

## Integration of applicants for international protection in the Luxembourgish labour market

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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 Adolfo Sommarribas and Zane Rozenberga, staff members 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), Anne Koch (Directorate of Immigration, Ministry of Foreign and European Affairs), François Peltier and Charlie Klein (STATEC), Dr. Jacques Brosius (Department of Integration, Ministry of Family Affairs, Integration and the Greater Region), 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 Department of Integration of the Ministry of Family Affairs, Integration and the Greater Region, the Department of Adult Education of the Ministry of Education, Children and Youth, the National Employment Agency, Asti, Caritas, CEFIS and CLAE have been consulted.

## EMN Luxembourg study for 2022

# Integration of applicants for international protection in the Luxembourgish labour market

*Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN Study. The EMN Luxembourg 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 contribution** 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. Please add any innovative or visual presentation that can carry through into the study as possible infographics and visual elements.*

*Please provide a concise summary of the main findings of Sections 1-5:*

Labour market in Luxembourg is characterised by a high number of cross border workers from France, Belgium and Germany, which represent 46,7% of the labour force of the country. While third-country nationals comprise only 4,8% of the total workforce. These numbers do not allow for targeted labour market integration policy addressing third-country nationals or, even more specifically, applicants for international protection.

The legal framework in Luxembourg does not allow applicants for international protection to access the labour market directly. It is only possible after six months from filing the application, if the application has not been decided and this lack of decision cannot be attributed to the applicant. This period of six months, when the applicant can not access the labour market, is seen by civil society as one of the main challenges with regard to labour market integration of applicants for international protection. At the same time, this is not the only restriction which regulates the access to the labour market for applicants for international protection. After the six months, applicant for international protection has to apply for a temporary work permit (AOT), find an employer who would be willing to employ him/her with the AOT and also pass the labour market test. This lengthy and rather complicated procedure can be considered as one of the reasons why the number of first-time AOTs issued in Luxembourg is very low (around 10 permits per year).

The lack of knowledge of official languages has been identified as one of the difficulties for newly arrived applicants for international protection.<sup>1</sup> At the same time multilingualism is another very specific characteristics of Luxembourg labour market and society in general. Country has three official languages – French, German, Luxembourgish. While in the world of work, depending on the sector or nationality of the company, the working language may be Luxembourgish, French, German, English or even Portuguese.<sup>2</sup> Therefor knowledge of at least one official language is important requirement for the person to be able to enter the labour market.

Currently the only permanent integration measure available to applicants for international protection is Accompanied Integration Pathway (PIA). Learning the national and administrative languages and understanding of the everyday life in Luxembourg are two constituent elements of the PIA. The linguistic component of PIA is focussed on literacy or beginner French courses. While PIA is not directly aimed at integration into the labour market of applicants for international protection, it does provide information on employability during the information sessions on life in Luxembourg (civic component).

Other integration measure for applicants for international protection are implemented on project basis.

## **Section 1: Integration of applicants for international protection - data and debates**

*This section aims to provide an overview of the main trends with regard to international protection applicants, as well as present information on public debates (if any).*

### **Q1. Please provide an overview of the main trends (number of applications for international protection, age, sex, citizenship) in international protection applicants in your country in the period January 2017-June 2022 as extracted from Eurostat and included in the statistical Annex.**

In Luxembourg number of asylum applicants was gradually decreasing in the period from January 2017 to 2021 (see Figure 1). The most significant decrease (51,7%) was experienced in 2020 – the year marked by the Covid-19 pandemic.

Based on the European Commission's recommendation to introduce a temporary restriction of non-essential travel from third countries into the EU<sup>3</sup>, the external borders of Schengen closed on 17 March 2020 for a period of 30 days.<sup>4</sup> At the same time and due to the increasing number of Covid-19 infections, Luxembourg declared a state of crisis on 18 March 2020.<sup>5</sup> Therefore, starting from 18 March 2020 at 18:00 for a period of one month – renewable, the Government of Luxembourg decided that third-country nationals would no longer be able to enter the territory.<sup>6</sup> Nonetheless, certain categories of third-country nationals were exempt from this rule, including people wishing to apply for international protection or for other humanitarian reasons.<sup>1</sup>

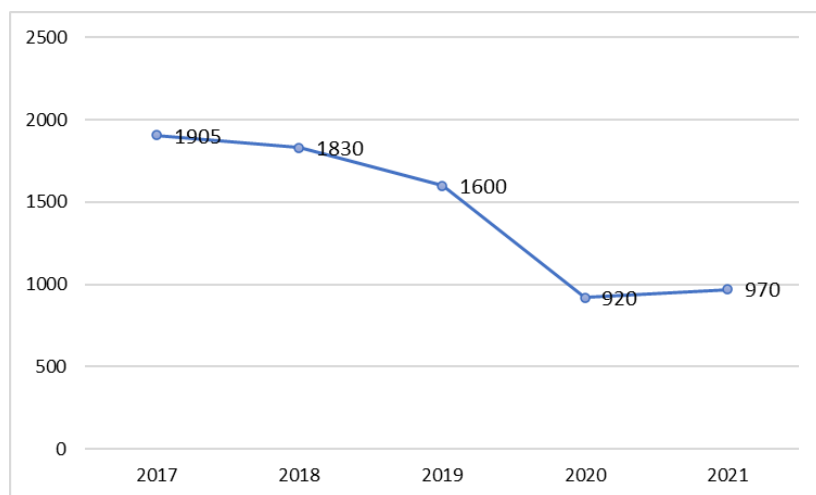
When looking at the available Eurostat data for 2022 (first six months of the year), it can be expected that the total number of asylum applicants in Luxembourg by the end of the year will be significantly higher than during the two years of Covid-19 pandemic. It is also expected that the number will exceed the figures of 2017.

According to the Eurostat data, by the end of June 2022, 685 persons had applied for asylum in Luxembourg. As indicated in the Figure 1, in the two previous years (2020 and 2021 respectively), the number of asylum applicants in Luxembourg stayed below 1000 applicants per year.

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<sup>1</sup> More information on the restrictions introduced by Luxembourg due to Covid-19 can be found in the EMN Luxembourg Annual Report on Migration and Asylum 2020 <https://emnluxembourg.uni.lu/annual-report-on-migration-and-asylum-2020/> and the EMN Luxembourg Annual Report on Migration and Asylum 2021 <https://emnluxembourg.uni.lu/emn-luxembourg-annual-report-on-migration-and-asylum-2021/>

Figure 1: Number of asylum applicants in Luxembourg (2017 – 2021)



Source: Eurostat [[MIGR\\_ASYAPPCTZA](#)] @ EMN Luxembourg

In the reporting period covered by the study, majority of asylum applicants in Luxembourg were men. Slight increase in female applicants can be observed over the years. In 2017, 17,37% of the overall number of applicants were females while in 2021 this percentage had increased to 31,44% (see Table n°1).

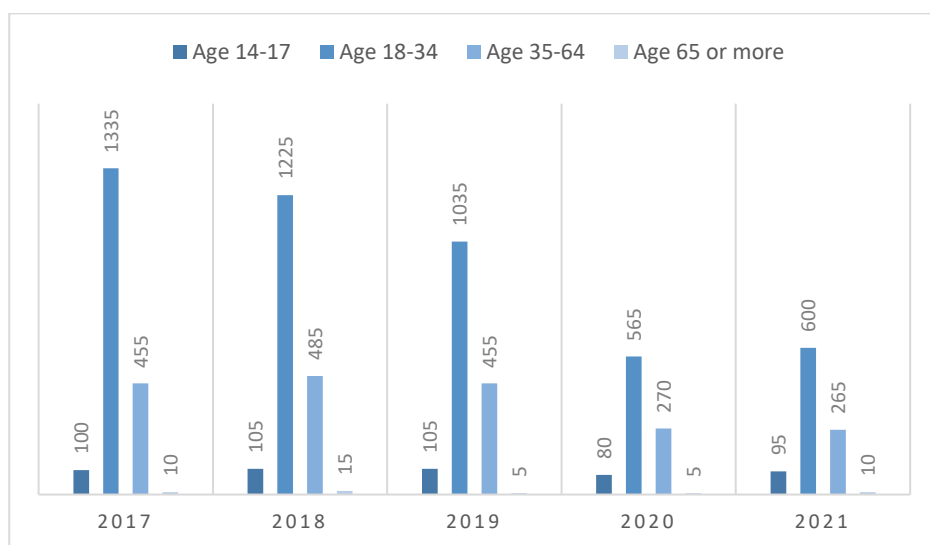
Table n°1 Asylum applicants in Luxembourg by sex (2017 – 2021)

Year	2017	2018	2019	2020	2021
Overall number of asylum applicants	1900	1830	1600	920	970
% of female asylum applicants	17,37 %	22,13%	29,69%	27,17%	31,44%
% of male asylum applicants	82,89%	77,05%	70,31%	73,37%	68,04%

Source: Eurostat [[MIGR\\_ASYAPPCTZA](#)] @ EMN Luxembourg

Asylum applicants in Luxembourg are mainly aged between 18 to 34 years. The least represented age group is 65 years and more (see Figure 2).

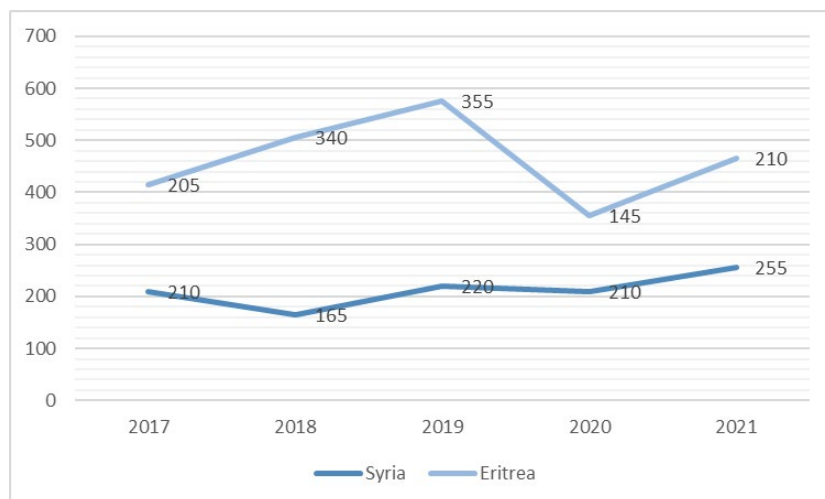
Figure 2: Number of asylum applicants in Luxembourg by age groups (2017 – 2021)



Source: Eurostat [[MIGR\\_ASYAPPCTZA](#)]@ EMN Luxembourg

When looking at the countries of citizenship of the asylum applicants, **Syria** and **Eritrea** are the two main countries of citizenship in the period covered by the study. For Syria number of applicants has stayed more or less stable all through the reporting period. While number of applicants from Eritrea went down by 40 % in 2020, 145 applications in 2020 compared to 355 applications in 2019 (see Figure 3), which could be explained by the travel restrictions introduced due to the COVID-19 pandemic. In 2021, the number of applicants from Eritrea was going up, and the trend is also continuing in 2022. In ten months of 2022, 301 applications for international protection were submitted to the Directorate of Immigration by Eritrean nationals.<sup>7</sup>

Figure 3: Number of asylum applicants from Syria and Eritrea (2017 – 2021)



Source: Eurostat [[MIGR\\_ASYAPPCTZA](#)]@ EMN Luxembourg

Since 2019, the third country with the highest number of asylum applicants in Luxembourg is **Afghanistan**. In 2017, there were 30 Afghan asylum applicants in Luxembourg; in 2018, this number went up to 125 applicants (316,7% increase) and continued to grow to 140 applicants (12% increase) in 2020. The number went down again in 2021 to 85 applicants (39% decrease).

In 2021, citizens from 31 countries applied for asylum in Luxembourg. Asylum applicants from Syria, Eritrea and Afghanistan composed more than half (56,7%) of the total applicants.

**Iraq** is another country that has been part of the top ten countries whose citizens have applied for asylum in Luxembourg, it needs to be noted that the number of Iraqi applicants has varied over the years. The highest number of Iraqi nationals (125) applying for asylum in Luxembourg was in 2018, and the lowest (35) in 2020. While in ten months of 2022, there have been no asylum applications from Iraqi nationals in Luxembourg.<sup>8</sup>

In 2017, Luxembourg experienced a growing number of asylum applications from **Georgian** nationals (130). At the same time in 2017, Georgia was added to the list of safe countries of origin and EU-level visa liberalisation with Georgia came into force. Even though the number of asylum applications from Georgian citizens remained the same in 2018 (130), a big part of them was rejected in the context of the ultra-accelerated procedure. This procedure was set up within the Directorate of Immigration in 2017, which provided for shorter deadlines, and applied to nationals of the Western Balkans and Georgia.<sup>9</sup> In the following years number of Georgian citizens applying for asylum in Luxembourg started to rapidly decrease – 30 applications in 2019 and 15 applications in 2020.



Asylum applicants from **Algeria** is another group with changing numbers over the years. In 2017, Luxembourg received 170 asylum applicants from Algeria and since then the number has been steadily going down, reaching 25 applicants in 2021.

**Q2. Is the labour market situation<sup>2</sup> of international protection applicants monitored with official data (gathered by the authorities and reliable)? If so, please provide an overview in terms of indicators that are used in your country, focus on specific groups, data collection intervals etc.**

In Luxembourg, applicants for international protection cannot directly access the labour market. They can do it six months after having filed the application for international protection<sup>10</sup> by applying for a temporary work permit (*autorisation d'occupation temporaire* - AOT) before the National Employment Agency (*Agence pour le développement de l'emploi* - ADEM) if their application has not been decided and this lack of decision cannot be attributed to the applicant.<sup>11</sup> Several conditions have to be fulfilled before an AOT can be issued, the most important being the verification of employment priority for the national or EU workers (labour market test). The AOT's validity is restricted to one single profession with one single employer, and it is valid for six months but can be renewed.<sup>12</sup>

The only data available is the number of AOTs granted to applicants for international protection during a specific period. Implementation of monitoring system would not be considered beneficial given that the number of AOT issued to applicants for international protection (AIPs) is very low.

The ADEM can only supply data for the applicants of international protection registered as job seekers. To get exhaustive information, the data on applicants for international protection of the Ministry of Foreign and European Affairs of Luxembourg would have to be cross referenced with the database of the Joint Social Security Centre (*Centre Commun de la Sécurité Sociale* - CCSS) to assess what percentage works, and within these professionally active people, how many work full and part-time.

**Q3. Are statistics available on applications/grants/refusals of the applications to access the labour market/self-employment as well as the employment rates of applicants for international protection?**

There is information available on the number of AOTs issued for the first time as well as the renewals (See Table n°2).

Table n° 2: Number of AOT (first issuance and renewals) issued to applicants for international protection (2018 - 2021)

Type	2018	2019	2020	2021
First issuance	10	11	9	9
Renewal	14	10	7	10
<b>Total</b>	<b>24</b>	<b>21</b>	<b>16</b>	<b>19</b>

Source: *Directorat of Immigration, 2022 © EMN Luxembourg*

<sup>2</sup> For example: participation rates/unemployment rates of applicants for international protection.

In Luxembourg, the applicant for international protection cannot apply for an AOT for self-employment, as the Reception Law clearly states that the AOT is valid only for a specific employer and for only one profession.

There is no official statistics on the employment rates of applicants for international protection. Seeing the very low figures of the AOTs issued and renewed annually more detailed breakdown of the data would be hardly practicable for reasons of identification of persons and data protection.

**Q4. What are the main public and policy debates regarding applicants for international protection's labour market integration (e.g. time frame for access, opportunities and challenges)?**

The integration of applicants for international protection into the labour market has been an issue of particular concern for civil society during the reporting period (2017 until now).

Calls were made to simplify the procedure of application and issuance of temporary work permit (AOT), which is presently only rarely issued. Simplification of the procedure would facilitate the access of applicants for international protection to the labour market during the procedure.<sup>13</sup>

The Luxembourg Refugee Council (*Collectif Réfugiés Luxembourg* - LFR) also called for a faster access to the labour market, namely as soon as Luxembourg's competence to assess the application for international protection is recognised. In addition, it recommended to remove both the period of validity of the AOT (currently AOT is valid for six months and can be renewed) and the labour market test.<sup>14</sup>

In January 2019, the LFR published a report "Access to the labour market for applicants/beneficiaries of international protection" (*L'accès au marché du travail des demandeurs/bénéficiaires de protection internationale*).<sup>15</sup> In this report the LFR indicated that applicants for international protection and beneficiaries of international protection are placed in a challenging situation, as on the one hand their access to the labour market is restricted, which leads to delayed integration, higher care costs for the State and distrust from public opinion. On the other hand, lack of communication between the partners/institutions and a lack of information increases the period of inactivity, reduces the motivation, as well as leads to the loss of acquired skills. The LFR also analyzed obstacles to labour market integration and existing regulations in other EU Member States. Besides indicating the existing challenges, the LFR provided proposals to improve the situation:

- To have individualised screenings of skills both linguistic and professional of these individuals.
- To organise information workshops on the access to labour market as part of the Accompanied Integration Pathway (*Parcours d'intégration accompagné* - PIA)<sup>3</sup>.

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<sup>3</sup> Accompanied Integration Pathway (*Parcours d'intégration accompagné* - PIA) is carried out in close cooperation by the Ministry of Family Affairs, Integration and the Greater Region and the Ministry of Education, Children and Youth, aims to integrate AIPs and (resettled) BIPs in the first few weeks after their arrival in Luxembourg. It is based on the principle that successful integration rests especially on two elements: Information sessions on everyday life in Luxembourg and linguistic integration courses. While integration policy of Luxembourg is mainstreamed, i.e., targeting both EU and non-EU nationals, the PIA is the only policy tool specifically targeting third-country nationals who applied for or were granted international protection in Luxembourg. More information: Office national de l'accueil, « PIA & cours de langues », URL:

<https://ona.gouvernement.lu/fr/coordination-et-cooperation/communes/tout-savoir-accueil-DPI-BPI-communes/pia-cours-de-langues.html>

- To develop a legal framework to allow applicants for international protection to participate in labour market activation measures (community work, internships, voluntary work for young people etc.).
- To promote access to professional training.
- To reform the procedure for the temporary work permit (AOT).
- To abolish the community preference (labour market test) for applicants for international protection, within 12 months after an application for international protection has been lodged.
- To make AOT more accessible to employers, by establishing a contact point of support, this way encouraging employers to hire applicants for international protection.
- To give greater guarantees to employers who hire young applicants for international protection as part of an internship.<sup>16</sup>

On 12 March 2019, the Minister of Labour, Employment and the Social and Solidarity Economy met with representatives of the LFR, for a first exchange of views on the proposals included in the report.<sup>17</sup> During this meeting, both parties, as well as representatives of the ADEM, among other things, addressed the need for a professional and linguistic skills screening upon the arrival of asylum seekers, and the need for a reform of the AOT. The parties finally stressed the importance of regular dialogue to open up together in favour of the integration of people seeking refuge in Luxembourg.<sup>18</sup> Discussions that took place at the 9th plenary meeting of the Ronnen Dësch also slightly touched upon the question of access to the labour market. The director of the ADEM indicated that the knowledge of French language is essential to enter the labour market.<sup>19</sup>

Access to work was also mentioned by the Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme* - CCDH) in its press release on the reform of the Luxembourg Reception and Integration Agency (OLAI) which later became the National Reception Agency (ONA). The CCDH pleaded for a simplification of the procedure for applicants for international protection to access the labour market and that it should go hand in hand with raising awareness and supporting potential employers. Following the proposals in the Coalition Agreement<sup>20</sup>, the CCDH also invited the Government to simplify the acquisition procedure for AOTs.<sup>21</sup> According to the Coalition Agreement the simplification of the procedure should facilitate access to the labor market for applicants for international protection, while taking into account the specific situation of these persons and avoiding a possible misuse of the international protection procedure in order to access the labor market.

In a joint answer to a Parliamentary Question n°670 of 6 June 2019 on the topic of AOTs, the Minister of Labour, Employment and the Social and Solidarity Economy and the Minister of Immigration and Asylum stated that the Government has taken note of different proposals made by stakeholders, but the way forward has not yet been decided.

Furthermore, the Government is looking at the possibility for employers to offer a paid internship for a limited period of time to applicants for international protection, in order to offer them first-hand experience on the Luxembourg's job market.<sup>22</sup>

During 2020 and 2021 due to the Covid-19 pandemic there was no public debate concerning the access to the labour market for applicants for international protection.<sup>23</sup>

On 5 April 2022, the LFR issued a statement<sup>24</sup> regarding certain points on the persons fleeing Ukraine following the unprovoked Russia's war on Ukraine. One of the main issues was related to the access to labour market for the beneficiaries of temporary protection which indicates: "we are satisfied that access to the labour market will be

facilitated for beneficiaries of temporary protection who will be exempted from the need to apply for the temporary work permit (AOT). They will be able to access the Luxembourg labour market freely.”

However, the statement raised the same criticism concerning the difficulty of accessing the labour market by applicants for international protection. In this regard, the statement indicates:

“we expect a rapid positive development with regards to the access to employment for applicants for international protection who currently have to wait six months before they can apply for a work permit. The obligation to apply for this authorisation (no direct access, even after six months) and the submission to the labour market test are important obstacles.

The authorities informed us that the legislative process is ongoing and that positive developments are foreseen (abolition of the labour market test).

However, the temporary work permit procedure would remain in place and therefore, contrary to our demands, the impossibility of access to the labour market for applicants for international protection before six months into the procedure would also remain.”<sup>25</sup>

On 24 October 2022, during the 13<sup>th</sup> plenary meeting of the NGO *Ronnen Däsch*, representative of the Directorate of Immigration confirmed that a draft bill to reform the procedure on how the AOT is issued is prepared and that the Directorate is waiting on the comments from the Ministry of Labor, Employment and the Social and Solidarity Economy.<sup>26</sup> More over this information has been confirmed by the Minister of Immigration and Asylum in his answer to the Parliamentary Question n°7044, stating that the Government is not planning to abolish the requirement of six months, after the filing of the application for international protection, for obtaining the AOT. However, abolition of the labour market test is foreseen in the draft bill. In his response to the Parliamentary Question the Minister also indicated that applicants for international protection cannot register with the ADEM and therefore cannot benefit from the services offered (including access to ADEM training). A modification of this regulation is not foreseen in the draft bill. As soon as the person is granted international protection status, beneficiaries can register with the ADEM and take advantage of its offers.<sup>27</sup>

## **Section 2: Integration policies in the EMN Member States and Observer Countries**

*This part of the study describes the Member State’s organisational approach towards labour-market integration policy and analyses how applicants of international protection are addressed in national labour market integration policies for third-country nationals.*

### **Q5. Does your state have a specific policy/ strategy to support the labour market integration of third-country nationals? <sup>4 5</sup>**

In Luxembourg the labour market structure is particular in comparison to other Member States. It is an employer-driven system, and the Government has little interference. Also, regarding third-country nationals they represent a minimum part of the active labour population. The labour resident population represents 53,7% of the total labour market population and the cross-border workers represent 46,7%. However, the

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<sup>4</sup> Please note that measures aimed at supporting labour market integration of applicants are discussed in section 4.

<sup>5</sup> Please note that regional/local level strategies/policies should be reported only if national is not available.

Luxembourgers form only 26,2% of the total workforce while the EU citizens represent 69,1% and third-country nationals only 4,8% (see Table n° 3).

The fact that third-country nationals count for less than 5% of the workforce does not allow for the implementation of a specific policy or strategy for the integration of this group. However, within the reporting period, certain attention and actions have been taken for the professional insertion of beneficiaries of international protection into the labour market.

Table n° 3: Employment in Luxembourg by citizenship and country of residence (2021 – 2<sup>nd</sup> quarter of 2022)

Time period	First quarter 2021	Second quarter 2021	Third quarter 2021	Fourth quarter 2021	First quarter 2022	Second quarter 2022
<b>Residents</b>	<b>243 206</b>	<b>246 560</b>	<b>245 183</b>	<b>248 518</b>	<b>250 595</b>	<b>252 161</b>
Luxembourgish residents	120 129	121 489	120 465	122 223	122 872	122 979
Foreign residents (from EU)	103 648	104 980	104 084	105 056	105 716	106 201
Foreign residents (from outside EU)	19 429	20 091	20 634	21 241	22 006	22 981
<b>Non-residents</b>	<b>208 586</b>	<b>211 854</b>	<b>212 965</b>	<b>215 967</b>	<b>218 098</b>	<b>221 317</b>
Belgium	48 921	49 435	49 538	50 100	50 404	50 839
Germany	49 691	50 277	50 546	51 030	51 171	51 557
France	109 974	112 142	112 881	114 837	116 522	118 920
<b>TOTAL</b>	<b>451 792</b>	<b>458 414</b>	<b>458 148</b>	<b>464 486</b>	<b>468 693</b>	<b>473 478</b>

Source: [Statec](#), 2022 © EMN Luxembourg

In Luxembourg, newly arrived applicants for international protection are often confronted with certain difficulties when they start their integration process into the labour market:

- a) lack of knowledge of official languages,
- b) non-recognition of diplomas obtained abroad,
- c) lack of professional experience, and
- d) lack of knowledge of job search techniques.<sup>28</sup>

To address these difficulties, social workers at the National Reception Office (*Office National de l'accueil* - ONA) inform them about the steps to take to obtain an AOT (once the legal minimum time limit has been reached), but applicants for international protection are excluded from registering with the ADEM. This also means that the applicant for international protection has to find an employer who would be willing to hire him with AOT.<sup>29</sup>

There is no labour market integration policy for applicants for international protection as it was mentioned in the answers to Q2 and Q4. The access to the labour market for applicants for international protection remains highly theoretical as the procedure is cumbersome and the incertitude of an eventual positive decision may discourage employers to recruit applicants for international protection. Another negative element is that the AOT is only issued for six months and even though it can be renewed this can also discourage the employers of hiring applicants for international protection as the renewal of the AOT will require additional time.

## **Is there a mainstreaming labour market integration approach applicable?**

There is no mainstreaming labour market integration approach applicable for applicants for international protection.

- i. if no, please provide a reason, if available, and describe briefly how international protection applicants are treated in practice with regard to labour market integration.**

As it was mentioned in answer to Q5.b the access to labour market by the applicants for international protection remains highly theoretical and very few applicants obtain an AOT.

The only strategy that has been introduced during the reporting period that can help the applicants for international protection to integrate into the labour market is the PIA.

On 8 March 2017, the Council of Government approved the introduction of the PIA for applicants for international protection and beneficiaries of international protection. Learning the national and administrative languages and understanding of the everyday life in Luxembourg are two constituent elements of the PIA.<sup>30</sup>

Currently, the PIA does not directly aim at integration into the labour market, even if specific information on employability is transmitted during the information sessions on life in Luxembourg. However, in 2023, as part of an AMIF project, job-specific information sessions will be set up with the help of civil society partners.<sup>31</sup>

Adult participants are invited to participate in the PIA by explaining its added value to them.<sup>32</sup>

The objective of the said program is to provide basic information on Luxembourg as a priority, in order to support integration and empowerment of applicants for international protection and beneficiaries of international protection in Luxembourg society. PIA program is essentially based on two elements:

- learning at least one of the country's administrative languages (French, German, Luxembourgish): language integration course under the responsibility of the Adult Education Department (*Service de l'éducation des adulte (SFA)*) of the Ministry of National Education, Children and Youth (*Ministère de l'Education Nationale, de l'Enfance et de la Jeunesse (MENJE)*).

The language courses offered as part of the PIA are literacy or beginner French courses. In addition to the language classes, information sessions or exchanges about the national school system, the language situation in Luxembourg and culture are provided. The objective of these courses is to provide the opportunity to engage in an education and training process while encouraging autonomy and guiding persons towards a training offer for adults adapted to their needs.<sup>33</sup>

- Understanding the basic principles of "living together" in Luxembourg: introductory sessions to daily life (*séances d'information sur la vie au Luxembourg (SIV)*) under the responsibility of the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region (MIFA).

The Integration Department of MIFA encourages applicants and beneficiaries of international protection to participate in courses and information sessions on the host society while inviting them to engage in their integration journey. This way, they can familiarize themselves with how life works in Luxembourg and discover, step by step, what their rights are, but also what are their duties. Furthermore, this allows them to

gradually develop their capacities for individual action to emancipate themselves in Luxembourg society.

As soon as applicants for international protection do not live in a temporary ONA reception structure, the adult applicants are invited by their social worker to go to the adult training service (SFA). No appointment is needed, people have access to this public facility any day during the opening hours. During this individual session, the applicants give their personal contacts. The education counsellors of *Maison de l'orientation* welcome the adult applicants and take their personal contacts for the further registration. They provide a language test and an individual interview in order to determine the personal and pedagogical needs: literacy, French for beginners or Luxembourgish courses. Their preference (time and place) are documented. Every 6 weeks, new courses start: the applicants will be given an invitation to get their course material (books and writing material) and information just before the beginning of the new courses session.

The participants have the right to visit literacy or French for beginner courses at least one trimester (minimum 120 hours). However, there is no fixed time limit for participants to reach the A1 level, aimed at end of the linguistic sessions. The classes take place in 5 different locations in Luxembourg (Luxembourg-Kirchberg, Diekirch, Ettelbruck/Warken, Esch-sur-Alzette and Esch-Belval). Participants of literacy classes have 11 hours (10 hours in the classroom + 1 hour e-learning) of training per week and the participants of the French for beginners course have 7 weekly training hours (6 hours in the classroom + 1 hour e-learning). The learners will also participate in practical workshops during the courses. The workshops are developed for a wide range of competencies (autonomy, digital competencies, knowledge about Luxembourg etc.) and provide the possibility to use the French language in practical and everyday situations.

The last step of the linguistic component consists in orienting the students towards existing adult language learning offers provided by municipalities, secondary schools or associations. This will allow them to continue on their path of linguistic and professional integration (aiming to reach later on a level B1 or B2, which corresponds to the level required on the job market, to learn a trade or to continue with higher education in Luxembourg). The lifelong-learning website is promoted. It will be a good tool for them to find language course offers.

In addition, adult applicants for international protection are invited to attend information sessions on life in Luxembourg (SIV) organized by the Integration Department of the Ministry of Family, Integration and the Greater Region. The SIV takes place twice a week (Wednesday and Saturday), excluding summer holidays. Therefore, depending on their availability, participants can participate in the Wednesday or Saturday session lasting 6 hours, divided into two parts). During the SIV, participants receive information on various subjects, such as the host country, health, education, work, their rights, and duties or equal opportunities between women and men.<sup>34</sup>

**Q6. Have there been any major changes in the strategy/policy to support the labour market integration of third-country nationals within the temporal scope of the study (January 2017 – June 2022)?**

There have been no major changes in the strategy/policy to support labour market integration of third-country nationals during the temporal scope of the study.

However, in the case of beneficiaries of temporary protection there have been certain actions taken by the Government to integrate them in the labour market. By way of exception, the Government decided to guarantee free access to the labour market - an even more favourable provision for refugees from Ukraine. They can immediately access the labour market. They can be hired directly under statutory employment contracts

(permanent/temporary/temporary work), subject to the legal provisions of the Labour Code.

Employers who wish to hire beneficiaries of temporary protection from Ukraine must register their vacancies with the ADEM following the usual procedure. When filling in the declaration of a vacant position, employers should make sure that they choose the public publication of their job notification in order to guarantee that jobseekers from Ukraine can access it directly on the public website of ADEM's JobBoard.<sup>35 36</sup>

**Q7. Are specific governance structures in place to support the labour market integration of international protection applicants?**

No.

**Section 3: Accessing the labour market (employment and self-employment)**

*This part of the study describes how applicants of international protection can access the Member States' and Observer Countries' labour markets as well as enter self-employment.*

**Section 3.1. Procedures for accessing the labour market**

**Q8. Please describe the procedure required to enter the labour market/self-employment for an applicant for international protection in your state.**

**a. Does your state regulate differently access to employment or self-employment?**

Yes, as mentioned before, the Reception Law only authorises applicants for international protection to access the labour market as salaried workers but not as self-employed workers.<sup>37</sup>

**b. Please provide in your response an overview of the applicable legal framework and make a clear distinction between what is prescribed in laws, policy documents and practice.**

Article 6 of the Reception Law and article L.622-4 of the Labour Code lay down the procedure so that an applicant for international protection can access the labour market.

If six months after the application for international protection has been submitted the Directorate of Immigration of the Ministry of Foreign and European Affairs has not made a decision, the AOT may be granted to the applicant.<sup>38</sup> Provided that the applicant is not responsible for the delay in the decision taking.

It is the responsibility of the applicant for international protection, together with a company or employer wishing to employ him/her, to submit this application for an AOT to the ADEM.

All employers must declare the vacancy to the ADEM before considering hiring an applicant for international protection. The ADEM is involved in this procedure with an advisory opinion. The ADEM will conduct a labour market test and notify the Directorate of Immigration. If ADEM has not proposed a candidate that matches the requested profile after three weeks, the applicant for international protection may submit his or her AOT request.<sup>39</sup>



The AOT is granted or refused by the Minister of Immigration and Asylum of Luxembourg.

The AOT is valid for a single profession and a single employer and is valid for a maximum period of 6 months, renewable.<sup>40</sup> It does not give the right to a residence permit, nor to the granting of any full unemployment benefits.<sup>41</sup>

The AOT is no longer valid when the application for international protection is definitively rejected or cancelled. It will be withdrawn in case:

- if the beneficiary works in a different profession to that authorised;<sup>42</sup>
- if the beneficiary fraudulently resorted to dishonest practices or incorrect declarations to obtain it.<sup>43</sup>

### Section 3.1.1. Employment (If the access is regulated differently for employment and self-employment)

#### **Q9. What is the minimum period from lodging an application for international protection after which an applicant has access to the labour market? <sup>6</sup>**

As it was mentioned in the answer to Q8, the minimum period is six months. Any application before this period is declared inadmissible.<sup>44</sup>

#### **Q10. Please describe the reasoning related to the minimum period of accessing the labour market and conditions of access to the labour market/self-employment.**

Since the access to the labour market was introduced by article 14 of the amended law of 5 May 2006 on the right of asylum and complementary forms of protection (transposing article 11 of the Reception Conditions Directive), the legislator wanted to distinguish between applications for international protection and immigration, in order to prevent the former from becoming a means of accessing the latter.<sup>45</sup>

Article 6 of the amended law of 18 December 2015 on reception of applicants for international protection and temporary protection is the transposition of article 15 (1) of the Reception Conditions Directive Recast (2013/33/EU).<sup>46</sup> The legislator justified this minimum period stating that "where the Minister has not made a decision on the application for nine months (later amended to six months) and the delay cannot be attributed to the applicant, the applicant has access to the labour market."<sup>47</sup> The legislator makes clear that "... applicants cannot obtain a true work permit, but a specific permit called "temporary work permit", issued under the specific conditions ...which provide, among other things, priority in hiring of citizens of the European Union."<sup>48</sup>

#### **Q11. Is the right to access the labour market automatic after a specified period?**

No, there is no right to access the labour market automatically. To access the labour market, person needs to receive an AOT<sup>49</sup> as it was explained in the answer to Q8.

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<sup>6</sup> According to the Reception Conditions Directive Recast (2013/33/EU) article 15(1) Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

**Q12. What kind of documents are necessary in order to access the labour market?<sup>7</sup>**

The applicant must provide the following documents when applying for an AOT:

- the AOT application form;
- a copy of the certificate of filing an application for international protection<sup>50</sup>;
- if applicable, a copy of the certificates attesting to the applicant's professional qualification;
- a CV of the applicant;
- an explanatory letter from the employer justifying the employment of the applicant;
- a copy of the employment contract;
- a certificate of affiliation of the Joint Centre for Social Security (in case of renewal of the AOT).<sup>51</sup>

**Q13. Is a work permit or another type of administrative application/decision necessary for accessing the labour market?**

Yes.

- a. if yes, please specify:
  - i. who is required to submit the application, the applicant/employer/jointly by both?

Both. (See answer to Q8)

- ii. which authority is responsible for granting access to the labour market?

The Ministry in charge of Immigration<sup>52</sup> through the Directorate of Immigration (See answer to Q8).

- iii. what are the criteria for obtaining the work permit?

To obtain the work permit the vacancy has to be declared by the employer to the ADEM.

The ADEM will conduct a labour market test (for more information on the labour market test see Q19 a) if the ADEM within three weeks has not offered the employer a candidate fulfilling the profile required for the declared position, the employer may request a certificate certifying to him the right to recruit, for this post, the person of employers choice. In this case the applicant for international protection.<sup>53</sup>

Afterwards employer together with the applicant submits to the ADEM documents that have been listed in Q12.

The employer issues the AIP an employment contract.

- iv. what is the average duration of the procedure to grant access to the labour market? If applicable, please also add any official time limits according to law/policy.

There is no information available on the average duration of the procedure as this is done on a case-by-case basis, and the number of AOT granted yearly is very low. Neither the Immigration Law<sup>54</sup> nor the Reception Law established a deadline for the Directorate of Immigration to issue an AOT.

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<sup>7</sup> According to Reception Conditions Directive Recast (2013/33/EU) article 6, Member States shall ensure applicants have a document that proves they are applicant.

### Section 3.1.2. Self-employment (if the access is regulated differently for employment and self-employment)

#### **Q14. Is self-employment of international protection applicants permitted in your state?**

No, self-employment of international protection applicants is not permitted in Luxembourg.

### Section 3.2. Conditions and limitations in accessing the labour market

Please provide a reference to the legal base (where relevant, linking it to what is described in Q8, if applicable, and make a clear distinction between what is prescribed in laws, policy guidance and practice).

#### **Q15. If applicable, please describe the period of validity and conditions of the authorisation to access the labour market/self-employment.**

As mentioned in Q8, the AOT is valid for a single profession and a single employer and will be issued for a maximum period of 6 months, renewable.<sup>55</sup> It does not give the right to a residence permit,<sup>56</sup> nor to the granting of any full unemployment benefits.<sup>57</sup>

#### **Q16. Is the authorisation limited to certain employment sectors or occupations? In other words, are applicants for international protection excluded from some labour market sectors or from certain occupations?**

Yes, applicants for international protection do not have access to the public sector.<sup>58</sup> This means that an applicant for international protection cannot become a civil servant or public service employee.

#### **Q17. Is employment restricted to a single employer?**

Yes, the AOT is limited to a single employer and for only one profession.<sup>59</sup>

#### **Q18. If applicable, please describe the conditions and procedures of the renewal of the authorisation to access the labour market. Are they the same for all employment sectors and occupations?**

The Reception Law foresees the renewal of the AOT if a final decision is not taken regarding the application for the international protection.<sup>60</sup> However, the AOT may be renewed<sup>61</sup>:

- a) during appeal procedures, when an appeal against a negative decision to refuse the application for international protection has suspensive effect. The renewal will be valid until the moment of notification of the final decision issued by the administrative court that has acquired the force of *res judicata*;
- b) in the event of an exceptional extension of the deadline for the obligation to leave the territory for a rejected asylum seeker<sup>62</sup> in accordance with the Immigration Law.<sup>63</sup>

**Q19. Does your Member State give priority to EU and EEA citizens (Art. 15/2 clause 2 of the Reception Conditions Directive Recast (2013/33/EU)) and to other legally resident third-country nationals in accessing the labour market?**

Yes.<sup>64</sup> This priority is given by the Reception Law<sup>65</sup> in referring to the Luxembourg Labour Code<sup>66</sup> and it consists of a labour market test:

The employer must declare the post vacancy at the ADEM in order to allow the labour market test to be made. This test consists in verifying if the vacancy can be filled with a person available on the local or European labour market. If ADEM cannot come up with a candidate that has the required profile within three weeks, the employer can ask the ADEM for a certificate to attest that he may employ a person of his choice for the vacant post. The employer signs a work contract with the worker s/he plans to employ. The starting date on the contract may mention "as soon as the work permit is obtained". The employer gives the original of the certificate to the third-country national who will enclose it in the application for the AOT.<sup>67</sup>

**Q20. Are there any other limitations in place, either in law or in specific measures relating to applicants of international protection for accessing labour market / self-employment?**

No.

***Section 4: Support measures to enhance labour market integration and self-employment***

*This part of the study looks at examples of labour market integration measures targeting applicants of international protection.*

Please indicate (where applicable) in the table below the main policy or legislative measures,<sup>8</sup> and their rationale and aims, that make up your policy / strategy (according to answer to Q5 above) to support the labour market integration/self-employment of applicants for international protection, by integration area. Please focus on measures that specifically aim at facilitating labour market access for the international protection applicants.

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<sup>8</sup> Please make sure legislative and policy actions are distinguished from each other.

<b>Area/component</b>	<b>Overview of the main measures</b> Please describe the rationale, scope and aim under each area.	<b>Stakeholders</b> Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	<b>Target group</b> Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
1. Language acquisition	Yes.  This is done in the framework of the PIA (See answer to Q5) but these measures are not directly related to labour market integration.	The Department of Adult Education (SFA) of the Ministry of Education, Children and Youth (MENJE);  the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region (MIFA)	These measures apply to all applicants for international protection.
2. Vocational education and training (including reskilling schemes)	Yes, but this is not directly related to access to the labour market, as it is considered as educational activity.  In case of an initial training (with school and/or professional training within the company) no need for an AOT.  However, adult learning with vocational training is more difficult to access, person first must be affiliated to the Joint Social Security Center (CCSS) for at least 12 months, continuous or not, for at least 16 hours per week; which requires	Ministry of National Education, Children and Youth  The School Reception Unit for Newly Arrived Students (CASNA).	Pre-vocational and vocational training for young people aged 16 to 18 is available as soon as a sufficient level in languages (French, German, English) is reached. <sup>69</sup>  Skills assessment will be drawn up. Young people will also be informed of the corresponding vocational training opportunities. <sup>70</sup>  Basic training (to improve writing, reading or calculation skills) is available to adult applicants for international protection, but the training is provided in either French or German, therefore applicant needs to be comfortable with one of the two languages. <sup>71</sup>

<b>Area/component</b>	<b>Overview of the main measures</b> Please describe the rationale, scope and aim under each area.	<b>Stakeholders</b> Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	<b>Target group</b> Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
	having been able to work and contribute under the cover of an AOT. <sup>68</sup>		
3. Civic integration courses	Yes. This is done in the framework of the PIA (See answer to Q5) but these measures are not directly related to labour market integration.	Department of Integration of the Ministry of Family Affairs, Integration and the Greater Region and the Ministry of Education through the Adult Education Department (see answer to Q5) but these measures are not related to labour market integration.	These measures apply to all the AIPs.
4. Support for recognition of diplomas, certificates and other evidence of formal qualifications including those formal qualifications that cannot be documented (lost or destroyed in the context of existing procedures for recognition of foreign qualifications) Please note in the overview column if the procedure is a general one or specific to international protection applicants.	No.	N/A	N/A
5. Skill assessments to validate prior (non-accredited) learning and experience	No.	N/A	N/A

<b>Area/component</b>	<b>Overview of the main measures</b> Please describe the rationale, scope and aim under each area.	<b>Stakeholders</b> Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	<b>Target group</b> Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
6. Information and counselling (labour market orientation, tailored advice, other)	Yes.	The social workers of the ONA inform the AIPs on the possibility to access the labour market after 6 months of having filed their application. <sup>72</sup>	This information is provided to all AIPs who are in working age.
7. Incentive measures for employers (e.g. tax reductions, labour matching services, recruitment support)	No.	N/A	N/A
8. Support for self-employment (for example preferential taxation and social security contributions, administrative support with establishing a company etc, business plan development, other).  Please note in the overview column if the support differs from the regular support to self-employment available to national population, EU citizens or other third-country nationals.	N/A	N/A	N/A
9. Indirect support (e.g. childcare, transport)	No.	N/A	N/A

## Section 5: Good practices and challenges

**Q21. What integration support programmes, projects, legislative or other practical initiatives are available that specifically facilitate effective access to the labour market for applicants of international protection and have been identified by experts as a “good practice” in accordance with the definition provided in paragraph 3 “Scope of the study”? Please provide up to three examples (see the templates below and please adjust accordingly).**

At the moment there are no programmes, projects, legislative or other practical initiatives available that specifically facilitate access to the labour market for applicants of international protection and have been identified by experts as a good practice.

Some projects that have been implemented in the past by different non-governmental organisations besides other things have also addressed labour market integration of applicants for international protection. Quite often these projects address applicants for international protection as one of more specific target groups while in general keeping more open focus on migrants in general in some cases also allowing EU nationals to participate and benefit from the project, for example, the project CIAO.

Project which was implemented in two stages – from 2018 to 2019 as ‘CIAO – Contexte d’Inclusion et d’Accueil Organisé’ (‘CIAO – Context of Organised Inclusion and Reception’) by an agreement between ‘Femmes en Détresse’, the Ministry of Equality between Women and Men (MEGA) and the European Social Fund (ESF). Then from 1 January 2020 to 31 December 2021 as project called CIAO! and also implemented by ‘Femmes en Détresse’ and, the MEGA and the National Social Inclusion Office (‘Office national de l’inclusion sociale’ – ONIS) of the Ministry of Family Affairs, Integration and the Greater Region and the European Social Fund (ESF).

This project at both of its stages was generally targeting migrant women, specifically female applicants and beneficiaries of international protection, but was also open to other women for whose integration it might be beneficial (including EU nationals or migrant women who have recently acquired Luxembourgish citizenship). The project provided language training, civic integration and psychosocial integration courses.<sup>73</sup>

It aimed to increase autonomy of the participants while also addressing integration into the labour market. 6 sessions 3 hours each were dedicated to the topic of “Job search and interviews” as well as 4 sessions 3 hours each were dedicated to the topic of “Labour market rights and regulations”.<sup>74</sup>

Another project “Connections” that was implemented for three years (from 2016 to 2018) by non-profit organisation ASTI with the financial support of the Grande Duchesse Charlotte charity was specifically aimed at integration of applicants and beneficiaries of international protection into the labour market by offering information sessions, workshops and unpaid internships in companies. Over the course of the three years project had around 200 participants who attended information sessions and workshops carried out with the free support of companies and institutions active on the labour market.<sup>75</sup>

From January 2019 to June 2021 ASTI implemented another labour market preparation project “Luxwow – Luxembourgish World of Work” was implemented with private funding from Alan & Gill Gray Philanthropy and offered four workshops for refugees and other migrants with a similar aim to help them to enter the labour market. The participants received information on Luxembourg Labour Law, how to write a CV or how to prepare for a job interview. 8 workshop cycles were organized in the course of 2.5 years, 120 people participated in the project.<sup>76</sup>



In January 2022, ASTI with the support of the European Social Fund and the Ministry of Labour launched a new project called "Coach4work". This project provides individualized approach to empower people in their job search in Luxembourg and give them more chances of finding a job or a new professional orientation. Criteria for a person to participate in the project are as follows:

- be looking for a job,
- be at least 18 years old,
- **be authorized to work in Luxembourg** (this means that applicants for international protection without AOT would not be able to participate in the project),
- have at least level A2 in French<sup>77</sup> (this requirement could also limit the access for applicants for international protection).

In 2017 ASTI also organised integration sessions as part of the PIA, 2 integration sessions were offered:

- on the customs and habits in Luxembourg and the cultural codes of living together;
- on the requirements of the labour market and the possibilities of accessing it, organised together with Deloitte

These one-day information sessions were designed in a very simple way mainly using pictograms and considering the knowledge level of the asylum seekers.<sup>78</sup>

Non-profit organisation CLAE is providing digital training for job search to all persons with migrant background including applicants for international protection as well as rejected applicants.<sup>79</sup> CLAE services remained open during the Covid-19 pandemic, while many other institutions and services were closed. Therefore, it was clear that there is a need for special projects dedicated to categories of persons in need, such as migrants with or without a residence permit.<sup>80</sup>

The Covid-19 pandemic led to digitalisation of job offers, creating challenges for certain groups of the population to access the job postings, including persons with migrant background. Very often migrants already have some note very advanced technological tools available to them, for example, a smartphone, but they do not have the knowledge on how to use the available means to support their job search. Therefore CLAE has created a training course that consists of three workshops (two hours each). During the first workshop, participants create personalised CVs and cover letters. Second workshop is dedicated to the creation of an email address and dedicated cloud storage that will be used to store documents useful for finding a job (CV, cover letter, education diplomas, copies of other documents that could be required for a job application). As job applications are increasingly made online on the websites of companies or employment agencies, this aspect is addressed in the third workshop. During the workshop participants also learn how to create their individual profiles on such websites as LinkedIn (employment-oriented online service) or Jobs.lu.<sup>81</sup>

@Job Search Support has been implemented since 2020 with the financial support of the Grande Duchesse Charlotte charity. In 2021, 130 persons participated in the project, but there is no information on how many of these participants were applicants for international protection. The project was relaunched in 2022 also with the financial support of the Grande Duchesse Charlotte charity.<sup>82</sup> In total since 2020, around 400 persons have benefited from the project from which 250 third-country nationals and 100 of them asylum applicants.<sup>83</sup>

Based on the experience that has been gathered during almost two years of @Job Search Support, CLAE has identified that one of the biggest challenges for the newcomers in Luxembourg is to secure the first employment opportunity.<sup>84</sup>

## Section 5: Good practices and challenges

**Q22. What integration support programmes, projects, legislative or other practical initiatives are available that specifically facilitate effective access to the labour market for applicants of international protection and have been identified by experts as a “good practice” in accordance with the definition provided in paragraph 3 “Scope of the study”? Please provide up to three examples (see the templates below and please adjust accordingly).**

At the moment there are no programmes, projects, legislative or other practical initiatives available that specifically facilitate access to the labour market for applicants of international protection and have been identified by experts as good practice.

The measures concerning language training, civic integration as well as digital training (information of different projects is provided in Q21) of which applicants for international protection can benefit are not exclusively designed for them.

**Q23. Are there any specific protocols, synergies between agencies/institutions to support labour market integration of international protection applicants that have been identified as good practices?**

No.

**Q24. What kind of challenges have been identified in your country when it comes to access to the labour market by applicants for international protection? Please provide a distinction<sup>9</sup> between legislative challenges and challenges in practice and specify how those challenges have been identified.**

Information on legal and practical challenges in Luxembourg concerning integration of applicants for international protection into the labour market has been prepared on the basis of the information collected for this study and verified with national stake holders, such as the Directorate for Immigration, the Department of Integration, the ADEM, Caritas, Luxembourg Red Cross, ASTI and CLAE.

Press releases<sup>85</sup>, newsletters<sup>86</sup>, reports<sup>87</sup> of civil society organisations have also been used as sources to identify legal and practical challenges in Luxembourg.

It should be noted that the challenges of labour market integration of applicants for international protection have been addressed in different reports and publications published before the reporting period covered by this study.<sup>88</sup>

### **Legal Challenges:**

The main legal challenges that have been identified when it comes to the access to the labour market by applicants for international protection:

- a) In accordance with the Reception Law applicants for international protection have to wait for a minimum of 6 months to have access to the labour market. Any application before that deadline is inadmissible.<sup>89</sup>

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<sup>9</sup> Where applicable

- b) After the 6 months applicant for international protection does not have immediate access to the labour market because applicant has to apply for the temporary work permit (AOT) that has to be granted by the Minister of Immigration and Asylum through the Directorate of Immigration.
- c) To obtain the AOT the applicant for international protection must pass the labour market test.
- d) When issued AOT is only valid for one profession with one employer.
- e) Applicants for international protection can access the labour market (with AOT) as salaried workers but not as self-employed.
- f) After the AOT has been issued, it is valid only for six months (renewable) which can be considered as a disadvantage by employer as the renewal of the AOT will require additional time and efforts.
- g) If application for the international protection is definitively rejected or cancelled work relationships need to be terminated as well, which means there is no guarantee for the employer that he will not lose the employee do to the negative decision on the application (uncertainty).

### **Practical challenges:**

The main practical challenges are:

- a) The complexity and lengthy procedure to obtain an AOT can be a factor why employers are not willing, are reluctant to hire an AIP.
- b) Short duration and incertitude of the final decision regarding the application for international protection dissuade the employer of hiring AIPs, as these elements can have a disruptive effect in the operations of the employer.
- c) The applicants for international protection cannot register with the ADEM and cannot receive assistance to find an employer who would be willing to employ them with AOT.
- d) Lack of knowledge of the official languages.
- e) Non-recognition of diplomas obtained abroad.
- f) Lack of professional experience.
- g) Lack of knowledge of job search techniques, together with lack of knowledge on how the local labour market functions.<sup>90</sup>
- h) Limited access to vocational and other type of professional, semi-professional training. Very few courses, projects are specifically targeted for the integration of applicants for international protection into the labour market. The courses that are available are mainly on project basis and therefor with limited duration.
- i) Delayed access to the labour market can lead to distrust from local public and overall delayed integration.

## **Section 6: Conclusions**

*This part of the study compiles the main findings from sections 1-5.*

### **Q25. Please synthesise the findings of your national report by drawing conclusions from your responses:**

- a) What are the main trends with regard to the situation of international protection applicants in the context of labour market integration and what are the main debates regarding their labour market integration identified in your country (Section 1)?

The overall trend, based on the information provided by the Directorate of Immigration for the period from 2018 to 2021, is that the number of AOT issued for the first time in

Luxembourg is very low, from 9 to 11 AOTs per year (see Table n°2). The changes in the overall numbers of applicants for international protection do not seem to have a link to the number of issued AOTs. Significant decrease (51.7%) of applications was observed in 2020 (see Figure 1) due to the Covid-19 pandemic, but this did not bring down the number of issued AOTs.

The reasons why the number of issued AOTs has been staying very low in Luxembourg could be that the existing procedure for acquisition of AOT is not only complicated for the applicant for international protection, but also unattractive for the potential employer of the applicant.

This is also supported by the points raised in the public debate by civil society. Some of the points of concern raised by members of civil society have been:

- simplification of the procedure for the AOT,
- long waiting period (6 months) before the person is allowed to apply for AOT,
- existence of the period of validity of the AOT,
- abolition of the labour market test,
- screening of the skills of the applicant, both professional and linguistic.

During two years of Covid-19 pandemic, there was no big public debate on this topic. The debate restarted following the war of Russia on Ukraine and the activation of the Temporary Protection Directive by the Council of the EU. Beneficiaries of temporary protection in Luxembourg are able to access labour market directly, without applying for AOT. This is perceived positively, however, positive developments with regard to applicants for international protection would also be appreciated.

- b) If at all and to what extent are international protection applicants specifically addressed in national integration policies with regard labour market integration (Section 2)? What are the key characteristics of the national integration policies for promoting labour market participation for the applicants of international protection (Section 2) and how is the access to employment and self-employment for applicants of international protection regulated/supported (Section 3)

In Luxembourg there are no integration policies that are specifically addressing integration of applicants for international protection into the labour market. Already implementation of specific labour market integration strategy for third-country nationals in Luxembourg would not be beneficial as third-country nationals comprise less than 5% of the total workforce (see Table n°2).

The only strategy that was introduced during the reporting period and to certain extent can help applicants for international protection to integrate into the labour market is Accompanied Integration Pathway – PIA. Currently, the PIA does not directly aim at integration into the labour market, even if specific information on employability is transmitted during the information sessions on life in Luxembourg and requirement of language knowledge is a decisive requirement to ensure employment.

Nevertheless, in 2023, as part of an AMIF project, job-specific information sessions will be set up with the help of civil society partners.

Access to employment for applicants for international protection is regulated by temporary work permit (AOT). According to the Reception Law applicants for international protection in Luxembourg can only access the labour market as salaried workers but not as self-employed workers.

If six months after the application for international protection has been submitted the Directorate of Immigration of the Ministry of Foreign and European Affairs has not made

a decision, the AOT may be granted to the applicant.<sup>91</sup> Provided that the applicant is not responsible for the delay in the decision taking.

It is the responsibility of the applicant for international protection, together with a company or employer wishing to employ him/her, to submit this application for an AOT to the ADEM.

The AOT is granted or refused by the Minister of Immigration and Asylum of Luxembourg.

- c) To what extent are targeted measures to support labour market participation available in your country, specifically addressing applicants for international protection (Section 4) and what has been identified as challenges as well as good practice in this area (Section 5)?

There are some measures available to support labour market integration of applicants for international protection in Luxembourg. Mainly concerning language training. Knowledge of one or more of the official languages is one of the preconditions to be able to successfully integrate into the labour market.

Vocational training is only available to young people aged 16 to 18 years and only after they have acquired sufficient level in languages (French, German, English) to be able to follow the course. For other applicants of international protection basic training (to improve writing, reading or calculation skills) is available with the same precondition that the person has acquired sufficient level of language knowledge, to be able to follow the course. Access to vocational training for adult applicants for international protection remains only possible on the project basis. As stated by the Minister of Immigration and Asylum in his answer to the Parliamentary Question n°7044 the draft bill does not foresee any changes in the regulation how and when applicants for international protection can register with the ADEM and benefit from the services offered by the ADEM (including access to ADEM training).

Other support programmes are implemented by nongovernmental organisation on project basis.

# ENDNOTES

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