

COUNTRY FACTSHEET: LUXEMBOURG 2014

EUROPEAN MIGRATION NETWORK

1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Luxembourg during 2014, including latest statistics.

2. Common European Asylum System

During 2014, **Luxembourg has started the transposition the new CEAS directives**, mainly the Asylum Procedures (2013/32/EU) and the Reception (2013/33/EU) Directives.

Several new measures taken during the year allowed to improve the quality of the national asylum system. Firstly, **the "quick scan" was installed**, as a tool which facilitates establishing the origin of an applicant for international protection in case s/he does not submit or does not possess an identity document. The quick scan allows a rapid examination of the geographic origin of the applicant via a questionnaire.

Also, **in order to enhance the quality of the decision making process**, the unit dealing with the assessment of country of origin (COI Unit) was temporarily reinforced with additional staff.

With regard to **resettlement actions**, 28 Syrian refugees (9 adults and 19 children), were resettled from Jordan to Luxembourg and were granted refugee status. Another 46 Syrian refugees were selected for resettlement from Turkey in December. In total 74 refugees were resettled.

Luxembourg continued its participation in EASO activities. For example, in 2014 several officers of the Asylum Unit within the Directorate of Immigration received training on the Evidence assessment and Dublin III modules and on interviewing vulnerable persons.

3. Unaccompanied Minors and other Vulnerable Groups.

Since 1 January 2014, **the appointment of an ad-hoc administrator for unaccompanied minors**

(UAMs) has become systematic. Before this date, only a tutor (guardian) had been named even though the law already provided for this institution. The change in practice was due to the increased number of absconded UAMs in Luxembourg; hence NGOs appointed as tutors could not assume anymore full responsibility for this group of vulnerable people. Moreover, the systematic appointment of an ad-hoc administrator will ensure the continuation of the asylum procedure as the administrator will be responsible for the procedure and assist the minor with legal issues.

Another change concerned the **age assessment** for applicants who declare to be minors. The medical method used, an X-ray test of the left wrist, has been widely contested. Also the Administrative Court had expressed doubts regarding its reliability, signalling the high risk of error in applying the Greulich and Pyle scale to non-Caucasian children. The bill transposing the Asylum Procedures Directive foresees that in case doubts about the age persist after the medical assessment, the applicant is presumed to be a minor.

In line with the objective of preventing the exploitation of vulnerable migrants, the project "**Asile et Migration**", was implemented during 2014 in collaboration with Caritas Luxembourg, and focused on the protection and defence of the rights of more than 13,000 female migrants in Lebanon and in their countries of origin (Bangladesh, Nepal, Philippines, Sri Lanka, Ethiopia) in order to promote their social-economic development during the whole cycle of migration.

4. European Policy on Legal Migration and Integration

4.1. PROMOTING LEGAL MIGRATION CHANNELS

An **information campaign to prevent unsafe migration from third countries** took place in 2014. Brochures of the Ministry of Justice and of the organisation "Femmes en Détresse" were distributed in 2014. The [first brochure](#) focused on trafficking in human beings and explains this crime to a more

general public. The second brochure focused on the rights of the victims and was distributed amongst potential victims of trafficking. Further similar campaigns will also take place in 2015.

4.2. ECONOMIC MIGRATION

Future directions of the employment policy and the first dashboard of the labour market were presented in October 2014. The dashboard highlights labour flows, rather than labour stocks, in line with the aim of addressing the shortcomings of the measurement and knowledge of the labour market, as well as the effect of immigration on the labour market.

A bill was being prepared in 2014 to transpose the Posting of Workers Directive (2014/67/EU). The transposition procedure of the Seasonal Workers Directive (2014/36/EU) and the Intra-Corporate Transfers Directive (2014/66/EU) also started with a single legislative package: a drafting group in charge of the transposition of the Directive has taken up work in July 2014 and inter-ministerial consultations have also been held.

A draft bill concerning a **new authorisation of stay for the category of "investor"** was elaborated. Furthermore, the only current authorisation of stay for the category of "self-employed worker" will be amended in order to include "businessman".

Some changes occurred also concerning students and researchers. The Law of 24th July 2014 reformed the scheme of financial aid provided by the State for higher education. The change will improve the access of migrant students to higher education, thus will allow them to effectively exercise the right to education. This reform takes into account the judgement by the EU Court of Justice¹, which states that state funding for university level education provided to the child of a migrant worker constitutes, for this worker, a social benefit that he/she has the right to enjoy under the same conditions as national workers.

4.3. FAMILY REUNIFICATION

No further developments were reported under this area in 2014.

4.4. INTEGRATION

The Minister of Education presented the priorities of the school year 2014, highlighting the importance of multilingualism. In order to cope with an increasing heterogeneity of the Luxembourgish population, the Minister has planned to broaden the educational offer and to establish an international school. Moreover, a special guide and a vade-mecum for teachers on the welcoming and integration of newly arrived children and pupils was published.

¹ Judgment of the Court of 20 June 2013, *Elodie Giersch and Others v État du Grand-Duché de Luxembourg*, C-20/12.

In addition, a draft bill was prepared with **several modifications on vocational training**, including: the possibility of offering further training at the level of basic training, as well as measures simplifying the progress of pupils in the framework of vocational training.

Several developments also concerned the facilitation of integration of migrants. Firstly, in November 2014 a draft bill on the organisation of a referendum concerning the drawing up of a new Constitution was submitted to the Chamber of Deputies. One of the questions concerned whether to grant foreigners with the right to vote at national elections. Another small amendment was undergoing to clarify by law that TCNs who have resided at least five years have the right to vote at local level, a right which already existed in practice. Furthermore, the **access to nominations as members of the Economic and Social Council (CES) is now open to third-country nationals**. Finally, a national project entitled "**Promotion of Diversity in Luxembourg**" has been launched bringing together experts in the field. It focuses essentially on diversity in the labour market and intends to reflect on the current state of affairs, identify good practices; and raise awareness on diversity.

Developments occurred also at local level. A practical guide to realise a "**Communal Plan on Integration**" was elaborated by the Luxembourgish towns and local communities union (SYVICOL), in collaboration with the Luxembourg Reception and Integration Agency (OLAI). The aim is to implement an integration policy at local level which is sustainable, shared and transversal, using a structured effort and a political approach. Accordingly, the SYVICOL and the OLAI organised a series of information sessions, workshops and awareness campaigns. These sessions were addressed to communal council members, communal agents and members of the consultative commissions as well as any stakeholders from civil society.

4.5. MANAGING MIGRATION AND MOBILITY²

The **Visa Information System (VIS) became fully operational in Luxembourg** and as of 11th October 2014 onwards, the border guards began to systematically compare the fingerprints of third-country nationals entering the country with a visa against the VIS database at the external borders (the International Airport).

4.6. EXTERNAL DIMENSION OF EU MIGRATION POLICY

No further developments were reported under this area in 2014.

² "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

5. Irregular Migration and Return

5.1. THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION

In June 2014, the Chamber of Deputies adopted a reform of the law of marriage and adoption which merged various draft bills on certain aspects of marriage. The new law introduces a **scheme intended to prevent so-called "simulated" marriages**. It is now provided that the civil registrar has the possibility to inform the Public Prosecutor in case there are serious indications that the proposed marriage is fraudulent. The former then also has the possibility to oppose to the marriage or to postpone the celebration.

5.2. RETURN

Furthermore, Luxembourg amended its legislation with the purpose of correctly implementing the Return Directive (2008/115/EU). Changes included the following:

- ★ Listing the cases where an extension of the period of voluntary return could be granted;
- ★ The provision of information to an individual against whom an entry ban has been issued;
- ★ The introduction of a criminal sanction against a third-country national who has received a decision to return and who continues to irregularly stay on the territory without a valid justification.

6. Actions against Trafficking in Human Beings

The Committee to monitor trafficking in human beings has been in the process of elaborating an **Action Plan on trafficking in human beings** during 2014. In addition, a Law adopted in April has strengthened the rights of victims of trafficking and transposed the Trafficking in Human Beings Directive (2011/36/EU).

Changes introduced included the following:

- ★ The Consultative Commission on Human Rights has been appointed as national rapporteur;
- ★ If perpetrators are not able to pay the compensation to the victims, the Government will provide for it;
- ★ The obligation to appoint a guardian if there is a presumed minor victim.

Two Grand-Ducal regulations have been adopted in 2014. The first one established that unaccompanied minor victims of trafficking are entitled to appropriate housing. The second regulation defined the structure and the missions of the **Committee to monitor trafficking in human beings**. A main focus will be

put on anti-trafficking trainings, awareness rising, and establishment of a national referral mechanism.

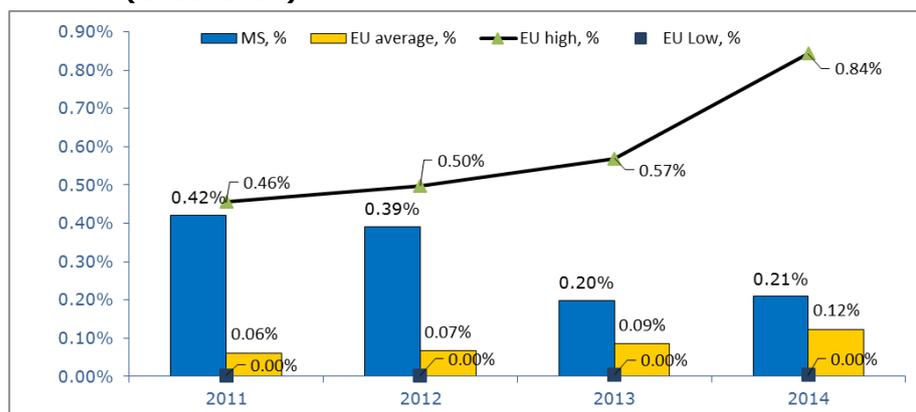
STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Luxembourg on aspects of migration and asylum (2011-2014), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "**N/I**" and when statistics are not applicable, this is indicated as "**N/A**".

Statistical Annex: Immigration and Asylum in Luxembourg (2011-2014)

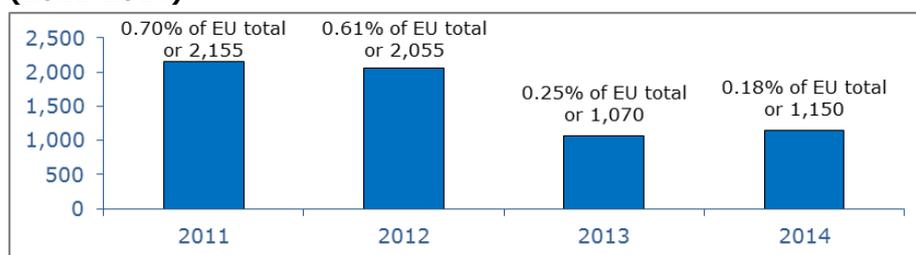
1. COMMON EUROPEAN ASYLUM SYSTEM

Figure 1: Asylum applications as a share of the total population in Luxembourg, EU average and EU high and low (2011-2014)



Source: Eurostat migration statistics (migr_asyappctza), data extracted 20/07/2015

Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2011-2014)



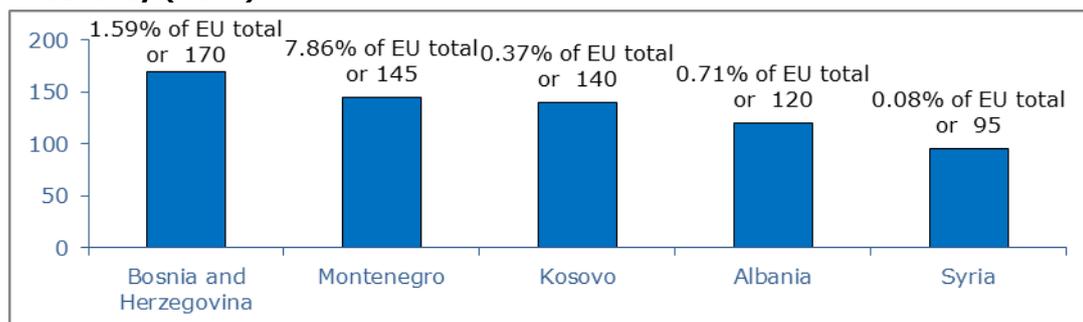
Source: Eurostat migration statistics (migr_asyappctza), data extracted 21/07/2015

Table 1: Asylum applications: Top five third-country nationalities (2011-2014)

2011			2012			2013			2014		
Nationality	Nr	% of total									
Serbia	950	44%	Serbia	385	19%	Kosovo	160	15%	Bosnia and Herzegovina	170	15%
FYROM	450	21%	Albania	305	15%	Bosnia and Herzegovina	145	14%	Montenegro	145	13%
Kosovo	140	6%	Montenegro	290	14%	Montenegro	115	11%	Kosovo	140	12%
Montenegro	105	5%	Bosnia and Herzegovina	285	14%	Albania	75	7%	Albania	120	10%
Bosnia and Herzegovina	50	2%	Kosovo	210	10%	Serbia	60	6%	Syria	95	8%

Source: Eurostat migration statistics (migr_asyappctza), data extracted 21/07/2015

Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2014)



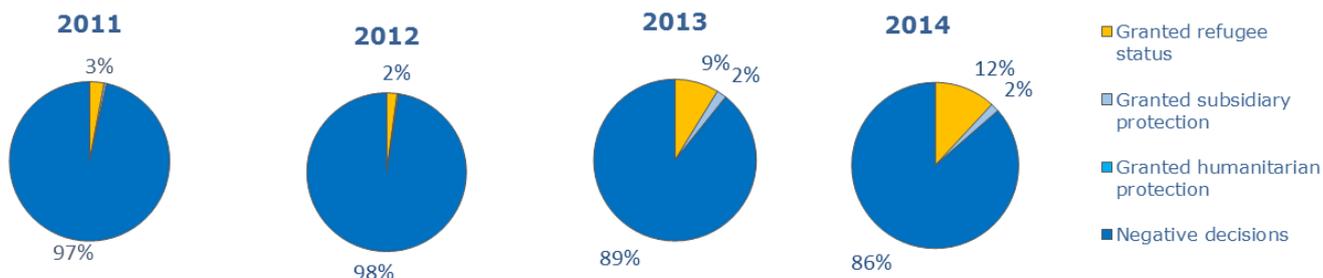
Source: Eurostat migration statistics (migr_asyappctza), data extracted 21/07/2015

Table 2: Asylum applications - First instance decisions by outcome (2011-2014)

	Total decisions	Positive decisions	Of which:		Humanitarian reasons	Negative decisions
			Refugee status	Subsidiary protection		
2011	1,020	35	30	5	N/I	985
2012	1,650	40	35	5	N/I	1,610
2013	1,250	130	110	25	N/I	1,120
2014	885	120	105	15	N/I	765

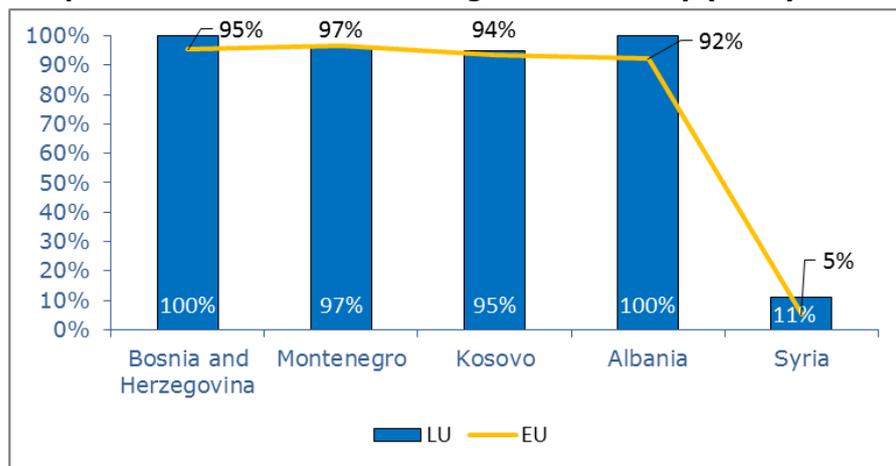
Source: Eurostat migration statistics (migr_asydcfsta), data extracted 22/07/2015.

Figures 4-7: Asylum applications - First instance decisions by outcome (2011-2014)



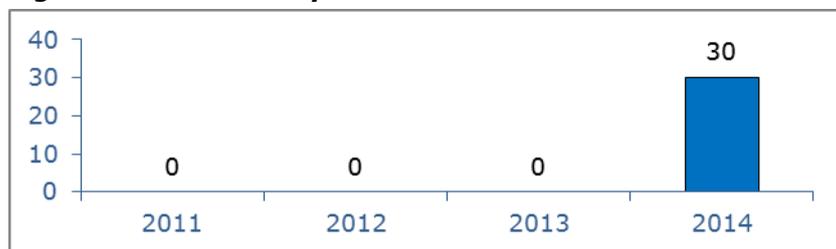
Source: Eurostat migration statistics (migr_asydcfsta), data extracted 22/07/2015

Figure 8: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2014)



Source: Eurostat migration statistics (migr_asydcfsta), data extracted 23/07/2015

Figure 9: Third-country nationals resettled



Source: Eurostat migration statistics (migr_asyresa), data extracted 23/07/2015

2. UNACCOMPANIED MINORS

Figure 10: Unaccompanied minors applying for asylum (2011-2014)

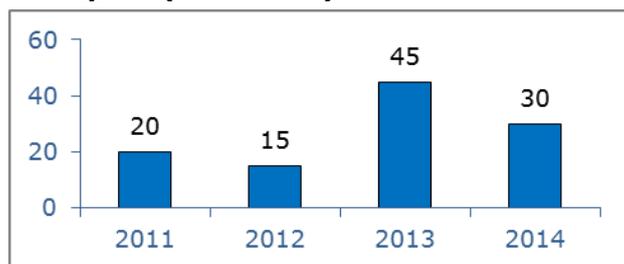


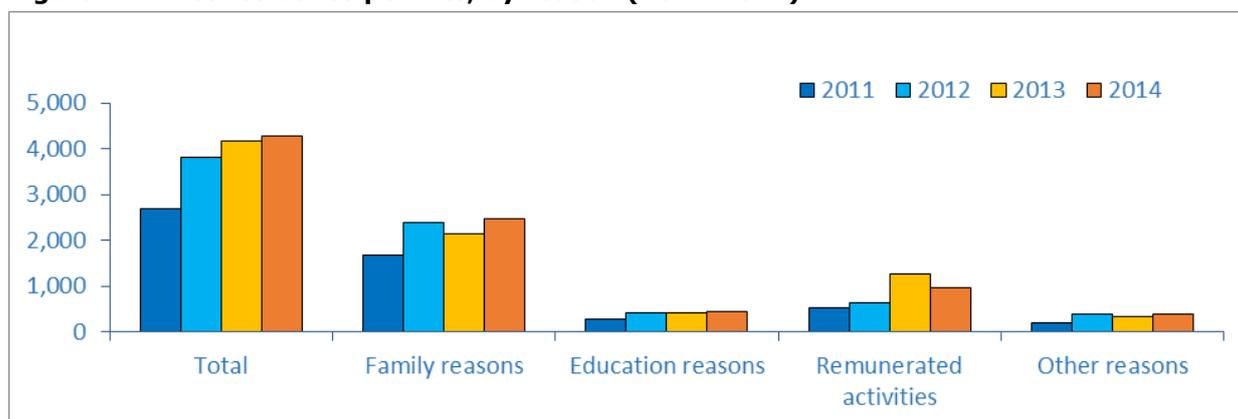
Table 3: Unaccompanied minors (2011-2014)

	2011	2012	2013	2014
Unaccompanied minors (total)	N/A	N/A	N/A	N/A
Unaccompanied minor asylum applicants	20	15	45	30

Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) [migr_asyunaa], data extracted 23/07/2015

3. EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION

Figure 11: First residence permits, by reason (2011-2014)



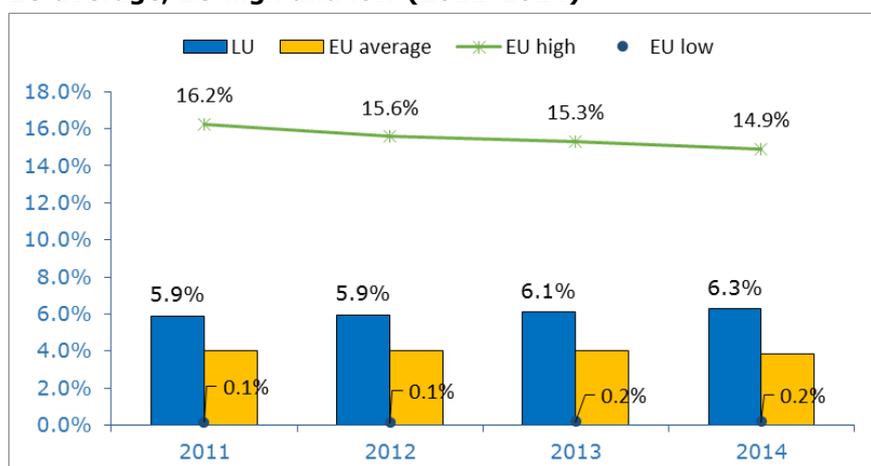
Source: Eurostat (migr_resfirst), data extracted 26/08/2015

Table 4: First residence permits: Top five third-country nationalities (2011 – 2014)

2011	2012	2013	2014
1. USA – 317	1. USA – 577	1. USA – 643	1. USA – 665
2. Cape Verde – 184	2. China – 285	2. China – 472	2. China – 387
3. Brazil – 165	3. Montenegro – 267	3. Brazil – 271	3. India – 256
4. Montenegro – 158	4. Cape Verde – 220	4. Montenegro – 265	4. Russia – 241
5. China – 151	5. Brazil – 204	5. Cape Verde – 207	5. Cape Verde – 201

Source: Eurostat migration statistics (migr_resfirst), data extracted 26/08/2015

Figure 12: Resident population of third-country nationals as a share of total population in Luxembourg, EU average, EU high and low (2011-2014)



Source: Eurostat migration statistics (migr_pop1ctz), data extracted 23/07/2015

4. IRREGULAR MIGRATION AND RETURN

Table 5: Number of third-country nationals refused entry at external borders (2011 – 2014)

Third country nationals:	2011	2012	2013	2014
Refused entry at external borders	0	5	0	5
Found to be illegally present	N/I	N/I	260	440
Ordered to leave	NA	1,945	1,015	775
Returned following an order to leave	345	1,010	605	605

Source: Eurostat migration statistics (migr_eirfs)(migr_eipre)(migr_eiord)(migr_eirtn) , data extracted 24/07/2015

Table 6: Third-country nationals returned (2011-2014)

	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2011	25	525	100
2012	142	1593	94
2013	84	595	116
2014*	153	488	183

Source: EMN Country Factsheet 2013 and *EMN Annual Policy Report on Immigration and Asylum 2014, Statistic Annex

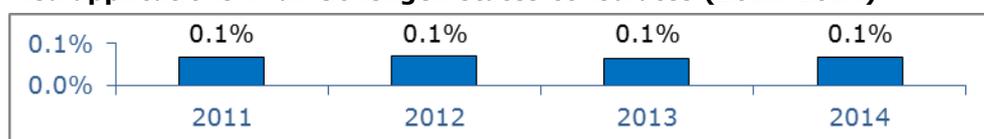
5. SECURING EUROPE'S EXTERNAL BORDERS

Table 7: Number of Schengen visas applications (2011 – 2014)

	2011	2012	2013	2014
Uniform visas (short-stay visas)	9,051	10,555	11,222	11,567

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

Figure 13: Uniform visa applications received in Luxembourg as a share of the total number of uniform visa applications in all Schengen states consulates (2011-2014)



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

Table 8: Top five countries in which the highest number of visa applications for Luxembourg was lodged (2011-2014)

2011		2012		2013		2014	
Country	Number	Country	Number	Country	Number	Country	Number
Russia	5,275	Russia	5,297	Russia	5,932	Russia	5,518
China	2,666	China	3,444	China	2,699	China	2,024
United Kingdom	535	United Kingdom	485	Turkey	972	India	1,282
Thailand	211	Turkey	474	United Kingdom	488	Turkey	1,214
USA	180	USA	246	United Arab Emirates	321	United Kingdom	521

Source: DG Migration and Home affairs

6. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

Table 9: Number of traffickers arrested as suspects and traffickers convicted

	2011	2012	2013	2014*
Convictions	N/I	N/I	N/I	7
Arrested / otherwise involved in a criminal proceeding	N/I	N/I	N/I	2

Source: *EMN Annual Policy Report on Immigration and Asylum 2014, Statistic Annex

7. ASYLUM AND MIGRATION EU FUNDING SOURCES (2007-2013 AND 2014-2020)

Table 10: Asylum, Migration and Integration Fund (AMIF) allocation to Luxembourg in euro per area

Areas	AMIF 2014-2020
Asylum	1,435,000
Legal Migration and Integration	2,310,000
Return	2,057,548
Technical Assistance	1,358,028
Special cases (resettlement/transfer)	800,000
TOTAL	7,960,577

Source: DG Migration and Home affairs

Table 11: Internal Security Fund (ISF) allocation to Luxembourg in euro per area

Areas	ISF 2014-2020
ISF Borders	5,400,129
ISF SA Frontex	-
ISF SA Consular cooperation	-
ISF Borders Emergency Assistance	-
ISF Police	2,102,689
TOTAL	7,502,818

Source: DG Migration and Home affairs

Table 12: SOLID funds allocation in euro and share of total funds allocated to Luxembourg (2007-2013)

SOLID FUNDS	2007	2008	2009	2010	2011	2012	2013	TOTAL
European Refugee Fund (ERF)	N/A	548,741 (0.7%)	542,076 (0.6%)	495,818 (0.5%)	469,934 (0.5%)	457,520 (0.4%)	583,761 (0.5%)	3,097,852 (0.5%)
European Return Fund (RF)	N/A	318,475 (0.6%)	341,178 (0.6%)	344,079 (0.4%)	341,495 (0.3%)	358,506 (0.2%)	389,252 (0.2%)	2,092,985 (0.3%)
European Fund for the Integration of TCN (EIF)	526,951 (0.8%)	532,848 (0.7%)	545,981 (0.6%)	554,531 (0.5%)	566,121 (0.4%)	587,899 (0.4%)	719,033 (0.4%)	4,033,365 (0.5%)
External Borders Fund (EBF)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)

Source: DG Migration and Home affairs