



# COUNTRY FACTSHEET: LUXEMBOURG 2016

## 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 2016, including latest statistics.

### 1. International Protection including Asylum

With regard to the **reception of applicants for international protection**, the maximum ceiling for persons admitted within first arrival reception centres was reduced from 600 to 300 people. In case of absolute emergency, the government may nevertheless decide to temporarily increase its reception capacity.

The influx and change in profile of applicants of international protection, as well as the changes to the legislative framework have led the Directorate of Immigration to proceed to a number of changes. On 1 January 2016, a new section was created and incorporated into the Asylum Unit of the Directorate of Immigration. This section is responsible for all Country of Origin Information related work.

Furthermore, the Asylum Unit of the Directorate of Immigration has proceeded to the reorganisation of its structure by creating geographical sections for interviewers and decision-makers. The geographical sections are the following: Africa, North Africa, Western Balkan, Asia, and Middle East.

As to **relocation and resettlement**, in 2016, 106 persons were relocated from Greece, and 61 persons from Italy. Under the EU-Turkey Agreement of 18 March 2016, Luxembourg pledged to accept the resettlement of a total of 190 people. By the end of 2016, 52 Syrians had been resettled. In addition, Luxembourg pledged to the UNHCR to resettle 20 persons by 2017.

In the context of the Hotspot-Relocation Operating Plans, four experts were deployed to Italy and Greece. In addition, Luxembourg has funded several interpreters under the EASO Hotspot Operating Plan in Greece.

### 2. Unaccompanied Minors and other Vulnerable Groups

Out of 105 **unaccompanied minors** who filed for international protection registered as UAM, 54 absconded before having introduced an application for international protection. One of the major challenges continues to be the age determination of unaccompanied minors.

As for **other vulnerable groups**, a mechanism for identifying signs of persecution was put in place. A medical expert from the National Health Laboratory with knowledge concerning the Istanbul Protocol can be consulted in case of need. Furthermore, doctors can be consulted and evaluate the special procedural guarantees that an applicant could need.

### 3. Legal Migration and Mobility

#### 3.1. ECONOMIC MIGRATION

As part of Luxembourg's overall aim to diversify the country's economy and attract investors, an amendment to the **Immigration law was introduced in May 2016**.<sup>1</sup> The law amended the provisions for the entry and stay of certain categories of third-country nationals, including the following changes:

- ★ transposed the **Seasonal Workers Directive** (Directive 2014/36/EU) and the **Inter-Corporate Transferees Directive** (Directive 2014/66/EU);
- ★ introduced an authorisation of stay for **investors**;

<sup>1</sup> Adopted with the Law of 8 March 2017 amending 1) the amended law of 29 August 2008 on the free movement of persons and immigration; 2) the amended law of 28 May 2009 on the Detention Centre; 3) the law of 2 September 2011

regulating the access to the professions of craftsman, merchant, industrialist and certain liberal professions, Memorial A N°298, 20 March 2017.

- ★ softened conditions for family reunification (especially for salaried and independent workers);
- ★ amended the conditions of entry and stay of independent worker in order to facilitate the entry and stay of corporate officers or managers
- ★ allows the third-country national who is a corporate officer or manager of a corporation for which s/he is the holder of an authorisation of establishment and of a ministerial accreditation and holds a labour contract, to apply for an European Blue Card residence permit or a transferred salaried worker permit;
- ★ allowed third-country national **students** to change their status after graduation and facilitate access to the labour market abrogating the maximum duration of stay to 2 years;
- ★ increased the period of validity of the **EU Blue Card** residence permit from two to four years for some sectors;
- ★ included individuals holding a residence permit for medical treatment and the new category of 'seasonal worker' to the list of categories of third-country nationals **not authorised to change their status** during their stay. The intention is to avoid a circumvention of the conditions for the admission of "regular" salaried workers.
- ★ introduced the **mechanism for continuation of activity site** which allows registered entities situated in a third country to continue their activities on Luxembourgish territory if a **major incident** (geopolitical incident, data processing incident or natural disaster) occurred in the country of origin and grant the affected third-country national workers a "salaried worker" residence permit, valid for one year at most and renewable for one year upon request.

In November 2016, the law **on the recognition of professional qualifications**, transposing the EU Directive on the Recognition of Qualifications (Directive 2013/55/EU), entered into force.<sup>2</sup> The law applies only to those third-country nationals who have a valid residence permit, who are beneficiaries of international protection and who applied for an authorisation of stay under the amended law of 29 August 2008 on the free movement of persons and immigration and who fulfil all the conditions for obtaining the requested authorisation subject to the recognition of professional qualifications for the pursuit of the activity concerned.

<sup>2</sup> Law of 28 October 2016 on the recognition of professional qualifications, Memorial A n°231, 2016. URL : <http://legilux.public.lu/eli/etat/leg/loi/2016/10/28/n2/jo>

By limiting the scope of application, Luxembourg intends to minimise any practice whereby third-country nationals without any economic link with Luxembourg would apply for recognition, in order to facilitate their access to another European market.

### 3.2. FAMILY REUNIFICATION

The amendment to the immigration law provides **for immediate family reunification** of third-country national family members with their sponsors that fulfil the conditions of appropriate accommodation, health insurance and sufficient, regular and stable resources, fixed by law. It abolishes the one-year waiting period for the sponsor's spouse, registered partner or minor child after the granting of the sponsor's residence permit. This right was previously reserved for some categories only (such as EU Blue Card holders). However, the condition is maintained for the ascendants of the sponsors.

Furthermore, the law provides for a **quicker processing** for family members of EU Blue Card holders (six months) and holders of an intra-corporate transferee (ICT) or mobile ICT residence permit (three months), compared to the regular maximum processing time of nine months.

The Law of 23 May 2016 recognises **same-sex marriages** celebrated abroad even in cases where the national law of one of the contracting parties prohibited this form of marriage, including those that had been contracted before such marriages were authorised in Luxembourg (i.e. prior to January 2015). The same applies to the recognition of adopted children by a same-sex couple.

### 3.3. MANAGING MIGRATION AND MOBILITY<sup>3</sup>

The Visa Information System (VIS) roll-out was completed in February 2016 and all stations connected to the VIS were operational. An offline procedure was developed in view of enrolling applications in case of a temporary disconnection to the main server.

## 4. Integration

In order to facilitate integration of third-country nationals, **including applicants and beneficiaries of international protection**, the government has taken a set of measures especially in the field of language learning, these included:

- ★ organisation of specialised reception classes for newly arrived foreign pupils, including children of migrants and of applicants for international protection.

<sup>3</sup> "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

The aim is to reinforce their linguistic skills and enable them to integrate into the regular education system at primary and secondary school level;

- ★ access to professional training through apprenticeships in high-tech professions in the English language is planned;

Furthermore, in July 2016 the Minister for National Education **proposed a reform to the system of post-primary education** that would lead to further diversification of the educational offer, taking the heterogeneity of the pupils into account. It also foresees the introduction of three national education mediators, one of whom would be in charge of issues related to the integration of migrant children.

In April 2016, the **Luxembourgish Centre for Integration and Social Cohesion (LISKO)** opened, aiming at catalysing the integration of beneficiaries of international protection into society through social care and promoting social cohesion.

On 1 July 2016, the towns and municipalities union (SYVICOL) and the Luxembourgish Reception and Integration Agency (OLAI) published a practical guide that is intended as a tool to accompany municipal authorities in establishing a Communal Integration Plan that covers all domains of communal life.

On 24 March 2016, bill n°6977<sup>4</sup> on the Luxembourgish nationality was sent to the Parliament with the purpose of reforming the Law of 23 October 2008 by promoting the societal and political integration of foreigners and to strengthen cohesion within the national community. The bill also introduces new scenarios to avoid cases of statelessness.

During 2016, Luxembourg continued to negotiate and sign bilateral agreements on social security matters with third countries, for example in 2016 agreements were reached with Albania and the Philippines.

## 5. External Dimension of EU Migration Policy

No new developments were reported in 2016.

## 6. Irregular Migration and Return

### 6.1. THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION

No facilitators of irregular migration were detected in 2016.

### 6.2. RETURN OF IRREGULAR MIGRANTS

The amendment to the immigration law foresees to **extend the permitted period of detention** for families with children from the current 72 hours to seven days with the intention to improve the organisation of the return and ensure that the return will be carried out successfully.

Since 1 December 2016, Kosovar nationals who voluntarily return to Kosovo are no longer eligible for pre-departure financial assistance nor financial aid for reintegration. However, they are still provided with assistance for obtaining travel documents, as well as assistance during the return journey, which is organised by the International Organisation for Migration.

The agreement between the Benelux countries and Kazakhstan was approved by a new law. It creates the legal framework and the procedure for readmission of persons in irregular residence, be they nationals, third-country nationals or stateless persons.

## 7. Actions against Trafficking in Human Beings

In 2016, Luxembourg carried out a set of measures to combat trafficking in human beings, for example:

The inter-ministerial committee on combating human trafficking was finalising a **national action plan** against trafficking and a handbook on the identification referral, assistance and support of victims for all authorities concerned.

Under Luxembourg's presidency of the Benelux, all three governments signed a declaration of intent in December 2016 regarding cooperation in the fight against human trafficking. The declaration covers cooperation across relevant bodies and services, exchange of best practices, and the organisation of common training.

In June 2016, two ministers presented their **strategy on prostitution**, consisting of a bill and the first national action plan. The bill foresees, among other things, to penalise clients in cases of victims of **sexual exploitation**. It furthermore foresees the creation of synergies with the inter-ministerial committee on trafficking.

### STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Luxembourg on aspects of migration and asylum (2013-2016), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A"

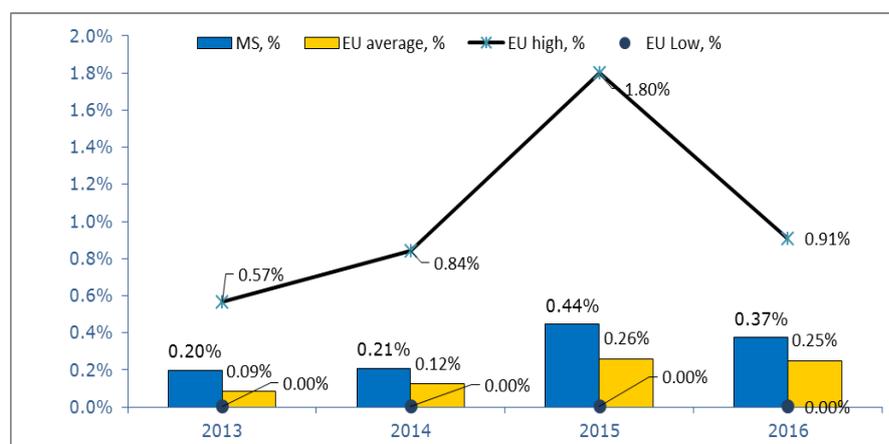
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<sup>4</sup> On 9 February 2017, bill n°6977 was passed in Parliament with 57 votes in favour and 3 votes against. Adopted with the Law of 8 March 2017

# Statistical Annex: Migration and Asylum in Luxembourg (2013-2016)

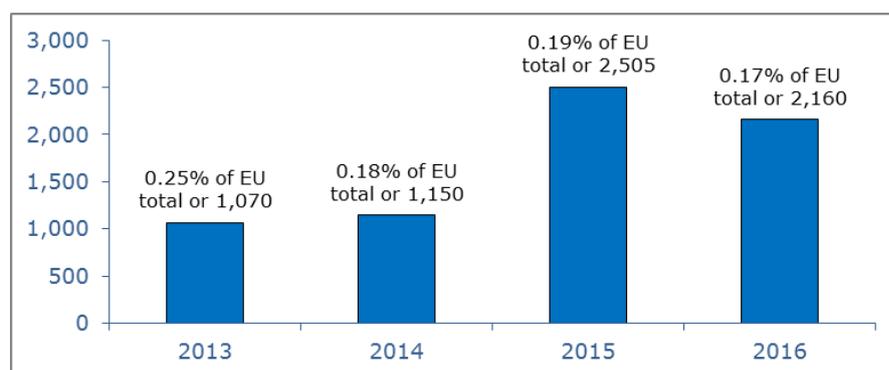
## 1. INTERNATIONAL PROTECTION AND ASYLUM

**Figure 1: Asylum applications as a share of the total population in Luxembourg, EU average and EU high and low (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#))<sup>5</sup>, data extracted 02/08/2017

**Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 17/04/2017

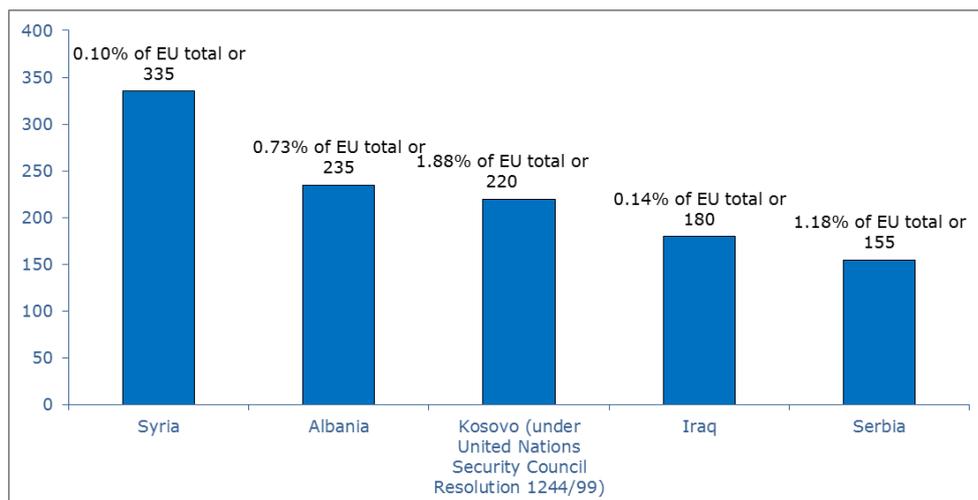
**Table 1: Asylum applications: Top five third-country nationalities (2013–2016)**

| 2013                   |     |            | 2014                   |     |            | 2015        |     |            | 2016        |     |            |
|------------------------|-----|------------|------------------------|-----|------------|-------------|-----|------------|-------------|-----|------------|
| Nationality            | No. | % of total | Nationality            | No. | % of total | Nationality | No. | % of total | Nationality | No. | % of total |
| Kosovo                 | 160 | 15%        | Bosnia and Herzegovina | 170 | 15%        | Syria       | 635 | 25%        | Syria       | 335 | 16%        |
| Bosnia and Herzegovina | 145 | 14%        | Montenegro             | 145 | 13%        | Iraq        | 545 | 22%        | Albania     | 235 | 11%        |
| Montenegro             | 115 | 11%        | Kosovo                 | 140 | 12%        | Kosovo      | 235 | 9%         | Kosovo      | 220 | 10%        |
| Albania                | 75  | 7%         | Albania                | 120 | 10%        | Afghanistan | 220 | 9%         | Iraq        | 180 | 8%         |
| Serbia                 | 60  | 6%         | Syria                  | 95  | 8%         | Albania     | 155 | 6%         | Serbia      | 155 | 7%         |

Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 02/08/2017

<sup>5</sup> Figures regarding the total population were extracted from Eurostat ([demo\\_gind](#))

**Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 02/08/2017

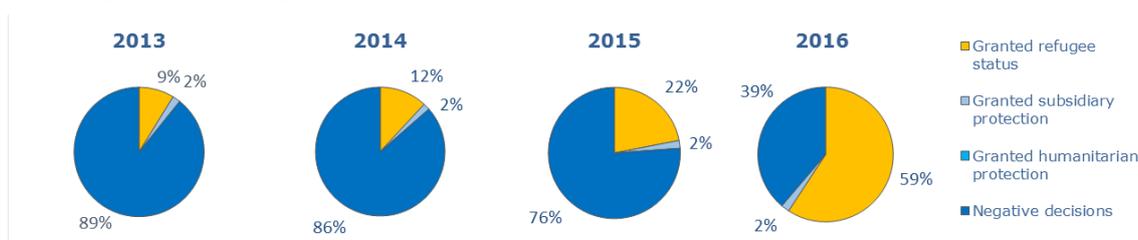
Note: the figure reads as: Luxembourg received 335 asylum applications from Syrians or 0.10% of all asylum applications lodged by Syrians in EU in 2016.

**Table 2: Asylum applications - First instance decisions by outcome (2013-2016)**

| Year | Total decisions | Positive decisions | Of which:      |                       | Humanitarian reasons | Negative decisions |
|------|-----------------|--------------------|----------------|-----------------------|----------------------|--------------------|
|      |                 |                    | Refugee status | Subsidiary protection |                      |                    |
| 2013 | 1,245           | 130                | 110            | 25                    | N/A                  | 1,115              |
| 2014 | 885             | 120                | 105            | 15                    | N/A                  | 765                |
| 2015 | 775             | 185                | 170            | 15                    | N/A                  | 590                |
| 2016 | 1,255           | 765                | 740            | 25                    | N/A                  | 485                |

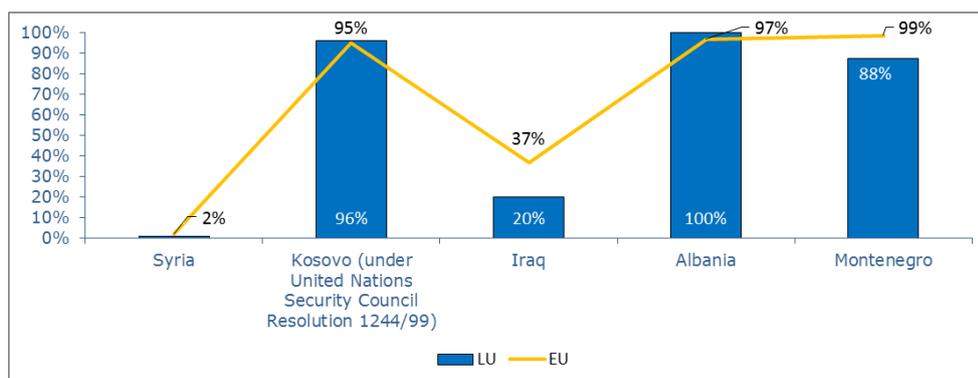
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 02/08/2017

**Figures 4-7: Asylum applications - First instance decisions by outcome (2013-2016)**



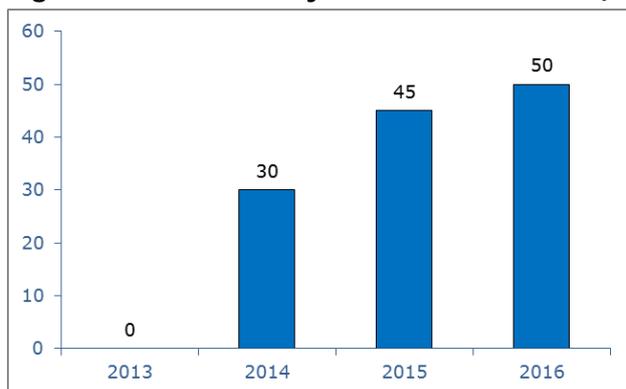
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 02/08/2017

**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 (2016)**



Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 02/08/2017

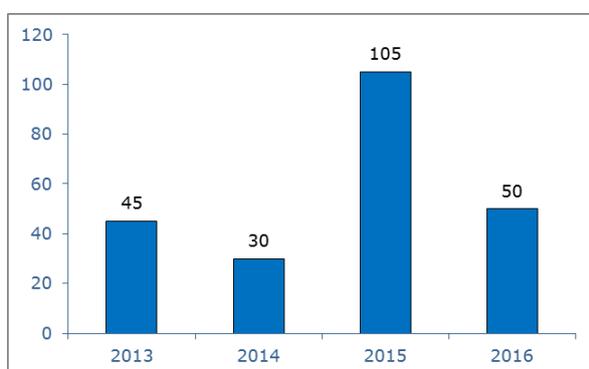
**Figure 9: Third-country nationals resettled (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyresa](#)), data extracted 09/05/2017

## 2. UNACCOMPANIED MINORS

**Figure 10: Unaccompanied minors applying for asylum (2013-2016)**



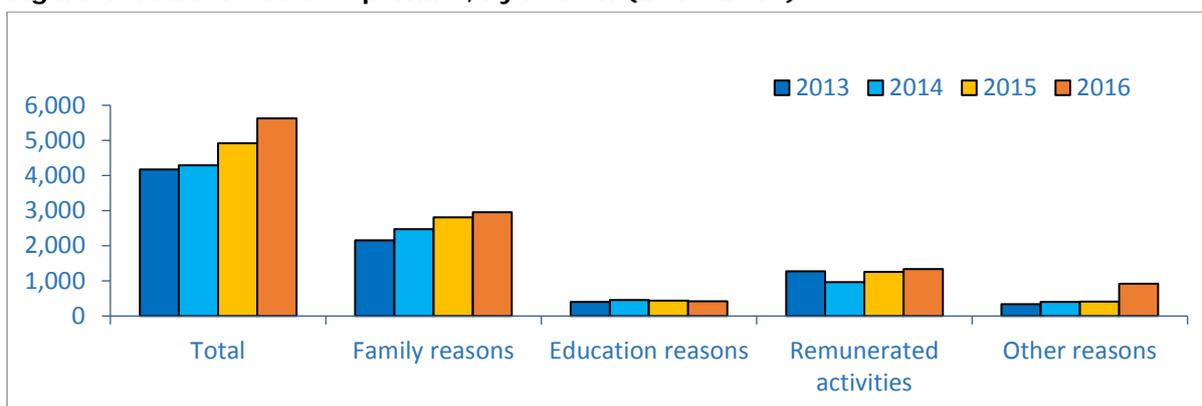
Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr\\_asyunaa](#)), data extracted 17/04/2017; EMN NCPs

**Table 3: Unaccompanied minors (2013-2016)**

|                                       | 2013 | 2014 | 2015 | 2016 |
|---------------------------------------|------|------|------|------|
| Unaccompanied minors (total)          | N/A  | N/A  | 103  | N/A  |
| Unaccompanied minor asylum applicants | 45   | 30   | 105  | 50   |

## 3. LEGAL MIGRATION AND MOBILITY

**Figure 11: First residence permits, by reason (2013-2016)**



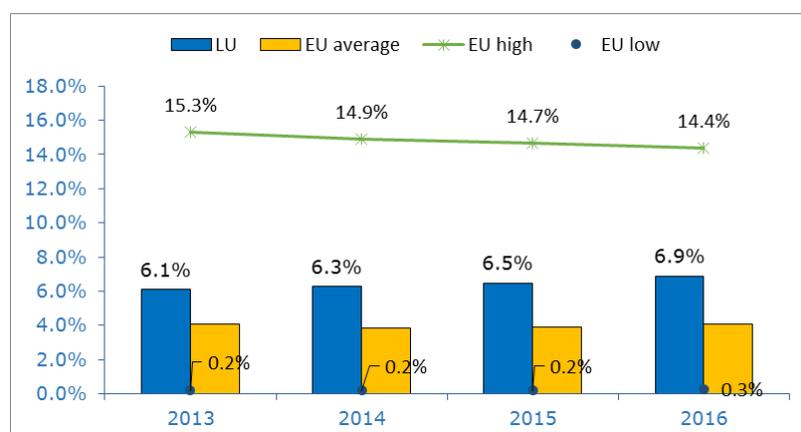
Source: Eurostat ([migr\\_resfirst](#)), data extracted 17/04/2017; 2016 data is provisional and provided by the EMN NCP.

**Table 4: First residence permits: Top five third-country nationalities (2013–2016)**

| 2013                    |        | 2014                    |        | 2015                    |        | 2016                    |        |
|-------------------------|--------|-------------------------|--------|-------------------------|--------|-------------------------|--------|
| Nationality             | Number | Nationality             | Number | Nationality             | Number | Nationality             | Number |
| United States           | 643    | United States           | 665    | United States           | 598    | Syria                   | 532    |
| China (incl. Hong Kong) | 472    | China (incl. Hong Kong) | 387    | China (incl. Hong Kong) | 525    | China (incl. Hong Kong) | 483    |
| Brazil                  | 271    | India                   | 256    | India                   | 355    | United States           | 479    |
| Montenegro              | 265    | Russia                  | 241    | Russia                  | 276    | India                   | 423    |
| Cape Verde              | 207    | Cape Verde              | 201    | Montenegro              | 250    | Russia                  | 258    |

Source: Eurostat migration statistics ([migr\\_resfirst](#)), data extracted 02/08/2017

**Figure 12: Resident population of third-country nationals as a share of total population in Luxembourg, EU average, EU high and low (2013-2016)**



Source: Eurostat migration statistics ([migr\\_pop1ctz](#)), data extracted 17/04/2017

#### 4. IRREGULAR MIGRATION AND RETURN

**Table 5: Number of third-country nationals refused entry at external borders (2013–2016)**

| Third country nationals:             | 2013  | 2014 | 2015 | 2016 |
|--------------------------------------|-------|------|------|------|
| Refused entry at external borders    | 0     | 5    | 5    | 10   |
| Found to be illegally present        | 260   | 440  | 190  | 140  |
| Ordered to leave                     | 1,015 | 775  | 700  | 655  |
| Returned following an order to leave | 605   | 605  | 720  | 410  |

Source: Eurostat migration statistics ([migr\\_eirfs](#))([migr\\_eipre](#))([migr\\_eiord](#)),([migr\\_eirtn](#)) data extracted 09/05/2017

**Table 6: Third-country nationals returned (2013-2016)**

| Year | Returned as part of forced return measures | Returned voluntarily | Returned through an Assisted Voluntary Return Programme |
|------|--|----------------------|---|
| 2013 | 84   | 595                  | 116   |
| 2014 | 153  | 488                  | 183   |
| 2015 | 176  | 617                  | 142   |
| 2016 | 113  | 456                  | 234   |

Source: EMN NCPs

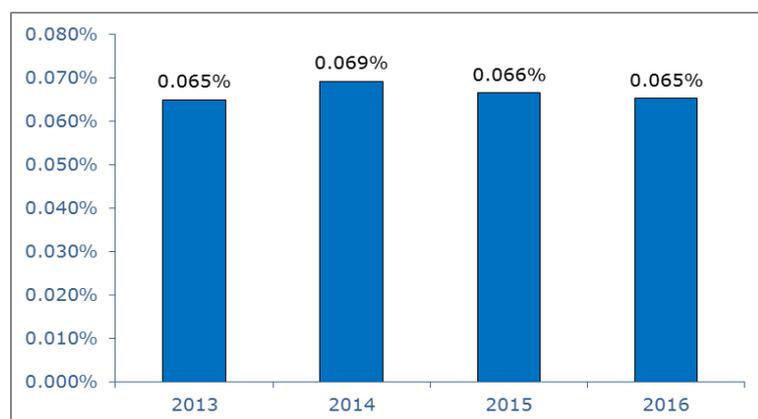
## 5. SECURING EUROPE'S EXTERNAL BORDERS

**Table 7: Number of Schengen visas applications (2013–2016)**

|   | 2013   | 2014   | 2015   | 2016  |
|---|--------|--------|--------|-------|
| <b>Uniform visas (short-stay visas)</b> | 11,222 | 11,567 | 10,267 | 9,902 |

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

**Figure 13: Uniform visa applications received in MS as a share of the total number of uniform visa applications in all Schengen states consulates (2013-2016)**



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 MS was lodged (2013-2016)**

| 2013                        |        | 2014                  |        | 2015                      |        | 2016                      |        |
|-----------------------------|--------|-----------------------|--------|---------------------------|--------|---------------------------|--------|
| Countries                   | Number | Countries             | Number | Countries                 | Number | Countries                 | Number |
| <b>Russia</b>               | 5,932  | <b>Russia</b>         | 5,518  | <b>Russian Federation</b> | 4,006  | <b>Russian Federation</b> | 3,525  |
| <b>China</b>                | 2,699  | <b>China</b>          | 2,024  | <b>China</b>              | 2,251  | <b>China</b>              | 2,518  |
| <b>Turkey</b>               | 972    | <b>India</b>          | 1,282  | <b>India</b>              | 1,373  | <b>India</b>              | 1,580  |
| <b>United Kingdom</b>       | 488    | <b>Turkey</b>         | 1,214  | <b>Turkey</b>             | 1,371  | <b>Turkey</b>             | 1,456  |
| <b>United Arab Emirates</b> | 321    | <b>United Kingdom</b> | 521    | <b>United Kingdom</b>     | 457    | <b>United Kingdom</b>     | 546    |

Source: DG Migration and Home affairs