



Second Study 2020

## **Accurate, timely, interoperable? Data management in the asylum procedure in Luxembourg**

Luxembourg



Co-funded by the European Union's  
Asylum, Migration and Integration Fund



LE GOUVERNEMENT  
DU GRAND-DUCHÉ DE LUXEMBOURG  
Ministère des Affaires étrangères  
et européennes

Office national de l'accueil



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

## Preface

The opinions expressed in this report are those of the authors. They do not necessarily reflect the positions of the Luxembourg Ministry of Foreign and European Affairs.

The present report was drafted by Ralph Petry, staff member of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Prof. Dr. Birte Nienaber. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Christiane Martin (Directorate of Immigration, Ministry of Foreign and European Affairs), François Peltier (STATEC), Pascale Millim (Ministry of Justice) and Pietro Lombardini (ONA, Ministry of Foreign and European Affairs).

## Methodology

National reports are produced by the respective National Contact Points (NCPs) on the legal and policy situation in their Member State according to common specifications. Subsequently, a comparative synthesis report is generated by the European Commission with its service provider giving the key findings from each national report, highlighting the most important aspects and placing them as much as possible within an EU perspective. The various national accounts and the summary report are made publicly available.

The EMN engages primarily in desk research, i.e. it collects and analyses data and information already available or published at the Member State or international level. Legal texts, official documents (such as parliamentary documents) and reports have been used for this study. Furthermore, experts from the Directorate of Immigration of the Ministry of Foreign and European Affairs as well as the Judicial Police of the Grand Ducal Police have been consulted.

# EMN LUXEMBOURG STUDY 2020

## Accurate, timely, interoperable? Data management in the asylum procedure in Luxembourg

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

### Top-line factsheet

*The top-line factsheet will serve as an overview of the **national reports** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.*

Luxembourg has a centralised asylum system with one single national authority responsible for registering, lodging and examining applications for international protection, namely the Directorate of Immigration of the Ministry of Foreign and European Affairs. Applicants for international protection can, however, make their claim to other national authorities: the control service at Luxembourg Airport, the Grand Ducal Police, the Detention Centre and the Luxembourg Prison Centre. These authorities, however, do not collect any data from the applicants. As a consequence, the Directorate of Immigration did not report on any experiences with regard to the frontloading of data collected by other authorities not directly connected to the asylum procedure. The control service at the airport and the Grand Ducal Police refer the applicants to the Directorate of Immigration, whereas the Detention Centre and the Luxembourg Prison Centre inform the Directorate of Immigration about the fact that a person held in their facilities has expressed the wish to apply for international protection. In these cases, an agent from the Directorate of Immigration will be sent to these facilities in order to collect all the data needed to register and lodge the asylum application.

Since the transposition of the Recast Asylum Procedures Directive (Directive 2013/32/EU)<sup>i</sup> into national law in December 2015, the Luxembourgish Asylum Law<sup>ii</sup> differentiates between making, registering and lodging an application for international protection. Furthermore, the transposition of Directive 2013/32/EU introduced the time limits in exceptional circumstances as well as a maximum time limit of 21 months into national law, as these did not exist in the abrogated Law of 5 May 2006 on the right to asylum and to additional forms of protection (i.e. the previous Asylum Law).

In practice, however, Luxembourg does not differentiate between the three phases of making, registering and lodging an application and all three phases generally occur on the same day, unless the application is made to one of the abovementioned authorities not responsible for registering and lodging the claim.

The Luxembourgish asylum system currently has four tracks based on which the applications are channelled:

- 1) Normal procedure;
- 2) Manifestly founded applications and applications made by vulnerable persons identified as having special reception needs or requiring special provisions for examination;
- 3) Accelerated procedure;
- 4) Ultra-accelerated procedure.

The 'ultra-accelerated procedure' was put in place in February 2017 and applies to applicants from Western Balkan countries and Georgia, as these are considered as safe countries of origin. The introduction of this procedure did not require any legislative modifications, but has rather to be

considered as a practical acceleration of the accelerated procedure. Since this procedure was put in place, Luxembourg noticed a decline of applicants originating from the aforementioned countries.

As Luxembourg does not differentiate in practice between the three aforementioned phases, part of the data necessary for the examination of the application for international application is generally collected within the registering/lodging phase of the asylum procedure, or during the personal interview conducted with the applicants. Part of the personal data of the applicants is fed into the National Registry of Physical Persons (*'Registre national des personnes physiques'* – RNPP), and then through the RNPP fed into the two databases of the Ministry of Foreign and European Affairs (i.e. the MDJA database and the AEIMM database) (see tables 4 and 5 for more information on the two databases). This applies mainly for personal data of the applicants (such as name/surname, age, gender, etc.). No information exchange, however, takes place from the databases of the Ministry of Foreign and European Affairs towards the RNPP, to which the majority of public servants in Luxembourg has access to.

In Luxembourg, there is generally no personal data collected after the application has been lodged, unless there is an error or a request for rectification of name/date of birth, for example, and the applicant provides evidence that allows the caseworker of the Directorate of Immigration to proceed with the change/correction. This can be done at any time during the procedure.

Data on, for instance, family members and close relatives in Luxembourg or another EU Member State, on the health status, the religious affiliation, the educational and professional background of the applicants and particularly the information related to the asylum claim (e.g. reasons for fleeing, information on the route taken, previous applications (if applicable), etc.) is collected after the lodging of the application, for example during the personal interview. This data is not fed into the databases of the Ministry of Foreign and European Affairs, but is exclusively stored in the paper file of the applicants (see table 4 for more detailed information).

During the lodging phase, the collected data is cross-checked against several databases at the national, European and international level, such as the internal database of the National Intelligence Service, the EURODAC, the Schengen Information System (SIS), EUROPOL, INTERPOL and the Police and Customs Cooperation Centre (CCPD), a cooperation between police and customs units from Germany, Belgium, France and Luxembourg. Applicants for international protection are currently not provided with a processing/privacy notice about the personal data collected from them during the lodging or the examination phase. However, the Directorate of Immigration reported that this will be put in place soon.

The quality of the data is mainly assessed at the stage of the introduction of the asylum application by the Department of Statistics within the Directorate of Immigration. Some queries exist to verify the completeness of the data before extracting. Moreover, the accuracy of the data can be verified during the consultation or the introduction of new data. At the decision taking level, no double checks are in place.

The supervision mechanism with regard to personal data collected during the asylum procedure is multi-layered. At the level of the administration, there is a referent person for data protection in charge of questions related to immigration and asylum. The data protection officer of the Ministry is also the head of the Government's Commissioner's Office for Data Protection to the State. Moreover, the National Data Protection Commission (*'Commission nationale pour la protection des données'* - CNPD) verifies the legality of the processing of personal data and ensures the respect of personal freedoms and fundamental rights with regard to data protection and privacy. The CNPD has investigative powers, including a complaint mechanism, corrective powers, authorization and advisory powers. At the moment of drafting this study, a Data Protection Impact Assessment (DPIA) is being conducted for the asylum procedure, including for the collection of data and production of statistics.

The Directorate of Immigration reported three main challenges with regard to data management. The first relates to the interoperability of databases, as Luxembourg currently works with two different databases, which can make crossing data challenging at times. At the same time, work is in progress

to integrate the asylum database into the immigration database in order to increase the interoperability while enhancing security. The second challenge relates to the transliteration of names/surnames from Arabic to the Latin alphabet and the third relates to the fact that the Directorate of Immigration still works on papers files, meaning that not every information/data needed is fed into one of the databases.

## Section 0: Impact of COVID-19

Did your (Member) State introduce any major change(s)/reform(s) related to data management due to the COVID-19 pandemic?

No<sup>iii</sup>

If yes, please describe these changes.

## Section 1: The asylum procedure

*Please note that the data management aspects of each phase of making, registering, lodging and examining an asylum claim will need to be described in more detail in the following Sections. This introductory Section shall serve as a first overview to better understand the following sections on data management within each phase. If your (Member) State has implemented specific procedures (e.g. 'airport procedure') that deviate from the usual procedure(s), please point this out. However, (Member) States may decide on their own, into how much depth they want to go with regard to such specific or more exceptional procedures. In case (Member) States decide not to elaborate in more detail on specific procedures but focus more on their 'general asylum procedure', a reference can be made to the fact that the specific procedure will not be further elaborated in order to reduce the complexity of the study.*

### 1.1 Overview of the asylum procedure

*Please provide an overview on the regular asylum procedure in your (Member) State by answering the following questions.*

1. Does your (Member) State clearly distinguish in national legislation among the abovementioned phases of **making, registering** and **lodging** of an application? (clear distinction – see the background section 7 - Definitions)

Yes<sup>iv</sup>

*If yes, please elaborate briefly.*

In accordance with Directive 2013/32/EU (Recast Asylum Procedures Directive, hereinafter 'the Directive'), the Law of 18 December 2015 on international protection and temporary protection (hereinafter 'the Asylum Law') clearly distinguishes between making, registering and lodging an application for international protection.

Article 4 of the Asylum Law stipulates the different places an applicant can make an application, as well as the different timelines the Directorate of Immigration has to respect between the making and the registering of the application (see Q4a for more information).<sup>v</sup>

Article 6 (1) and (2) of the Asylum Law deals exclusively with the lodging of an application and stipulates at which stage the application is considered lodged.<sup>vi</sup>

2. a) Does your (Member) State clearly distinguish in practice among the abovementioned phases of **making, registering** and **lodging** of an application? (clear distinction – see background section 7 - Definitions)

No<sup>vii</sup>

*If no, please briefly describe the different phases of the asylum procedure in your (Member) State specifying whether in practice some of the abovementioned phases are merged/overlapping.*

Even though the Asylum Law provides various timelines and deadlines (see Q4a below), in Luxembourg, the three phases of making, registering and lodging an application generally occur on the same day.<sup>viii</sup> The application is usually registered immediately, i.e. on the same day that the applicants express their wish to request international protection in Luxembourg. At the time of registration, the applicant receives a form for lodging the application and an appointment is scheduled. However, generally in practice, the form for lodging the application is being filled in immediately by the applicant, with the help of an interpreter, if need be.<sup>ix</sup>

Only in the following cases do the three phases generally not occur on the same day:

- if the applicants make their application to another entity not responsible for the registration and the lodging of the application and they first have to be referred to the Directorate of Immigration (see also Q6 and Q10 below).<sup>x</sup> This also includes cases when an application is made to one of these entities outside the working hours of the Directorate of Immigration. In such cases, the applicants are transferred to a reception centre and referred to the Directorate of Immigration the following working day in order to register and lodge their application.
- if the interpreter is not available;<sup>xi</sup>
- if the applicant is an unaccompanied minor, as they must first await the designation of an ad-hoc administrator who will be responsible to assist the unaccompanied minor in all legal proceedings including the asylum procedure.<sup>xii</sup>

b) in practice, are there any differences in the division of the phases based on the different types of entry routes (i.e. land, sea, air)? For Member States implementing the **hotspot approach**, does this distinction hold in the hotspots?

No. In practice, no division of the phases based on the different types of entry routes are made.<sup>xiii</sup> Luxembourg has a centralised asylum system, meaning that no matter what the entry route of an applicant for international protection is and where the application is made, the asylum procedure foresees that the registration and the lodging of the application is the sole responsibility of the Ministry of Foreign and European Affairs, and implemented by the Directorate of Immigration.<sup>xiv</sup>

Luxembourg does not implement the hotspot approach.

3. a) Does 'channelling' of specific caseloads take place in the asylum procedure of your (Member) State?

Channelling:  Yes<sup>xv</sup>

*If yes, please elaborate how the asylum procedure is organised, in relation to the single channels/tracks.*

The Luxembourgish asylum system currently has four tracks based on which the applications are channelled:<sup>xvi</sup>

1) Normal procedure<sup>xvii</sup>

The procedure is completed as soon as possible and at the latest within six months of the submission of the application, without prejudice to an appropriate and exhaustive examination.<sup>xviii</sup> The six-month period may exceptionally be extended (see Q4a for more information).

2) Manifestly well founded applications and applications made by vulnerable persons identified as having special reception needs or requiring special provisions for examination

In accordance with Article 31 (7) of the Directive and Article 26 (4) of the Asylum Law, the Minister may prioritise the examination of a manifestly well founded application and of an application made by vulnerable persons identified as having special reception needs<sup>xxix</sup> or requiring special provisions for examination pursuant to Article 19<sup>xx</sup> or Article 20 of the Asylum Law, in the case of unaccompanied minors.<sup>xxi</sup>

3) Accelerated procedure<sup>xxii</sup>

The timelines as well as the possibilities for appeal are different in an accelerated procedure compared to the normal procedure.<sup>xxiii</sup> The deadline of the accelerated decision is two months. However, the national legislation also provides for the possibility to extend the deadline where it is “necessary to ensure an adequate and complete examination of the application of international protection”.<sup>xxiv</sup>

The cases for which the accelerated examination procedure might be applied are based on the ten grounds stipulated in Article 31 (8) of the Directive, namely if: <sup>xxv</sup>

1. the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection; or
2. the applicant is from safe country of origin within the meaning of Article 30 of the Asylum Law; or
3. the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision; or
4. it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; or
5. the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection; or
6. the applicant has introduced a subsequent application for international protection that is not inadmissible in virtue of Article 32 of the Asylum Law; or
7. the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal; or
8. the applicant entered the territory of the Member State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry; or
9. the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with Article 6 paragraph 3 of the Asylum Law; or
10. the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order in accordance with the amended Law of 29 August 2008 on the freedom of movement of people and immigration.

4) Ultra-accelerated procedure

In February 2017, an ‘ultra-accelerated procedure’ was put in place for applicants for international protection from safe countries of origin, amongst which those stemming from Western Balkan countries.<sup>xxvi</sup> It is important to note in this context that the introduction of this

procedure did not require any legislative modifications, but has rather to be considered as a practical acceleration of the accelerated procedure foreseen in the Asylum Law (see above).<sup>xxvii</sup> In this sense, the Asylum Law does not provide any indications on the ultra-accelerated procedure.<sup>xxviii</sup> In 2018, Georgia was also added to this list of applicable countries of origin for the ultra-accelerated procedure<sup>xxix</sup> after having been added to the list of safe countries of origin in December 2017.<sup>xxx</sup>

b) Did your (Member) State introduce any changes on 'channelling' since 2014?

*If so, please describe the change(s) and intended purpose. If applicable and feasible, please also refer to findings of studies or evaluations on these changes made.*

Yes, as mentioned above, the 'ultra-accelerated procedure' was put in place in February 2017. The driver for the introduction of this procedure was to take pressure off the reception facilities, but also to avoid the creation of false hopes amongst applicants for international protection with regard to a long-term stay in Luxembourg.<sup>xxxi</sup> As mentioned above, it needs to be noted that this introduction did not require any legislative modification.

Since this procedure was introduced, Luxembourg noticed a decline of applicants originating from one of the countries to which this procedure applies.<sup>xxxii</sup>

4. a) Are there any national time frames/limits for each of the single phases (making, registering, lodging and examining a claim) in the context of Article 6 of the recast Asylum Procedures Directive?<sup>1</sup>

Yes

*If yes, please describe and specify the time frames/limits for the phases applicable in your (Member) State.*

Yes, the time frames/limits referred to in Article 6 of the Recast Asylum Procedures Directive with regard to the making, registering and lodging of an application for international protection, as well as in Article 31 of the aforementioned Directive with regard to the examination of the application, have been implemented as such in the national legislation.

It is important to note that the scope of the present study covers the different phases of the asylum procedure, beginning with the moment a person makes his or her asylum application until the first instance decision is made. For this reason, the time frames/limits referenced in this study do not include the various time frames of the appeal procedures after the first instance decision by the Minister in charge of asylum.<sup>xxxiii</sup>

#### Registering an application

When a person makes an application for international protection to the Minister in charge of asylum, the registration shall take place no later than three working days after the application is made. If the application is made to the control service at the airport (*'Service de contrôle à l'aéroport'*), to the Grand Ducal Police, to the Detention Centre or to the Luxembourg Prison Centre (see Q6 below), the registration shall take place no later than six working days after the application has been made.<sup>xxxiv</sup> Where it is very difficult in practice to comply with the aforementioned time limits due to the high number of third-country nationals or stateless persons applying simultaneously for international protection, the registration deadline may be extended to 10 working days.<sup>xxxv</sup> To date, Luxembourg has never made use of this exceptional extension of the registration deadline.<sup>xxxvi</sup>

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<sup>1</sup> Directive 2013/32/EU (NB Denmark and Ireland do not participate in the recast Asylum Procedures Directive).

As mentioned above, in practice, the registration of the application usually occurs on the same day, with exception to the cases mentioned in Q2a above.

#### Lodging an application

After the application has been registered, the applicant shall be convened as soon as possible in order to formally lodge his or her application.<sup>xxxvii</sup> An application for international protection is deemed to have been formally lodged from the moment that the applicant presents the form provided for this purpose.<sup>xxxviii</sup>

As mentioned above, in practice, the lodging of the application usually occurs on the same day, with exception to the cases mentioned in Q2a above.

#### Examination of the application

As for the examination of the application, the Asylum Law stipulates that the Minister shall ensure that the asylum procedure is completed as soon as possible and no later than six months from the date that the application has been lodged, without prejudice to an appropriate and exhaustive examination.<sup>xxxix</sup> This deadline may be extended for no longer than nine months if:<sup>xl</sup>

- complex issues of fact and/or law are involved;
- a large number of third-country nationals or stateless persons simultaneously apply for international protection, making it very difficult in practice to conclude the procedure within the six-month time limit;
- where the delay can clearly be attributed to the failure of the applicant to comply with her or his obligations under Article 12 of the Asylum Law.

By way of exception, the abovementioned time limits may, in duly justified circumstances, be exceeded by a maximum of three months where necessary in order to ensure an adequate and complete examination of the application for international protection.<sup>xli</sup>

If no first instance decision has been made within the time limits of 18 months outlined above, the conclusion of the examination procedure may be postponed where the Minister in charge of asylum cannot reasonably be expected to decide within the time limits outlined above due to an uncertain situation in the country of origin which is expected to be temporary.<sup>xlii</sup> In such a case, the Minister shall a) conduct reviews of the situation in that country of origin at least every six months; and b) inform the applicants concerned within a reasonable time of the reasons for the postponement.<sup>xliii</sup>

In any event, the examination procedure shall conclude within a maximum time limit of 21 months from the lodging of the application.<sup>xliv</sup>

b) Did your (Member) State introduce any changes in the national timeframes / limits in the years since 2014?

*If so, please describe the change(s) and intended purpose. If applicable and feasible, please also refer to findings of studies or evaluations on these changes made.*

Yes, the transposition of the Recast Asylum Procedures Directive introduced the three-stage procedure of making, registering and lodging an application for international protection into national law. By doing so, the Luxembourgish Asylum Law of 18 December 2015 also transposed and introduced the time limit between the first two phases, as mentioned above.

Furthermore, whereas the maximum time limit of six months in the normal examination procedure was maintained, the transposition of the Directive introduced the time limit that shall not exceed nine months for the reasons mentioned above, the time limits in exceptional circumstances as well as a maximum time limit of 21 months into national law (see Q4a above). The abrogated Law of 5 May 2006 on the right to asylum and to additional forms of protection (i.e. the previous Asylum Law) did not foresee a maximum time limit.<sup>xlv</sup>

Lastly, as previously mentioned, the ultra-accelerated procedure introduced a practical acceleration of the accelerated procedure. The Asylum Law, however, does not provide any indication with regard to time limits applicable in this context (see Q3 above). In the context of this procedure, following the registration of the application, the applicant is invited for an interview after four days.<sup>xlvi</sup> Following this interview, it shall be decided whether or not the applicant is subject to the normal procedure, or not. If the accelerated procedure applies, the applicant will be notified of his or her decision after a period of six days. An appeal against this decision can be filed within a 15 days period.<sup>xlvi</sup>

In practice, as previously mentioned, the three phases of making, registering and lodging an application generally occur on the same day if the application is made directly at the Directorate of Immigration.<sup>xlvi</sup> If the application is made to one of the other responsible authorities, the registration and the lodging usually take place the following working day (see Q2a, Q4a and Q6).

In its annual report 2017, the Ombudsman of the Grand Duchy of Luxembourg strongly recommended a reinforcement of the staff of the Refugee Unit of the Directorate of Immigration because of long waiting periods in the international protection procedure.<sup>xlvi</sup> Furthermore, in the context of the entering to force of the current Asylum Law on 1 January 2016, the Ombudsman regretted that no transitional provisions were put in place to ensure an equal treatment of the applicants for international protection that arrived before said date (and thereby fell under the provisions of the abrogated Asylum Law) with those applicants that arrived after 1 January 2016 and thereby fell under the provisions of the new Asylum Law and the newly introduced time limits (see above).<sup>i</sup>

In 2018,<sup>ii</sup> the Ombudsman acknowledged that both the complaints relating to the deadlines for processing applications for international protection and, in general, the duration of processing of the applicants had decreased significantly.<sup>iii</sup>

5. a) In practice, how long does the procedure take from an asylum applicant making an application to lodging the application (average days)?

Table 1

Year	Average duration (days) from making to lodging a claim <sup>2</sup>
2014	Before the national law was amended in December 2015, there was no distinction between making, registration and lodging, i.e. there was only one step (see also Q4b).
2015	Before the national law was amended in December 2015, there was no distinction between making, registration and lodging, i.e. there was only one step (see also Q4b).
2016	The same day (except for the exceptions stated in Q2a)
2017	The same day (except for the exceptions stated in Q2a)
2018	The same day (except for the exceptions stated in Q2a)
2019	The same day (except for the exceptions stated in Q2a)

Source: Directorate of Immigration, Ministry of Foreign and European Affairs<sup>liii</sup>

<sup>2</sup> In case there is no information on the exact average duration, please include estimates about the average duration.

b) In practice, how long does the procedure take from lodging the application until a first instance decision is made (average days)? If information is not available, please indicate legal time limits and an indication that these are legal limits.

*In case your (Member) State applies 'channelling', please specify the average time for each channel (average days; and please add additional columns in case more Channels apply). If (Member) State rather differentiates between special procedures in place (such as fast track procedures) and/or if these are interconnected with the 'channelling' please add additional columns and elaborate in a footnote what the special procedure is about – if not yet done so in Chapter 1.1).*

As a reminder, the following legal time limits are foreseen in the Asylum Law:

- Normal procedure, including manifestly well founded applications as well as applications by vulnerable persons: 180 days (6 months)
- Accelerated procedure: 60 days (2 months)
- Ultra-accelerated procedure (since 2017): no indication in the Asylum Law

Table 2<sup>3</sup>

Year	From lodging until first time decision				
	Average days <sup>4</sup>	Channel 1 - Normal procedure	Channel 2 - Manifestly well founded applications and applications by vulnerable persons	Channel 3 - Accelerated procedure	Channel 4 - Ultra-accelerated procedure
2014	287.5 days	308 (refugee), 394 (subsidiary protection) and 642 (negative decision) Average: 448	No statistics available	127	n/a
2015	301 days	193 (refugee), 347 (subsidiary protection) and 867 (negative decision) Average: 469	No statistics available	133	n/a
2016	310.5 days	283 (refugee), 658 (subsidiary protection) and 397 (negative decision) Average: 446	No statistics available	175	n/a

<sup>3</sup> Decisions taken during the procedures for determining the EU Member State responsible in accordance with Regulation (EU) No 604/2013 (Dublin III Regulation) are not included in this table.

Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 22 October 2020.

<sup>4</sup> Average calculated across all four channels, as far as statistics are available.

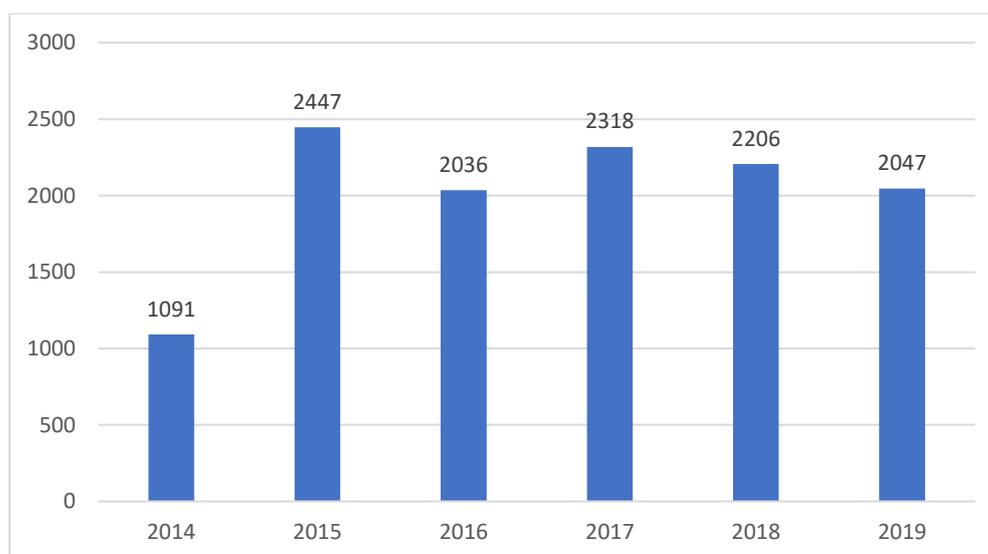
2017	242 days	358 (refugee), 585 (subsidiary protection) and 530 (negative decision)  Average: 491	No statistics available	198	37
2018	219 days	274 (refugee), 515 (subsidiary protection) and 494 (negative decision)  Average: 428	No statistics available	210	20
2019	128 days	180 (refugee), 218 (subsidiary protection) and 350 (negative decision)  Average: 249	No statistics available	118	18

*Source: Directorate of Immigration, Ministry of Foreign and European Affairs<sup>liv</sup>*

Table 2 illustrates that the overall average days from the lodging of the application until a first instance decision increased until 2016 and significantly decreased since then (see column 2). A closer look at the normal procedure (channel 1) shows that the average days also increased until 2017, to then decrease significantly until 2019 (from 491 days on average for all decisions in 2017 to 249 days on average in 2019). Similarly, the data shows that the average days in the accelerated procedure (channel 3) and the ultra-accelerated procedure (channel 4) increased until 2018 and decreased significantly in 2019. Furthermore, Table 2 shows the impact of the introduction of the ultra-accelerated procedure in 2017 on the overall average days across all channels (column 2).

It is important to put this decrease in the processing time into context by providing a brief overview of the number of applications for international protection between 2014 and 2019. After more than doubling from 2014 to 2015, the number of applications remained consistently over 2000 applications per year since 2015. In other words, while the number of applications for international protection has remained high since 2015, the average days from the lodging of the application until a first instance decision, across all channels, was significantly reduced.

Table 2.1. Number of applications for international protection, 2014–2019



Source: Directorate of Immigration, Ministry of Foreign and European Affairs<sup>lv</sup>

The main reason for this decrease in the processing time is the increase in the staff working on the decisions. The sharp increase in the granting of international protection is linked to the profile of applicants arriving in the context of the influx in autumn 2015. Furthermore, a reorganisation of the Department proved to be successful in this context as well. Finally, since 2017, the Directorate of Immigration observed a very significant increase in Dublin cases.<sup>lvi</sup>

## 1.2 Authorities involved in the asylum procedure

6. Which authorities are involved in and responsible for the asylum procedure from making an application to first instance decision?

Please indicate whether those authorities are legally competent for registering an asylum application or not. For those authorities which are not, please also see Section 2.1

Table 3

The authorities listed in the second column in the table below are involved in the asylum procedure insofar as they are referenced in the Asylum Law as authorities to which a third-country national can make an applicant for international protection (see also Q4a).<sup>lvii</sup>

Type of Authority	Specify name of the authority involved in <b>making an application</b>	Legally competent for <b>registering</b> an asylum application (please indicate type of authority and specify name)	Legally competent for <b>lodging</b> an asylum application (please indicate type of authority and specify name)	Legally competent for <b>examining</b> an asylum application (please indicate type of authority and specify name)
Border Police	Grand Ducal Airport Police, Central Unit of the Police at the Airport (UCPA)	No	No	No
Local Police	Grand Ducal Police	No	No	No

<b>Type of Authority</b>	<b>Specify name of the authority involved in making an application</b>	<b>Legally competent for registering an asylum application (please indicate type of authority and specify name)</b>	<b>Legally competent for lodging an asylum application (please indicate type of authority and specify name)</b>	<b>Legally competent for examining an asylum application (please indicate type of authority and specify name)</b>
(Branch) office for Refugees	n/a	n/a	n/a	n/a
Ministries (Interior, Justice, etc.)	Directorate of Immigration of the Ministry of Foreign and European Affairs (Refugee Unit)	Directorate of Immigration of the Ministry of Foreign and European Affairs (Refugee Unit)	Directorate of Immigration of the Ministry of Foreign and European Affairs (Refugee Unit)	Directorate of Immigration of the Ministry of Foreign and European Affairs (Refugee Unit)
Local Citizen's Office/Mayor of a local city/town	n/a	n/a	n/a	n/a
(Local) immigration office	n/a	n/a	n/a	n/a
(Shared) accommodation for refugees	n/a	n/a	n/a	n/a
EU Agency	n/a	n/a	n/a	n/a
International Organisation	n/a	n/a	n/a	n/a
Detention facility	Detention Centre	No	No	No
Reception centre	n/a	n/a	n/a	n/a
Others (please specify)	Luxembourg Prison Centre <sup>lviii</sup>	No	No	No
Others (please specify)	Control Service at the Airport	No	No	No

### 1.3 Data collected during the asylum procedure

7. Which information is gathered during the asylum procedure at the different phases and by whom? Please, fill Table 4 below.

Table 4

1. Categories of data collected	2. In which phase(s) is this information collected? (including self-registration) <ul style="list-style-type: none"> <li>- Registering (1)</li> <li>- self-registration (1.1)</li> <li>- lodging (2)</li> <li>- examination (3)</li> </ul> <p><i>Please use the numbers provided for each phase to indicate the phase the data is collected. In case phases are combined in your state, please indicate it accordingly by using a dash (see example below).</i></p> <p><i>If data is re-used but not re-collected in a following phase, data is <b>not collected</b> in that phase. Therefore, if data is <b>not collected</b> in a specific phase but only re-used or not used at all, <b>please do not add any number for that phase.</b></i></p>	3. Which organization collects this information in each of the different phases? (whenever possible please refer to the authorities listed in section 1.2)	4. How is this particular category of data /biometric data collected? <ul style="list-style-type: none"> <li>- online self-registration</li> <li>- written questionnaire (in paper)</li> <li>- oral (interview, face-to-face)</li> <li>- oral (interview via phone/ videocall)</li> <li>- open source (e.g. social media)</li> <li>- analysing documents</li> <li>- analysing content of mobile devices (e.g. phones, laptops)</li> <li>- using automated or artificial intelligence for analysis of data</li> <li>- other: please specify (multiple answers possible)</li> </ul> <p><i>If different data collection tools are used in the different phases, please specify it. If possible, please indicate if any specific technology is used in the process.</i></p>	5. Where is this particular category of data /biometric data stored? <ul style="list-style-type: none"> <li>- in an electronic file</li> <li>- in a database</li> <li>- on paper</li> </ul>	6. If applicable, please specify the name of the database(s)
Name					
- <i>current name</i>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	<ul style="list-style-type: none"> <li>- written questionnaire (1/2)</li> <li>- analysing documents (1/2)</li> </ul>	<ul style="list-style-type: none"> <li>- in the applicant's paper file (1/2)</li> <li>- in a database (1/2)</li> <li>- on paper (1/2)</li> </ul>	<ul style="list-style-type: none"> <li>- RNPP</li> <li>- and through RNPP fed into MJDA and AEIMM</li> </ul>
- <i>birth name</i>	1/2	idem	idem	idem	idem
- <i>previous name(s)</i>	1/2	idem	idem	idem	idem
- <i>pen name (alias)</i>	1/2	idem	idem	idem	idem
- <i>religious names</i>	/	/	/	/	/
- <i>other names</i>	/	/	/	/	/

<b>Sex</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2, 3)	- in the applicant's paper file (1/2) - in a database (1/2) - on paper (1/2)	- RNPP - and through RNPP fed into MJDA and AEIMM
<b>Biometric data<sup>5</sup></b>					
- <i>photo</i>	1/2	Judicial Police at the premises of the Directorate of Immigration + caseworkers of the Refugee Unit of the Directorate of Immigration	- electronically (1/2)	- in a computer file accessible to every case worker of the Refugee Unit (1/2) - in the applicant's paper file (1/2)	- on the central server of the Directorate of Immigration - the Judicial Police does not keep a copy of the photo anywhere
- <i>fingerprints (which fingers, rolled or pressed fingerprints)</i>	1/2	Judicial Police at the premises of the Directorate of Immigration	- electronically (1/2)	- in the applicant's paper file (1/2) - in a database (1/2) - on paper (1/2)	EURODAC
- <i>iris scan</i>	/	/	/	/	/
- <i>other</i>	/	/	/	/	/
<b>Eye colour</b>	/	/	/	/	/
<b>Height</b>	/	/	/	/	/
<b>Date of birth</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2, 3)	- in the applicant's paper file (1/2, 3) - in a database (1/2)	- RNPP - and through RNPP fed into MJDA and AEIMM

<sup>5</sup> Following the registration of the application, the Judicial Police at the premises of the Directorate of Immigration proceeds with the taking of the biometric data (photo and finger prints).

				- on paper (1/2, 3)	
<b>Citizenship(s)</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2, 3)	- in the applicant's paper file (1/2, 3) - in a database (1/2) - on paper (1/2, 3)	- RNPP - and through RNPP fed into MJDA and AEIMM
<b>Country of origin</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2, 3)	- in the applicant's paper file (1/2, 3) - in a database (1/2) - on paper (1/2, 3)	- MJDA - AEIMM
<b>Place of birth</b>					
- <i>town</i>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2, 3)	- in the applicant's paper file (1/2, 3) - in a database (1/2) - on paper (1/2, 3)	- RNPP - and through RNPP fed into MJDA and AEIMM
- <i>region</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>country</i>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2, 3)	- in the applicant's paper file (1/2, 3) - in a database (1/2) - on paper (1/2, 3)	- RNPP - and through RNPP fed into MJDA and AEIMM
- <i>other</i>	/	/	/	/	/
<b>Date of arrival in the (Member) State</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2)	- in the applicant's paper file (1/2, 3) - in a database (1/2)	- MJDA

				- on paper (1/2, 3)	
<b>Last place of residence in the country of origin</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2)	- in the applicant's paper file (1/2) - in a database (1/2)	- MJDA
<b>Last place of residence before entry in the (Member) State</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Contact details</b>					
- <i>phone number</i>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2)	- in the applicant's paper file (1/2)	/
- <i>email address</i>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2)	- in the applicant's paper file (1/2)	/
- <i>current address</i>	Other <sup>6</sup>	Agents of the municipality of residence (see footnote)	- other: communicated by the National Reception Office (' <i>Office national de l'accueil</i> ' - ONA) or the applicant's lawyer	- in the applicant's paper file - in a database - on paper	- RNPP - and through RNPP fed into MJDA and AEIMM
- <i>other</i>	/	/	/	/	/

<sup>6</sup> The National Reception Office ('*Office national de l'accueil*' - ONA) of the Ministry of Foreign and European Affairs is the national authority responsible for the accommodation of applicants for international. When applicants are accommodated in a reception centre, their current address is automatically fed into the AEIMM and MJDA databases via the National Registry of Physical Persons ('*Registre national des personnes physiques*' - RNPP). If, however, the applicant chooses to elect domicile at their lawyer's residence, the lawyer informs the Directorate of Immigration about this fact and the caseworkers of the Directorate of Immigration encode the information into the MJDA and AEIMM databases.

Source: Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<b>Civil status</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2)	- in the applicant's paper file (1/2) - in a database (1/2) - on paper (1/2)	- RNPP - and through RNPP fed into MJDA and AEIMM
<b>Accompanied by:</b>					
- <i>spouse or civil partner</i>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - analysing documents (1/2)	- in the applicant's paper file (1/2) - in a database (1/2) - on paper (1/2)	- RNPP - and through RNPP fed into MJDA and AEIMM
- <i>children</i>	idem	idem	idem	idem	idem
- <i>parents</i>	idem	idem	idem	idem	idem  (However, only if they accompanied the applicant to Luxembourg)
- <i>other relatives</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Family members in the (Member) State</b>					
- <i>name</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>residency</i>	/	/	/	/	/
- <i>citizenship</i>	/	/	/	/	/

- <i>other:</i> <i>File number</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	- MJDA - AEIMM
<b>Family members in another (Member) State</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Close relatives in the (Member) State</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Close relatives in another (Member) State</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Health status</b>					
- <i>specifics on health status</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>reference that a general health check has been carried out</i>	/	/	/	/	/
- <i>other</i>	/	/	/	/	/
<b>Education</b>					
- <i>school attendance</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/

- <i>academic studies</i>	idem	idem	idem	idem	/
- <i>trainings</i>	/	/	/	/	/
- <i>apprenticeships</i>	/	/	/	/	/
- <i>non-formal work experience</i>	/	/	/	/	/
- <i>other</i>	/	/	/	/	/
<b>Language skills</b>	1/2	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2)	- in the applicant's paper file (1/2) - in a database (1/2)	- MJDA
<b>Profession</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Criminal record</b>	/	/	/	/	/
<b>Financial resources</b>	/	/	/	/	/
<b>Supporting documents</b>					
- passport	1/2, 3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- handed in by the applicant at any step of the procedure (1/2, 3) - oral (interview, face-to-face) (3) - written down on list of documents handed in by applicant (1/2, 3)	- copy in the applicant's paper file (1/2, 3) - in the archives of the Ministry (1/2, 3) - existence of the passport stated in a database (1/2, 3)	- MJDA
- travel document	idem	idem	idem	idem	idem
- other:	idem	idem	idem	idem	idem

National Identity Card					
<b>Reasons for fleeing</b>	1/2, 3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - oral (interview, face-to-face) (3)	- in the applicant's paper file (1/2, 3)	/
<b>Reasons for not wanting to be returned to the competent Member State as part of a Dublin procedure</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Previous applications</b>	1/2, 3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - oral (interview, face-to-face) (3)	- in the applicant's paper file (1/2, 3)	/
<b>Information on the route taken</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Information on exclusion grounds</b>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
<b>Religious affiliation</b>	1/2, 3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - oral (interview, face-to-face) (3)	- in the applicant's paper file (1/2, 3)	/
<b>Vulnerabilities<sup>7</sup></b>					
- <i>Unaccompanied minor</i>	1/2, 3	Caseworkers of the Refugee Unit of the	- written questionnaire (1/2) - oral (interview, face-to-face) (3)	- in the applicant's paper file (1/2, 3)	- MJDA

<sup>7</sup> Apart for minors, being pregnant, elderly, sick, etc. is not mentioned or registered in a database or collected somewhere. If the applicants mention these facts during the interview, the information will be recorded in the interview. If it turns out in the course of the procedure that a person benefits from special procedural guarantees, then it is mentioned in the MJDA database, but without any detail. On the other hand, if, for example, a person is in a wheelchair, the agent at the reception of the Directorate of Immigration will inform the caseworker of this fact by means of a small handwritten note in the file to provide for the place and access.

Source: Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

		Directorate of Immigration		- in a database (1/2, 3)	
- <i>Pregnant</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>Disabilities (which?)</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>Elderly</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>Single parent with minor child(ren)</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>Victims of human trafficking</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>Mental disorders</i>	3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/
- <i>Victims of torture, physical or sexual violence (female genital mutilation)</i>	3	Caseworkers of the Refugee Unit of the	- oral (interview, face-to-face) (3)	- in the applicant's paper file (3)	/

		Directorate of Immigration			
- other	/	/	/	/	/
Other: <b>Date of application</b>	1/2, 3	Caseworkers of the Refugee Unit of the Directorate of Immigration	- written questionnaire (1/2) - oral (interview, face-to-face) (3)	- in the applicant's paper file (1/2, 3) - in a database (1/2, 3)	- MJDA - AEIMM - RNPP <sup>lix</sup>

Source: Directorate of Immigration, Ministry of Foreign and European Affairs<sup>lx</sup>

8. Has your (Member) State identified any good practice in frontloading information collected by other authorities not directly connected to the asylum procedure? If yes, please elaborate and specify in which phase does the frontloading take place.

*For each good practice mentioned, please describe a) for whom it is a good practice, b) why it is considered a good practice and c) what is the source of the statement – (please indicate sources)*

No, this question is not pertinent for Luxembourg.<sup>lxi</sup>

#### 1.4 Data management during the asylum procedure

9. Please fill Table 5 based on the information given in column 6 of Table 4 (filling as many rows as the databases indicated in that Table).

Table 5

Database	Overview/definition of the database (please indicate whether it is a regional, national or European database.	National authorities that have access to the databases or access to its data <sup>8</sup>			Data shared with other Member States (apart from the data that (Member) States share through EU databases e.g. Eurostat, VIS, SIS)	
		Name of authority/ organisation	In which phase of the asylum procedure	For what purpose	Type of data	For what purpose
MJDA – ' <i>Ministère de la Justice/Demandeurs d'Asile</i> ' <sup>lxii</sup> (English: Ministry of Justice, Asylum seekers)	MJDA is the national asylum database used to register applications for international protection, to process data and to follow-up the asylum procedure.	The following authorities have access to the database:  Staff of the Ministry of Foreign and European Affairs (Directorate of Immigration)  Grand-Ducal Police and judicial authorities  Ministry of Health	At any stage of the asylum procedure	<u>Ministry of Foreign and European Affairs (Directorate of Immigration):</u> to manage the asylum procedure  <u>Grand Ducal Police and judicial authorities:</u> to check the administrative status related to asylum legislation of a person  <u>Ministry of Health:</u> to	none	/

<sup>8</sup> Please differentiate between access to database and access to data. 'Access to database' is understood as a national authority being authorised to have direct access to a database without the need to request data to be transmitted to them via other authorities or intermediaries. 'Access to data' is reserved to cases where an authority has access to data contained to a database, through transmission or sharing by another authority.

		<p>National Reception Office (ONA)</p> <p>National Employment Agency (ADEM)</p> <p>Ministry of Employment (Employment Fund)</p> <p>Ministry of Justice (Nationality Office)</p> <p>Government IT Centre (CTIE)</p>		<p>identify persons that need to undergo a medical check in accordance to legislation applicable to asylum applicants</p> <p><u>National Reception Office (ONA)</u>: to identify asylum applicants and to be informed about the state of their asylum procedure</p> <p><u>National Employment Agency (ADEM)</u>: to verify the administrative situation related to asylum legislation of persons in the context of the access to the labour market</p> <p><u>Ministry of Employment</u>: to verify the administrative situation related to asylum legislation of persons in the context of the employment measures</p> <p><u>Ministry of Justice</u>: to verify the administrative situation related to asylum legislation of persons in the context of the acquisition of Luxembourgish nationality</p> <p><u>Government IT Centre (CTIE)</u>: to</p>	
--	--	--	--	--	--

				maintain the database		
<p>AEIMM – ‘<i>Affaires Etrangères/ IMMigration</i>’<sup>bxiii</sup></p> <p>(English: Foreign Affairs/IMMigration)</p>	<p>AEIMM is the national immigration database used to register and manage applications for resident permits, return procedure and in the context of asylum procedure: follow-up of Dublin procedure.</p>	<p>Staff of the Ministry of Foreign and European Affairs (Directorate of Immigration)</p> <p>Grand Ducal Police and judicial authorities</p> <p>Ministry of State</p> <p>Ministry of Health</p> <p>National Reception Office (ONA)</p> <p>National Employment Agency (ADEM)</p> <p>Ministry of Employment (Employment Fund)</p> <p>Ministry of Justice (Nationality Office)</p> <p>Government IT Centre (CTIE)</p>	<p>At any stage of the asylum procedure</p>	<p><u>Ministry of Foreign and European Affairs (Directorate of Immigration)</u>: to collect information on the administrative situation of foreign persons related to immigration legislation</p> <p><u>Grand Ducal Police and judicial authorities</u>: to check the administrative status related to immigration legislation of a person</p> <p><u>Ministry of State</u>: to check the administrative status related to immigration legislation of a person</p> <p><u>Ministry of Health</u>: to identify persons that need to undergo a medical check in accordance to immigration legislation</p> <p><u>National Reception Office (ONA)</u>: to be informed about the administrative status regarding immigration legislation of persons accommodated by ONA</p>	<p>none</p>	<p>/</p>

				<p><u>National Employment Agency (ADEM)</u>: to verify the administrative situation related to immigration legislation of persons in the context of the access to the labour market</p> <p><u>Ministry of Employment</u>: to verify the administrative situation related to immigration legislation of persons in the context of the employment measures</p> <p><u>Ministry of Justice</u>: to verify the administrative situation related to immigration legislation of persons in the context of the acquisition of Luxembourgish nationality</p> <p><u>Government IT Centre (CTIE)</u>: to maintain the database</p>		
EURODAC <sup>lxiv</sup>	European	Staff of the judicial police (immigration section with the unit of organised crimes)	At the registration state (application)	Identification of applicants to determine the responsibility for examining an asylum application by comparing fingerprints datasets.	none	/
SIS <sup>lxv</sup>	European	Staff of the judicial police (immigration section with the unit of	At the registration state (application)	Large-scale information system that supports external border	none	/

		organised crimes)		control and law enforcement cooperation in the Schengen States.		
AEVIS <sup>lxvi</sup>	European	Staff of the judicial police (immigration section with the unit of organised crimes)	At the registration state (application)	Database for Schengen visa consultation	none	/
AFIS <sup>lxvii</sup>	European	Staff of the judicial police (immigration section with the unit of organised crimes)	At the registration state (application)	Usage of digital imaging technology to obtain, store and analyse fingerprint data, and which is used within the Eurodac system for the automatic recognition and checking of fingerprints. <sup>lxviii</sup>	none	/

## Section 2: Making an asylum application

*This section requests information on asylum seekers making an asylum application to an authority that is not competent to register an asylum application.*

**'Making an application':** *The expression of intent to apply for international protection.*

### 2.1 Making an application to an authority not competent to register the asylum application

*If your (Member) State does not differentiate between "making an application" and "registering an application", or if these two phases are conducted concurrently, as referred to in Section 1.1, please skip and go to Section 3.*

10. What information do authorities who are not competent to register an asylum application provide to the asylum applicants on where to go and what to do?

When asylum seekers make an application for international protection to another authority not competent to register the asylum application, they are referred to the Directorate of Immigration. Information on where to make the application is provided to the applicant at the airport. If the application is made in the Detention Centre or the Luxembourg Prison Centre, a caseworker from the Directorate of Immigration will be sent to the Centre to visit the person and collect all the data needed to register and lodge the asylum application.<sup>lxix</sup>

The Asylum Law stipulates that the agents of the authorities not competent to register the asylum application receive from the Minister in charge of asylum the relevant information and the training at a level necessary for the fulfilment of their duties and responsibilities. Furthermore, they will receive the necessary instructions in order to provide applicants with

information enabling them to know where and how the application for international protection can be made.<sup>lxx</sup>

11. Do the authorities who are not competent to register any asylum application collect any data on the asylum applicant?

No<sup>lxxi</sup>

See Q10 above.

## Section 3: Registering an asylum application

**'Registering an asylum application':** Record the applicant's intention to seek protection.

*This section requests information on the registration of asylum applications.*

***If the process of registering and lodging of the asylum application are conducted concurrently (according to the law or in practice) in your (Member) State, please make this clear in Section 1 and proceed by skipping this Section and going directly to Section 4. If however, registering and lodging of an asylum application are conducted separately in your (Member) State (e.g. in crisis times or regionally with regard to islands vs. main land, cities vs. rural areas, centralised vs decentralised) please proceed by answering the following questions in Sections 3 and 4.***

***If the process of registering, lodging and examination of the asylum application are conducted concurrently (according to the law or in practice) in your (Member) State, please make this clear in Section 1 and proceed by skipping this Section and going directly to Section 5.***

*For Member States implementing the hotspot approach, please highlight whether there are differences in the processes applied in hotspots with regard to the standard/general asylum procedure.*

### 3.1 Cross checking of data collected at the registration phase

12. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during registration cross-checked<sup>9</sup> (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?
13. Does systematic cross-checking against (i) VIS and (ii) SIS take place?  
 Yes /  No
14. What issues has your (Member) State encountered in cross-checking data collected at registration phase?  
*For each issue mentioned, please describe a) for whom it is an issue, b) why it is considered an issue and c) whether the assessment that this issue based on input from experts (please indicate sources)*

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<sup>9</sup> Purpose of cross-checking: Previous asylum applications, Prior legal residence/stay, Illegal border crossing, Illegal stay (overstay), Criminal record, Security risks, Detect counterfeit identity/travel documents, Other (please specify).

### 3.2 Information provided to asylum applicants in the registration phase

15. Are asylum applicants provided with a processing/privacy notice<sup>10</sup> about the personal data collected from them during the registration phase?

Yes /  No

If yes, please describe which information is provided (i.e. the purpose for which personal data from the asylum applicant is collected and on what basis, who has access to the information, data protection rights etc).

16. a) Who provides the information mentioned above (under Q15) (public authorities, international organisations, CSO – civil society organisations)?

b) How is this information provided (orally, digitally, in writing or all three)?

Please describe.

c) Where information is provided orally, is interpretation available?

Yes /  No

d) Where information is provided digitally, is translation available?

Yes /  No

If yes, who provides the digital information (e.g. national authorities, NGOs etc)?

e) Where information is provided in writing is translation available?

Yes /  No

If yes, who provides the translation service (e.g. national authorities, NGOs etc)?

17. Is any specific training or guidance (i.e. guidelines) provided for staff responsible for data management with regard to information collected at the registration phase?

### 3.3 Where self-registration procedures apply, (Member) States are asked to elaborate more on the framework and experiences.

18. Does your (Member) State have any self-registration procedures in place?

No<sup>lxxii</sup>

*If not, please move to section 4.*

19. When was the self-registration procedure introduced and why?

20. Where do asylum seekers self-register (e.g. website, by phone)?

21. Are asylum seekers provided with any guidance/assistance/information on how to self-register?

If yes, please elaborate and indicate who provides this information

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<sup>10</sup> The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide “any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language.” The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject’s rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability etc.

22. In which languages is the self-registration procedure available?

23. Is self-registration mandatory or optional?

Please elaborate.

## Section 4: Lodging an asylum application

*This section requests information on asylum applicants lodging an asylum application.*

### 4.1 Cross checking of data collected at the lodging phase

24. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during the lodging phase cross-checked (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

At the lodging phase, the information is cross checked with the following databases<sup>lxxiii</sup>:

- The National Intelligence Service performs security checks on all relevant requests, targeted in the context of a preliminary analysis. In this context, the National Intelligence Service consults its internal database. This database contains information in the fields of counter-terrorism, counter espionage, counter-proliferation, organized crime and cyber activities.
- EURODAC: Identification of applicants to determine the responsibility for examining an asylum application by comparing fingerprints datasets.
- The Schengen Information System (SIS): Large-scale information system that supports external border control and law enforcement cooperation in the Schengen States. The Directorate of Immigration also checks it thoroughly for lawful residency, asylum and international protection.
- AEVIS: Database for Schengen visa consultation.
- Police and Customs Cooperation Centre (CCPD): Cooperation between Germany, Belgium, France and Luxembourg. It is used for the exchange of police information from the cross-border region between police units.
- INTERPOL, EUROPOL.<sup>lxxiv</sup>

25. Does systematic cross-checking against (a) VIS and (b) SIS take place?

Yes<sup>lxxv</sup>

26. What issues have you encountered in cross checking data collected at the lodging phase?

*For each issue mentioned, please describe a) for whom it is an issue, b) why it is considered an issue and c) whether the assessment that this issue based on input from experts - please indicate sources)*

So far, no specific issue has been encountered while cross checking data collected at the lodging phase.<sup>lxxvi</sup>

## 4.2 Information provided to asylum applicants at the lodging phase

28. Are asylum applicants provided with a processing/privacy notice<sup>11</sup> about the personal data collected from them during the lodging phase?

No

However, this will be put in place soon.<sup>lxxvii</sup>

*If yes, please describe which information is provided (i.e. the purpose for which personal data from the asylum applicant is collected and on what basis, who has access to the information, data protection rights etc.).*

N/A

29. a) Who provides the information mentioned above (under Q 28) (public authorities, international organisations, CSO - civil society organisations)?

N/A

b) How is this information provided (orally, digitally, in writing or all three)?

*Please describe.*

N/A

c) Where information is provided orally, is interpretation available?

Yes /  No

N/A

If yes, who provides the interpretation services (e.g. national authorities, NGOs etc.)?

d) Where information is provided digitally, is translation available?

Yes /  No

N/A

If yes, who provides the digital information (e.g. national authorities, NGOs etc.)?

e) Where information is provided in writing is translation available?

Yes /  No

N/A

If yes, who provides the translation service (e.g. national authorities, NGOs etc.)?

30. Is any specific training or guidance provided for staff responsible for data management with regard to information collected at the lodging phase?

No, there is no specific training or guidance provided for staff responsible for data management with regard to information collected at the lodging phase.<sup>lxxviii</sup>

However, agents who are required to enter data into the National Registry of Physical Persons (RNPP) need to follow a training beforehand.<sup>lxxix</sup> In addition, data protection is part

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<sup>11</sup> The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability etc.

of the catalogue of training courses offered by National Institute for Public Administration ('*Institut national d'administration publique*' - (INAP)), responsible for the initial and continuous training of public servants. The participation in these courses is strongly recommended. Furthermore, a mention of the 'data protection' section can be found in the 'collection of practical information' of the Directorate of Immigration of the Ministry of Foreign and European Affairs.<sup>lxxx</sup>

## Section 5: Examining an asylum application

*The following sections request information on any additional data collected after an asylum application is deemed to have been lodged and before a first instance decision is issued.*

In Luxembourg, there is generally no personal data collected after the application has been lodged, unless there is an error or a request for rectification of name/date of birth, for example, and the applicant provides evidence that allows the caseworker of the Directorate of Immigration to proceed with the change/correction. This can be done at any time during the procedure.<sup>lxxxi</sup> However, as mentioned above, information relating to, for example, the education and professional background and particularly the information related to the asylum claim is collected after the lodging of the application, for example during the personal interview.<sup>lxxxii</sup>

### 5.1 Cross checking of data collected at the examination phase

31. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during the examination phase cross-checked (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

N/A

32. Does systematic cross-checking against (a) VIS and (b) SIS take place?

Yes /  No

N/A

33. What issues has your (Member) State encountered in cross checking data collected at the examination phase?

*For each issue mentioned, please describe a) for whom it is an issue, b) why it is considered an issue and c) whether the assessment that this issue based on input from experts (please indicate sources).*

N/A

## 5.2 Information provided to asylum applicants at the examination phase

34. Are asylum applicants provided with a processing/privacy note<sup>12</sup> about the personal data collected from them during the examination phase?

No<sup>lxxxiii</sup>

The GDPR requires that individuals are informed once about the purposes for which their data are processed. Therefore, they do not need to be informed at each stage of the new processing.<sup>lxxxiv</sup>

35. If yes, please describe which information is provided (i.e. the purpose for which personal data from the asylum applicant is collected and on what basis, who has access to the information, data protection rights etc.). a) Who provides the information mentioned above (under Q 34) (public authorities, international organisations, CSO - civil society organisations)?

N/A

b) How is this information provided (orally, digitally, in writing or all three)?

*Please describe.*

N/A

c) Where information is provided orally, is interpretation available?

Yes /  No

N/A

If yes, who provides the interpretation services (e.g. national authorities, NGOs etc.)?

d) Where information is provided digitally, is translation available?

Yes /  No

N/A

If yes, who provides the digital information (e.g. national authorities, NGOs etc.)?

e) Where information is provided in writing is translation available?

Yes /  No

N/A

If yes, who provides the translation service (e.g. national authorities, NGOs etc.)?

36. Is any specific training or guidance provided for staff responsible for data management with regard to information collected at the examination phase?

N/A

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<sup>12</sup> The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability etc.

## Section 6: Data quality and safeguards

*The following sections request information on how data quality is managed and the safeguards that (Member) States apply.*

### 6.1 Data quality management

37. Is the quality of (at least some categories of) data (alphanumeric and biometric) collected during the asylum procedure assessed (e.g. with regard to accuracy, timeliness, completeness, consistency, duplication and validity of the data)?

Yes<sup>lxxxv</sup>

If yes, please elaborate on some contrasting<sup>13</sup> examples of data quality assessment and indicate:

- a) In which phase(s) of the asylum procedure is the quality of data assessed (quality assessment)?

The quality of the data is mainly assessed at the stage of the lodging of an asylum application. At the decision taking level, no double checks are in place, but the quality of the data is assessed on an ad hoc basis when queries are run.<sup>lxxxvi</sup>

- b) How (specific tools)<sup>14</sup> and by whom (centralised/decentralised) is the quality assessment carried out?

The quality of the data is assessed by the Statistics Department within the Directorate of Immigration. Some queries exist to verify the completeness of the data (especially concerning appeals on second or third instances) before extracting. During consultation / introduction of new data, the accuracy can also be verified. The process is centralised.<sup>lxxxvii</sup>

- c) If decentralised, how is it ensured that the other actors get to know about data amendments and changes?

N/A

38. Do quality assessment measures only apply retroactively? Yes/No.

No, not only retroactively. The quality of the data is assessed retroactively based on the introduced data from the asylum applicants. Based on these experiences, the IT platforms handling the data and the statistics might be adapted in order to improve the data and output available. In the same way, the collection processes can be adapted to improve the available data in the future.<sup>lxxxviii</sup>

39. Are any preventative measures in place to get the information right at the very beginning? Yes/No. If yes, which safeguards are in place?

Yes. If possible, the initial information of the applicant is introduced in the system based on official documents. In addition, the initial information submitted to the system is double checked by the Statistics Department. Other IT safeguards are in place in order to avoid that false information is uploaded, this mainly applies to the birth date of a person and to non-accompanied minors. Such other safeguards are personal safeguards, implemented by the Statistics Department to double-check the accuracy of the information. There is also a mechanism in place to avoid duplicates.<sup>lxxxix</sup>

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<sup>13</sup> It will not be feasible to elaborate on all data quality assessment measures for each type of data collected which is why we are asking for contrasting examples where different types of quality assessment measure (e.g. tools, technical equipment, data analytics etc.) apply.

<sup>14</sup> E.g. name transliteration, screening for duplicates against data already stored in the database, automated data quality checks, data analytics, artificial intelligence.

## 6.2 Safeguards

40. Describe the supervision mechanism for data protection supervision of the personal data collected during the asylum procedure in your Member State.<sup>15</sup>

The supervision mechanism in Luxembourg is multi-layered. At the level of the Directorate of Immigration, there is a referent person for data protection in charge of the questions related to immigration and asylum. The Ministry's data protection officer is the Government's Commissioner for Data Protection to the State. The latter person is also the head of the Government's Commissioner's Office for Data Protection to the State.<sup>xc</sup>

Moreover, the National Data Protection Commission (*'Commission nationale pour la protection des données'* - CNPD) verifies the legality of the processing of personal data and ensures the respect of personal freedoms and fundamental rights with regard to data protection and privacy. It is an independent public institution with legal personality and is financially and administratively autonomous. The CNPD has investigative powers, including a complaint mechanism, corrective powers, authorization and advisory powers.<sup>xcii</sup>

41. Have (national) data protection authorities or similar entities assessed any of the databases described above?

No<sup>xcii</sup>

If yes, please specify the relevant authorities, briefly describe what conclusions have they drawn, including whether such conclusions have led to changes in data management. *Please indicate sources and whether there are any published reports or audits available on these inspections.*

However, at the moment of drafting this study, a Data Protection Impact Assessment (DPIA) is being conducted for the asylum procedure, including for the collection of data and production of statistics. The DPIA is conducted with the support of the Government's Commissioner for Data Protection to the State and independent experts. The Directorate of Immigration further reported that the DPIA will have to be terminated by the end of 2020, and that the first draft is already at an advanced stage, so that it is not expected that new relevant information will emerge at this stage of the process.<sup>xciii</sup>

42. How is it arranged in practice the manner in which the rights of asylum applicants in relation to access, rectification and erasure of their data stored in the national systems are exercised? *Please provide available statistics concerning the number of requests made by asylum applicants, if any.*

Any applicant or beneficiary of international protection has the right and possibility to see his or her data rectified in his or her file and in the National Registry for Natural Persons (RNPP), the MJDA and the AEIMM databases. In order to be able to proceed to the requested changes, the person has to present the necessary and relevant documents as proof. For example, a current or expired passport would be necessary in order to modify a person's name.<sup>xciv</sup>

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<sup>15</sup> The question does not refer to the legal framework but to how a data protection authority in a Member State supervises the implementation of that legal framework (what are the structures in place in your Member State to ensure the data subject's data protection rights are being ensured).

## Section 7: Responding to challenges in data management: recent reforms to the asylum procedure

### 7.1 Challenges and changes/reforms in data management

43. Has your (Member) State experienced any of the following challenges related to data management in the past years (since 2014)?

*Please elaborate on each of the selected challenges, mentioning: a) for whom it is a challenge (policy-maker, organisation, other stakeholders); b) why it is considered a challenge; and c) how was it identified as a challenge (e.g. surveys, evaluation reports, focus groups, experts opinions etc).*

- Lack of human or financial resources
- Self-registration
- Legal obstacles
- Cooperation between national authorities
- Interoperability of databases

Luxembourg currently works with three different databases, namely one for immigration and return purposes, including for family reunification, one for the management of the asylum procedure and a third one for the sole purpose of asylum statistics. Therefore, crossing data can be challenging at times. Work is, however, in progress to integrate the asylum database into the immigration database in order to increase the interoperability while enhancing security.<sup>xcv</sup>

- Technical limitations in data processing
- Implementation of Eurodac and/or GDPR regulation
- Lack of training/information
- Transliteration (e.g. Arabic to Latin or other alphabets)

In particular when it relates to the names/surnames translated from Arabic to the Latin alphabet. In this context, applicants often complaint that the names are not correctly translated. Or, when the applicants have passports, the spelling of the surname is sometimes different for different family members, which might cause problems (when the children's name is spelled different than their father's name, etc.).<sup>xcvi</sup>

- Other (please specify):

44. Did your (Member) State introduce any major change(s)/reform(s) related to data management in the past years (since 2014)?

- No<sup>xcvii</sup>

*If yes, please describe those changes and why they were made.*

*If not, please move to Q49.*

45. Have any of the abovementioned changes become standard operating procedure in your (Member) State?

- Yes /  No

*Please elaborate.*

N/A

46. Were any of these changes/reforms related to data management introduced due to the introduction of 'channelling'?

Yes /  No

*If yes, please elaborate.*

N/A

47. Did the reforms introduced achieve the intended results? Why?

*Please elaborate and explain why the reform(s) achieved/did not achieve the intended results.*

N/A

48. Would your (Member) State consider this reform (s) as a good practice?

*Please elaborate and explain why your (Member) State considers/does not consider the reform(s) a good practice. In particular, please mention whether any of those reform(s) are believed to have improved the quality of the asylum procedure.*

N/A

49. Have any on-going (unaddressed) challenges related to data management in the asylum procedure been identified in your (Member) State?

Yes<sup>xcviii</sup>

*If yes, please elaborate.*

The most prevalent on-going challenge related to data management is that the Directorate of Immigration still works on paper files, not electronic files, and not every information/data needed is fed into one of the databases. Therefore, for specific information the paper file needs to be consulted, the information not being available elsewhere.<sup>xcix</sup>

*If yes, is your (Member) State taking any steps to address these challenges?*

N/A

## 7.2 Contingency measures

50. Are there any contingency measures in place to accelerate and/or ease the process in times of high influx of asylum seekers with regard to data management?

*If yes, please describe those measures.*

No, there are no contingency measures.<sup>c</sup>

## Section 8: Conclusions

*This section of the Synthesis Report will draw conclusions as to the (Member) States' existing policies, practices and case law related to the registration and data management in the asylum procedure.*

With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policymakers?

The Luxembourgish Asylum Law foresees a centralised and streamlined asylum system with one single national authority for registering, lodging and examining applications for international protection, namely the Ministry of Foreign and European Affairs, implemented by the Directorate of Immigration. The Asylum Law clearly distinguishes the phases of making, registering and lodging an application for international protection. In practice, however, the three phases generally occur on the same day or within a few working days if the claim is not directly made to the Directorate of Immigration. Furthermore, the asylum system does not differentiate between the different types of entry routes to Luxembourgish territory. As a consequence, applicants for international protection have a swift access to the asylum procedure once they express their wish to apply for international protection in Luxembourg.

In addition to the tracks foreseen in the Recast Asylum Procedures Directive (2013/32/EU),<sup>16</sup> Luxembourg operates a fourth track in the form of the ultra-accelerated procedure. Introduced in 2017 as a practical acceleration of the accelerated procedure for applicants stemming from safe countries of origin from the Western Balkan countries and Georgia, the ultra-accelerated procedure is considered as an effective measure taken because it resulted in a decline of applicants originating from one of the countries to which this procedure applies.

The study has further shown that, despite the increase of applications since 2015 and a consistent high number of applications since then, the processing times have decreased significantly, in particular since 2017 (see table 2), as was also acknowledged by the Ombudsman of the Grand-Duchy of Luxembourg in its latest annual report 2018.

The Directorate of Immigration did not report any experience with regard to the frontloading of information collected by other authorities not directly connected to the asylum procedure because of the fact that the other authorities do not collect any data if an asylum claim is made to their respective institution. Instead, applicants for international protection are either referred to the Directorate of Immigration (at the airport for example), or a caseworker from the Directorate of Immigration is sent directly to the applicant (in the case of the Detention Centre or the Luxembourg Prison Centre).

In general, no personal data is collected once the application has been formally lodged unless a request is made by the applicant for the rectification of information/data, which needs to be supported by documentary evidence in order to be carried out. However, information relating to, amongst others, the educational and/or professional background and particularly on the information related to the asylum claim is collected after the lodging of the application, for example during the personal interview.

The Directorate of Immigration identified three main challenges, of which two are directly related to the data management itself. The first relates to the interoperability of national databases, as Luxembourg currently operated three different databases, namely one for immigration and return purposes (which also include family reunification), one for the management of the asylum procedure and a third one for the sole purpose of asylum statistics. To this point, the Directorate of Immigration reported that work is currently in progress to integrate the asylum database into the immigration database, which would increase the interoperability while simultaneously increasing security. The second main challenge directly related to the data management relates to the fact that the Directorate of Immigration still works on paper files in the asylum procedure, and not on electronic files. As a consequence, as table 5 of the study illustrates, not every information/data needed and collected is

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<sup>16</sup> 1) The normal procedure; 2) the possibility for the Minister in charge of asylum to prioritise manifestly founded applications and applications made by vulnerable persons identified as having special reception needs or requiring special provisions for examination; and 3) the accelerated procedure.

fed into one of the two databases. Therefore, for specific information, the paper file continues to be consulted because the information is not available elsewhere.

A further point to take into consideration is the fact that Luxembourg is often faced with a more general challenge with regard to data management and statistical usage of data because of the overall low absolute numbers.

Lastly, the Directorate of Immigration reported that at the time of drafting this study, a Data Protection Impact Assessment (DPIA) was conducted for the asylum procedure, which includes the aspects of the collection of the data and the production of statistics. Conducted with the support of the Government's Commissioner for Data Protection to the State and independent experts, the conclusion of the DPIA will show if specific issues or challenges with the regard to the asylum procedure in Luxembourg need to be addressed in the future.

## Annex 1 National statistics

### Annex 1.1. Number of registrations of asylum applications<sup>17</sup>

<b>Number of registrations of asylum applications, 2014 - 2019</b>					
<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
1091	2447	2036	2318	2206	2047

*Source: Directorate of Immigration, Ministry of Foreign and European Affairs<sup>ci</sup>*

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<sup>17</sup> As a reminder, in Luxembourg, the registration and the lodging of an application for international protection generally occur on the same day, which means that the numbers of registered and lodged applications lodged are the same.

Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.

## Endnotes

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<sup>i</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

<sup>ii</sup> Law of 18 December 2015 on international protection and temporary protection.

<sup>iii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>iv</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>v</sup> Article 4 of the Law of 18 December 2015 on international protection and temporary protection.

<sup>vi</sup> Article 6 (1) and (2) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>vii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>viii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>ix</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>x</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xi</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xii</sup> Article 20 of the Law of 18 December 2015 on international protection and temporary protection.

Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xiii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xiv</sup> Article 4 (1) and Article 6 (1) and (2) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xv</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xvi</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xvii</sup> Article 26 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xviii</sup> Article 26 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xix</sup> Article 15 of the amended Law of 18 December 2015 on the reception of applicants for international protection and temporary protection (hereafter referred to as 'Reception Law') defines the following persons as vulnerable persons identified as having special reception needs: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, and in particular victims of female genital mutilation.

<sup>xx</sup> Article 19 (1) of the Asylum Law requires that the Minister in charge of asylum conducts an assessment of the procedural requirements that may be necessary for some applicants, in particular because of their age, their gender, sexual orientation or gender identity, disability, serious illness, mental health, or consequences of torture, rape or other serious forms of psychological, physical or sexual abuse. This assessment has to be

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conducted within a reasonable period of time and before a first instance decision is taken. This evaluation can also be conducted by the National Reception Office (*Office national de l'accueil* – ONA) as part of the Applicant's Vulnerability Review to determine, if appropriate, his or her special needs in terms of reception. The information gathered concerning special procedural safeguards shall be transmitted by ONA, with the agreement of the applicant, to the Minister.

Article 19 (2) stipulates that, for the purpose of assessing special procedure needs, the Minister may seek advice from a health professional or another expert.

In accordance with Article 19 (3), once the Minister has determined the need for special procedural guarantees, the applicant is granted an appropriate support and enough time in order to prepare his or her application. If these guarantees cannot be implemented in the accelerated procedure, this type of procedure cannot be applied to the applicant.

Article 19 (4) stipulates that the need for special procedural guarantees is also taken into account when such a need arises at a later stage in the procedure, without necessarily having to recommence it.

<sup>xxi</sup> Article 26 (4) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xxii</sup> Article 27 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xxiii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xxiv</sup> Article 27 (2) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xxv</sup> Article 27 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>xxvi</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, 2018, p.1. URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf>

See also: European Migration Network Luxembourg, *Annual Report on Migration and Asylum 2017*, p. 47. Luxembourg 2018. URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum\\_EN\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf)

<sup>xxvii</sup> European Migration Network Luxembourg, *Annual Report on Migration and Asylum 2017*, p. 47. Luxembourg 2018. URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum\\_EN\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf)

<sup>xxviii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xxix</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2018 en matière d'asile, d'immigration et d'accueil*, 2019, p.5. URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/20190131-Bilan-2018-Asile-Immigr-Accueil-presse.pdf>

<sup>xxx</sup> Grand Ducal Regulation of 5 December 2017, modifying the Grand ducal regulation of 21 December 2007 fixing a list of safe countries of origin, published in Memorial A N°1109 of 21 December 2017.

<sup>xxxi</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, 2018, p.1. URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf>

See also: European Migration Network Luxembourg, *Annual Report on Migration and Asylum 2017*, p. 47. Luxembourg 2018. URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum\\_EN\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf)

<sup>xxxii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

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xxxiii In the event of a negative decision on the application for international protection, the applicant is informed about the possibilities of appeal in writing.

In the normal procedure, an appeal to the First instance Administrative court can be filed against the refusal of international protection application and against the order to leave the country within one month from the notification of the decision (the appeal must comprehend both (the decision and the order to leave the country) in order to be declared admissible) (Art. 35 (1) paragraph 1 of the Asylum Law). During the deadline for filing an appeal and during the duration of the appeal procedure, the effects of the decision and the order to leave are suspended (Art. 36 (1) of the Asylum Law). The First instance Administrative court must take a decision within two months from the submission of the appeal (Art. 35 (1) paragraph 1 of the Asylum Law). An appeal against the decision from the First instance Administrative court can be filed before the Administrative Court within one month from the notification of the decision (Art. 35 (1) paragraph 2 and 3 of the Asylum Law). The appeal has suspensive effect (Art. 36 (1) of the Asylum Law). The decision of the Administrative Court is final (see Article 55 of the amended Law of 21 June 1999 regulating the procedure before the administrative jurisdictions).

In the accelerated procedure, an appeal to the First instance Administrative court can be filed against the decision refusing the international protection application and the order to leave the country within 15 days from the notification of the decision (a single appeal must cover all decisions in order to be accepted) (Art. 35 (2) paragraph 1 of the Asylum Law). The president of the Chamber of the First instance Administrative court or the judge replacing him/her must take a decision within one month from the submission of the appeal. This deadline is suspended between 16 July and 15 September of every year, without prejudice to the right of the judge to act in a shorter period (Art. 35 (2) paragraph 1 of the Asylum Law). The appeal has suspensive effect (Art. 36 (1) of the Asylum Law). There is no appeal possible before the Administrative Court against the decision of the First instance Administrative court.

xxxiv Article 4 (1) paragraph 1 of the Law of 18 December 2015 on international protection and temporary protection.

xxxv Article 4 (1) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.

xxxvi Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.

xxxvii Article 6 (1) of the Law of 18 December 2015 on international protection and temporary protection.

xxxviii Article 6 (2) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.

xxxix Article 26 (1) of the Law of 18 December 2015 on international protection and temporary protection.

xl Article 26 (2) of the Law of 18 December 2015 on international protection and temporary protection.

xli Article 26 (2) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.

xlii Article 26 (3) of the Law of 18 December 2015 on international protection and temporary protection.

xliii Article 26 (3) of the Law of 18 December 2015 on international protection and temporary protection.

xliv Article 26 (3) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.

xlv Article 19 (1) of the abrogated Law of 5 May 2006 on the right to asylum and to additional forms of protection. This law transposed, among others, Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, which also did not foresee maximum time limit for the examination of applications for international protection.

xlvi Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, 2018, p.1. URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf>

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See also: European Migration Network Luxembourg, *Annual Report on Migration and Asylum 2017*, p. 47. Luxembourg 2018. URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum\\_EN\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf)

<sup>xlvii</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, 2018, p.1. URL: <https://maee.gouvernement.lu/dam-assets/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf>

See also: European Migration Network Luxembourg, *Annual Report on Migration and Asylum 2017*, p. 47. Luxembourg 2018. URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum\\_EN\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/10/Annual-Report-on-Migration-and-Asylum_EN_final.pdf)

<sup>xlviii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xlix</sup> Ombudsman, *Rapport d'activité 2017*, Luxembourg, May 2018, p.47. URL: <http://www.ombudsman.lu/uploads/RA/RA2017.pdf>

<sup>l</sup> Ombudsman, *Rapport d'activité 2017*, Luxembourg, May 2018, p.48-49 URL: <http://www.ombudsman.lu/uploads/RA/RA2017.pdf>

<sup>li</sup> As of 15 July 2020, the annual report for 2019 was not yet available.

<sup>lii</sup> Ombudsman, *Rapport d'activité 2018*, Luxembourg, 2019, p.45. URL: <http://www.ombudsman.lu/uploads/RA/RA2018.pdf>

<sup>liii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>liv</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>lv</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2019 en matière d'asile, d'immigration et d'accueil*, 2020, p.4. URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/Bilan-2019-Asile-Immigration-et-Accueil.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/Bilan-2019-Asile-Immigration-et-Accueil.pdf)

<sup>lvi</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.

<sup>lvii</sup> Article 4 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>lviii</sup> Centre Pénitentiaire de Luxembourg (CPL).

<sup>lix</sup> However, it should be mentioned that this is solely a technical qualifier that is not visible to all users of the database. In other words, the purpose of creating the qualifier is not to inform external persons of the Directorate of Immigration of the date of submission of the application.

Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.

<sup>lx</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and on 15 September 2020.

<sup>lxi</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>lxii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and on 15 September 2020.

<sup>lxiii</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and on 15 September 2020.

<sup>lxiv</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and by the Service of Judicial Police of the Grand Ducal Police on 23 July 2020.

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- lxv Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and by the Service of Judicial Police of the Grand Ducal Police on 23 July 2020.
- lxvi Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and by the Service of Judicial Police of the Grand Ducal Police on 23 July 2020.
- lxvii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and by the Service of Judicial Police of the Grand Ducal Police on 23 July 2020.
- lxviii EMN Glossary Version 6.0, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/docs/interactive\\_glossary\\_6.0\\_final\\_version.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/docs/interactive_glossary_6.0_final_version.pdf).
- lxix Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxx Article 4 (2) of the Law of 18 December 2015 on international protection and temporary protection.
- lxxi Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxiii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and by the Service of Judicial Police of the Grand Ducal Police on 23 July 2020.
- lxxiv Information provided by the Service of Judicial Police of the Grand Ducal Police on 23 July 2020.
- lxxv Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxvi Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxvii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.
- lxxviii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxix Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.
- lxxx Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.
- lxxxi Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxxii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.
- lxxxiii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxxiv Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 September 2020.
- lxxxv Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxxvi Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxxvii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.
- lxxxviii Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

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<sup>lxxxix</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and on 15 September 2020.

<sup>xc</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>i</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>ii</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>iii</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and on 15 September 2020.

<sup>xc<sup>iv</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020 and on 15 September 2020.

<sup>xc<sup>v</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>vi</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>vii</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>viii</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>xc<sup>ix</sup></sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>c</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 18 May 2020.

<sup>ci</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, *Bilan de l'année 2019 en matière d'asile, d'immigration et d'accueil*, 2020, p.4. URL:

[https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/Bilan-2019-Asile-Immigration-et-Accueil.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/Bilan-2019-Asile-Immigration-et-Accueil.pdf)