
- ³⁹⁰ Law of 23 May 2018 amending article 563 of the Penal Code by creating as an infraction the concealing the face in certain public places, published in Memorial A413 of 28 May 2018. URL : <http://legilux.public.lu/eli/etat/leg/loi/2018/05/23/a413/jo>
- ³⁹¹ The persons residing on the territory of one of the contracting States and to which the Convention is applicable are subjected to the obligations and have the right to benefit from the legislation of this State under the same conditions as the nationals of that State.
- ³⁹² The acquired services derived from the legislation of one of the contracting States cannot be reduced, modified, annulled or suspended because the beneficiary resides on the territory of another contracting State.

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- ³⁹³ Law of 25 July 2018 approving the social security agreement between the Grand Duchy of Luxembourg and the People's Republic of China, concluded in Beijing on 27 November 2017, published in Memorial A629 of 30 July 2018. URL : <http://legilux.public.lu/eli/etat/leg/loi/2018/07/25/a629/jo>
- ³⁹⁴ See Parliamentary document n° 7242/00, p. 3.
https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=3BEFD462A68C964B3849594463F975A349C5D2D163C5B5B59E9693137939796E79EB78EAB0A6C8732C6263B975B43784D3AD43FF5070EDA284F276DB8D438554
- ³⁹⁵ Bill n° 7369 approving the Convention on Social Security between the Government of the Grand Duchy of Luxembourg and the Government of the Republic of Korea signed in Luxembourg on 1st March 2018 introduced to Parliament on 10 October 2018.
[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=58A9A11B6B3A2A1FF9D30A1B884352595B65FC6E243D13FC5C590FE8C5689906553C13317FC45C6CD1987A46ABBF94C1\\$1FA3A504A7BC9861DEE91071BF05F13A](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=58A9A11B6B3A2A1FF9D30A1B884352595B65FC6E243D13FC5C590FE8C5689906553C13317FC45C6CD1987A46ABBF94C1$1FA3A504A7BC9861DEE91071BF05F13A)
- ³⁹⁶ Government of the Grand Duchy of Luxembourg, 6 September 2018, Résumé des travaux du 6 septembre 2018. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2018/09-septembre/06-conseil-gouvernement.html
- ³⁹⁷ DP, LSAP et déi gréng, « Accord de coalition 2018-2023 », Luxembourg, le 03 décembre 2018, p. 4.
- ³⁹⁸ *Idem*, p. 53.
- ³⁹⁹ *Idem*, p. 4.
- ⁴⁰⁰ *Idem*, p. 234.
- ⁴⁰¹ *Idem*, p. 84.
- ⁴⁰² OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », 13 July 2018, p.16, URL : <http://www.olai.public.lu/fr/actualites/2018/07/pan/PAN-integration.pdf>
- ⁴⁰³ Article 1 of the law of 20 July 2018 amending the Law of 8 March 2017 on Luxembourgish nationality published in the Memorial A728 of 28 August 2018. URL : <http://legilux.public.lu/eli/etat/leg/loi/2018/07/20/a728/jo>
- ⁴⁰⁴ *Ibidem*.
- ⁴⁰⁵ Parliamentary document n° 7256/00 of 1 March 2018, p. 5.
[https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B5D20B86CDD0410596F4C2FC1A9B64D2B7EE0DA240A966923984A2A90D55AE5CA08ABAD68818374AE9CF883BCAC84A2B\\$E0D0262BF01ECECAB501741647F54AC7](https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=B5D20B86CDD0410596F4C2FC1A9B64D2B7EE0DA240A966923984A2A90D55AE5CA08ABAD68818374AE9CF883BCAC84A2B$E0D0262BF01ECECAB501741647F54AC7)
- ⁴⁰⁶ Ministry of Education, Children and Youth, « Rapport d'activité 2018 », Luxembourg, 2019, p. 70.
- ⁴⁰⁷ Law of 8 March 2018 amending: 1. The amended law of 18 February 2003 (electoral law); 2. Amended law of 4 February 2005 on referendum at national level, published in Memorial A178 of 12 March 2018. URL : <http://legilux.public.lu/eli/etat/leg/loi/2018/03/08/a178/jo>
- ⁴⁰⁸ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 165.
- ⁴⁰⁹ OLAI, « Présentation de la campagne « je peux voter » », 21 November 2018, URL : <http://www.olai.public.lu/fr/actualites/2018/12/je-peux-voter/index.html>
- ⁴¹⁰ OLAI, « Appel à projets aux asbl », 21 September 2018, URL : <http://www.olai.public.lu/fr/actualites/2018/09/subsides-aux-asbl/index.html>
- ⁴¹¹ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 165.
- ⁴¹² OLAI, « Elections européennes 2019. Formation des multiplicateurs », 8 November 2018, URL : <http://www.olai.public.lu/fr/actualites/2018/11/formation-multiplicateurs/index.html>
- ⁴¹³ The CNE is a consultative official body established by the amended law of 16 December 2008 on reception and integration of foreigners in the Grand Duchy of Luxembourg. It is in charge "to research on its own initiative or at the request of the Government problems related to foreigners and their integration".
- ⁴¹⁴ Government of the Grand Duchy of Luxembourg, Governmental decree of 18 January 2018 appointing the members of the National Council of Foreigners. URL : https://gouvernement.lu/dam-assets/fr/actualites/communiqués/2018/01-janvier/24-assemblée-conseil/Arrete-ministeriel_Nomination_Membres_CNE.pdf
- ⁴¹⁵ OLAI, Ministry of Family, Integration and the Greater Region, 24 janvier 2018, *Assemblée constitutive du Conseil national pour étrangers*. URL : https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2018/01-janvier/24-assemblée-conseil.html
- ⁴¹⁶ Ministry of Family, Integration and the Greater Region, « Réunion plénière du Conseil national pour étrangers en présence de Corinne Cahen », Luxembourg, 1 March 2018. URL: https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2018/03-mars/01-cahen-conseil.html
- ⁴¹⁷ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 171.
- ⁴¹⁸ Ministry of Family, Integration and the Greater Region, « Assemblée constituante du Conseil national pour étrangers », 24 January 2018, URL : https://mfamigr.gouvernement.lu/fr/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniqués%2B2018%2B01-janvier%2B24-assemblée-conseil.html

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- ⁴¹⁹ OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », le 13 juillet 2018, p. 6.
- ⁴²⁰ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 171.
- ⁴²¹ Answer of the Ministry of Family and Integration on the Parliamentary question n° 3547 of 1 February 2018. URL : <https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doQuestpaDetails&id=16012>
- ⁴²² The CCCIs are compulsory in every municipality. They are in charge of implementing that all inhabitants of the municipality live together, especially taking into consideration the interest of the foreign residents. The functioning of the CCCIs is regulated by the Grand Ducal regulation of 15 November 2011 on the organization and functioning of the Municipal Consultative Commissions on Integration.
- ⁴²³ Amended law of 16 December 2008 on reception and integration of foreigners in the Grand Duchy of Luxembourg.
- ⁴²⁴ OLAI, « Contrat d'accueil et d'intégration (CAI) », URL : <http://www.olai.public.lu/fr/accueil-integration/mesures/contrat-accueil/index.html>
- ⁴²⁵ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 165.
- ⁴²⁶ Information provided by OLAI on 22 January 2019.
- ⁴²⁷ Ministry of Family, Integration and the Greater Region, « Remise officielle des certificats d'accomplissement du Contrat d'accueil et d'intégration », 20 March 2019, URL : <https://mfamigr.gouvernement.lu/fr/actualites/2019/mars/20-mars/remise-certificats-cai.html>
- ⁴²⁸ The main aim is to provide a basis training for the volunteers who want to engage with refugees. This project is financed by l'Œuvre Nationale de Secours Grande-Duchesse Charlotte. The working group consists of trainers from the following organisations: Volunteer Agency, ASTI, Caritas, Luxembourg Red Cross, Ministry of Family and Integration, OLAI, Reech eng Hand. The basic training consists of 4 modules and a total duration of 6 hours. Two training of one day took place in Remich and Luxembourg to which 133 persons participated. Debriefing meetings with the partners took place afterwards.
- ⁴²⁹ Ministry of Family, Integration and the Greater Region, « Rapport d'activité 2018 », Luxembourg, 2019, p. 15.
- ⁴³⁰ *Idem*, p.21.
- ⁴³¹ *Idem*, p.18.
- ⁴³² *Idem*, p.114.
- ⁴³³ *Idem*, p.118.
- ⁴³⁴ Maison des associations, « Exposition : Lëtzebuerg mäin Doheem: Regards croisés au Lycée Classique d'Echternach », 15 February 2018, URL : <http://www.maisondesassociations.lu/evenement.html?ref=1582>
- ⁴³⁵ ASTI, « Élections législatives 2018 – la course au meilleur patriote? – communiqué de l'ASTI », 18 September 2018, URL : <https://www.asti.lu/elections-legislatives-2018-la-course-au-meilleur-patriote-communique-de-lasti/>
- ⁴³⁶ CLAE, « Mémoire au formateur du Gouvernement », Luxembourg, 2018, pp. 1-2.
- ⁴³⁷ Caritas, Communauté Vie Chrétienne, Communauté jésuite, Commission Justice and Paix, Reech eng Hand, « Propositions d'amélioration de la politique d'asile au Luxembourg l'intention des partis politiques en vue des élections nationales », 26 April 2018, p. 7, URL : <https://www.cathol.lu/kierch-a-gesellschaft-eglise-et-societe/sozial-gerechtegkeet-justice-sociale/fluchtlingen-a-migranten-refugies-et-migrants/huit-propositions-d-amelioration-de-la-politique-d-asile-au-luxembourg.html>.
- ⁴³⁸ ASTI, « Élections législatives 2018 – la course au meilleur patriote? – communiqué de l'ASTI », 18 September 2018, URL : <https://www.asti.lu/elections-legislatives-2018-la-course-au-meilleur-patriote-communique-de-lasti/>
- ⁴³⁹ *Ibidem*.
- ⁴⁴⁰ CLAE, « Mémoire au formateur du Gouvernement », Luxembourg, 2018, p. 2, URL : <https://www.clae.lu/wp-content/uploads/2018/11/memorandum-nouveau-gouvernement-2018.pdf>
- ⁴⁴¹ Ligue des droits de l'Homme, Action Luxembourg Ouvert et Solidaire, « Résolution à l'occasion de l'Assemblée générale annuelle du 25 septembre 2018 », 25 September 2018, p. 2, URL : <https://ronnendes.lu/la-ligue-des-droits-de-lhomme-et-les-elections/>
- ⁴⁴² CLAE, « Mémoire au formateur du Gouvernement », Luxembourg, 2018, p. 2.
- ⁴⁴³ DP, LSAP and déi gréng, « Accord de coalition 2018-2023 », Luxembourg, 3 December 2018, pp. 3-4.
- ⁴⁴⁴ *Idem*, p. 6.
- ⁴⁴⁵ *Idem*, p. 53.
- ⁴⁴⁶ *Ibidem*.
- ⁴⁴⁷ *Ibidem*.
- ⁴⁴⁸ *Ibidem*.
- ⁴⁴⁹ European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2017 », Luxembourg, 2018, p. 75.
- ⁴⁵⁰ Ministry of Education, Children and Youth, « Rapport d'activité 2018 », Luxembourg, 2019, p. 144.

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- ⁴⁵¹ *Idem*, pp. 61-62.
- ⁴⁵² Information provided by the Ministry of Education, Children and Youth, 11 September 2018.
- ⁴⁵³ Ministry of Education, Children and Youth, « Rapport d'activité 2018 », Luxembourg, 2019, p. 77.
- ⁴⁵⁴ *Ibidem*.
- ⁴⁵⁵ OLAI, Ministry of Family, Integration and the Greater Region, « Plan d'action national d'intégration (PAN intégration) 2018 », 13 July 2018, p. 8.
- ⁴⁵⁶ Ministry of Education, Children and Youth, « Rapport d'activité 2018 », Luxembourg, 2019, p. 78.
- ⁴⁵⁷ These classes are before the entry level to general secondary education and target students with a good academic level but who experience linguistic difficulties.
- ⁴⁵⁸ These classes are organized at the superior cycle of the general secondary education and they are not reserved for new arrived students and are mainly in French language.
- ⁴⁵⁹ Information provided by the SECAM 19 December 2018.
- ⁴⁶⁰ 66 students from 12 to 16 years have attended these courses as well as 14 students aged 16 to 24 years.
- ⁴⁶¹ Ministry of Education, Children and Youth, press release « Mengerschoul.lu: l'offre diversifiée des lycées en un coup d'œil », Luxembourg, 30 May 2018, URL : <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2018/05/30-mengerschoul/index.html>
- ⁴⁶² Ministry of Education, Children and Youth, « Mengerschoul.lu L'offre diversifiée des lycées en un coup d'œil », <http://www.men.public.lu/catalogue-publications/themes-transversaux/dossiers-presse/2017-2018/180529-meng-Schoul.pdf>
- ⁴⁶³ Ministry of Education, Children and Youth, « Offre scolaire internationale », URL : <http://www.men.public.lu/fr/actualites/grands-dossiers/systeme-educatif/offre-internationale/fr/index.html>
- ⁴⁶⁴ Law of 13 July 2018 on the creation of the high school in Mondorf-les-Bains and amending : 1. Law of 22 July 2008 on the creation of the high school in Junglinster; 2. Amended law of 13 June 2013 on creation of the high school in Clervaux; and 3. Amended law of 26 February 2016 on the creation of the public international school in Differdange; 4. Law of 15 December 2017 concerning the budget of income and expenditures of the State published in Memorial A652 of 6 August 2018. URL : <http://legilux.public.lu/eli/etat/leg/loi/2018/07/13/a652/jo>
- ⁴⁶⁵ Ministry of Education, Children and Youth, « Rapport d'activité 2018 », Luxembourg, 2019, p. 54.
- ⁴⁶⁶ Information provided by SECAM on 19 December 2018.
- ⁴⁶⁷ Ministry of Education, Children and Youth <http://www.men.public.lu/fr/actualites/grands-dossiers/systeme-educatif/offre-internationale/fr/index.html>
- ⁴⁶⁸ Ministry of Education, Children and Youth, « Rapport d'activité 2018 », Luxembourg, 2019, p.54.
- ⁴⁶⁹ Response from the Minister of Education, Children and Youth to Parliamentary Question No. 4055 of 21 September 2018 concerning statistics on pupils attending an international class in a public high school or a school offering a public European education, URL : <http://www.men.public.lu/fr/actualites/articles/questions-parlementaires/2018/11/22-qp-4055/hansen.pdf>
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- ⁶⁷⁴ *Idem*, pp. 104-105.
- ⁶⁷⁵ CSV. Mir hunn e Plang fir Lëtzebuerg: Auszüge aus dem Wahlprogramm 2018 (Teil 2), p. 22
- ⁶⁷⁶ *Idem*, p. 12.
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- ⁶⁸⁶ *Idem*, p. 64.
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