

10. Country Profile: Luxembourg

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10.1. Introduction

The information gathered in this profile is based on three different sources of information:

- Responses returned by the Commissariat du Gouvernement aux Étrangers
- Background information (mainly statistics)
- Information gathered during visits and interviews with key actors in the asylum procedure in Luxembourg.

The visits and interviews in Luxembourg were carried out the 19th June 2000.

The following persons and institutions were visited:

Commissariat du Gouvernement aux Étrangers

Head of Section, Mme. Martin, who also arranged a visit to an asylum centre

Croix Rouge and Collectif réfugié

Heads of Section, respectively M. Baular and M. Crochet.

10.2. Background information on Luxembourg

This part of the profile presents some of the statistical background information regarding the number of applicants, main countries of origin and costs related to hosting the asylum seekers during the pre asylum phase.

10.2.1. Development in number of applicants.

There has been a strong increase in asylum seekers to Luxembourg over the past ten years, from merely 114 in 1990 to almost 3000 in 1999. Since 1998, this has made Luxembourg the EU country with the highest number of asylum seekers per inhabitant.

The changes in the number of asylum applicants from 1990-1999 are shown in the table below:

Table 10.1: Total number of asylum applicants 1990-1999

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
114	238	120	225	165	155	291	431	1709	2921

10.2.2. Number of asylum statuses granted

The change in the number of asylum seekers granted refugee status from 1990-1999 is shown in table 10.2 below. Few asylum statuses overall were granted in the period 1990-1999. However, the number of asylum statuses granted has grown significantly in the last two years (1998 and 1999) in relation to the period 1991-95.

Table 10.2: Total number of statuses granted during 1990-1999

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
	5	1	2	3	2			48	29

10.2.3. Main countries of origin

The main countries of origin/nationality for persons seeking protection in Luxembourg are shown below in table 10.3. During the period 1996-1999 the main nationalities were the former Yugoslavia, Bosnia-Herzegovina, Albania and Macedonia. Recent years have also seen applicants from Russia.

Table 10.3: Changes in country of origin of applicants

Nationality	1996		1997		1998		1999	
	Nationality	Applicants	Nationality	Applicants	Nationality	Applicants	Nationality	Applicants
Ex-Yugo		76	Ex-Yugo	82	Ex-Yugo	1.437	Ex-Yugo	2.612
Bosnia-Herzegovina.		7	Albania	94	Albania	129	Albania	81
Congo		7	Bosnia-Herzegovina.	12	Macedonia	22	Bosnia-Herzegovina.	63
Romania		7	Russia	9	Iraq	19	Macedonia	34
Algeria		6	Georgia	8	Bosnia-Herzegovina.	11	Russia	29

Source: Danish Refugee Council, country report for Luxembourg 2000 and ECRE Country report 1998: Luxembourg

The following table gives an overview of arrivals for the main nationalities:

Table 10.4: Main nationalities and periods of arrival

Arrival periods for the main nationalities		
Ex-Yugoslavia	4049	1989-1999*
Albania	304	1997-1999
Vietnam	283	1979-1982
Iran	155	1982-1986
Czechoslovakia	105	1969-1971
Poland	105	1982,1991-1992
Zaire	95	1991-1993
Chile	84	1974-1977

* Between 1992 and 1995, the vast majority of refugees from former Yugoslavia were received not under the Geneva Convention, but under a special temporary protection regime.

10.2.4. Costs

It has not been possible to obtain any information on costs in relation to the handling of asylum applicants in the pre-asylum phase.

10.3. Organisation of the asylum procedure

Responsibility for the asylum in Luxembourg lies mainly with the Ministry of Justice, which handles the procedure, and with the Government Aliens Commission (Commissariat du Gouvernement aux Étrangers), which comes under the Ministry for Family Affairs. NGOs, in particular the Red Cross and Caritas, play an active part in social and integration assistance.

Overview of the main institutions involved:

1. Ministry of Justice

Responsibilities: Registration of asylum requests (Refugee Reception Office);
Processing and deciding on asylum requests.

2. Consultative Commission for Refugees

Responsibility: At the request of the Ministry of Justice, gives an expert opinion on asylum requests.

3. Government Aliens Commission (under the Ministry for Family Affairs)

Responsibilities: Overall co-ordination of policy in relation to aliens;

Management of activities for the integration of aliens into the Grand Duchy and the social assistance provided for them.

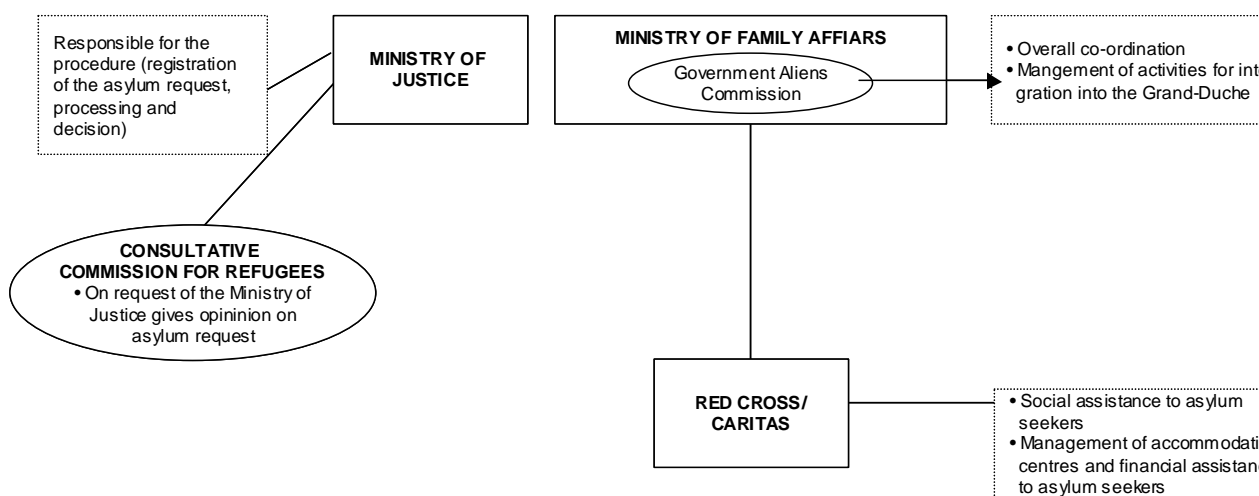
4. Caritas / Red Cross

Responsibilities: Social assistance to asylum seekers;

Administration of the payment of financial assistance to asylum seekers;

Management of accommodation centres.

Figure 10.1: Agencies in the pre-asylum procedure



10.3.1. Co-ordination

Responsibility for the overall co-ordination of asylum matters in Luxembourg has been given to with the Government Aliens Commission (under the Ministry for Family Affairs).

10.4. Legal basis

International Law

- The Geneva Convention of 1951 and New York Protocol of 1967
- The Schengen Agreement and Dublin Convention

National Law

- The Law of 18 August 1996 regarding the entry and residence of aliens in Luxembourg
- The Law of 27 July 1993 regarding the integration of aliens in the Grand Duchy of Luxembourg and the social assistance available to them
- The Law of 18 March 2000:
This modifies the Law of 3 April 1996 on the asylum procedure. Its main elements are:
 - Acceleration of the asylum procedure: Under the law of 1996, the decisions on admissibility and on substance were taken by the Ministry after consultation with the Consultative Commission for Refugees. Under the new law, responsibility for the decision lies solely with the Ministry of Justice. The involvement of the Consultative Commission is now discretionary.
 - Creation of a legal framework for a temporary protection regime for persons fleeing a zone of armed conflict, war or situation of generalised violence
 - Establishment of a status of “tolerance” for rejected asylum seekers who cannot be expelled for practical reasons.

10.4.1. Main changes

There is no information available on any changes in the legal foundations.

10.5. Arrangements immediately upon arrival

The examination of asylum applications falls into two stages, an admissibility procedure and a substantive status determination procedure. In practice they are combined.

Submission of the request:

Aliens may request asylum either at the border or inside the country.

Registration and preliminary interview:

Upon submission of their request, asylum seekers are transferred to the Ministry of Justice’s Refugee Reception Office, located in the centre of Luxembourg City. Here, the asylum application is formally registered and a preliminary interview is conducted by a representative of the Ministry of Justice in the presence of an officer from the “police judiciaries”. The latter has the task of verifying the applicant’s identity and initial statements, as well as taking fingerprints and an identity photo. He may also inter-

view the asylum seeker to gather initial facts, and carry out further interviews during the procedure.

An interpreter and/or lawyer may be provided by the State. If he/she has requested such assistance but no interpreter/lawyer has been provided for the interview, the asylum seeker has the right to remain silent.

Examination of EU Member State Responsibility

During the preliminary interview, the Ministry of Justice examines whether Luxembourg or another EU memberstate is responsible for the request under the Schengen / Dublin procedure. If another state accepts responsibility, the person is transferred there. If the state does not recognize responsibility the asylum seeker's application is processed in accordance with the normal determination procedure.

Examination of the admissibility of the request

Provided that the applicant is not processed under the Dublin Convention, another interview with an officer from the Ministry of Justice takes place at any time between two days and several months after registration of the asylum application. The Ministry of Justice examines the admissibility of the request. If it considers it necessary, it asks the Consultative Commission for Refugees for its opinion. This Commission is composed of a judge acting as a chairman, a representative from the Ministry for Family Affairs and a person designated on the advice of UNHCR.

The Ministry of Justice takes the decision whether the application is

- (a) Not admissible (safe third country)
- (b) Manifestly unfounded (based either on false facts; the applicant has arrived via a country considered safe by Luxembourg; or the applicant is not entitled to protection from persecution under the 1951 Convention.
- (c) Well founded

Applicants, whose application is stated as not admissible or manifestly unfounded, may submit a suspensive appeal to the Administrative Court, which can annul the decision. Negative decisions of the Administrative Court may be further appealed to the Administrative Court of Appeals with suspensive effect. Appeals at both the Administrative Court and Administrative Court of Appeals concern only the legality of the Ministry of Justice's decision. Decisions in the applicant's favour are returned to the Ministry of Justice for reevaluation.

Examination of substance:

A well-founded application is processed under the normal refugee determination procedure. The Ministry of Justice examines the substance of the request. In the event of a negative decision, the applicant may submit a suspensive appeal to the Administrative Court. A further appeal (“recours gracieux”) may be submitted to the Ministry of Justice.

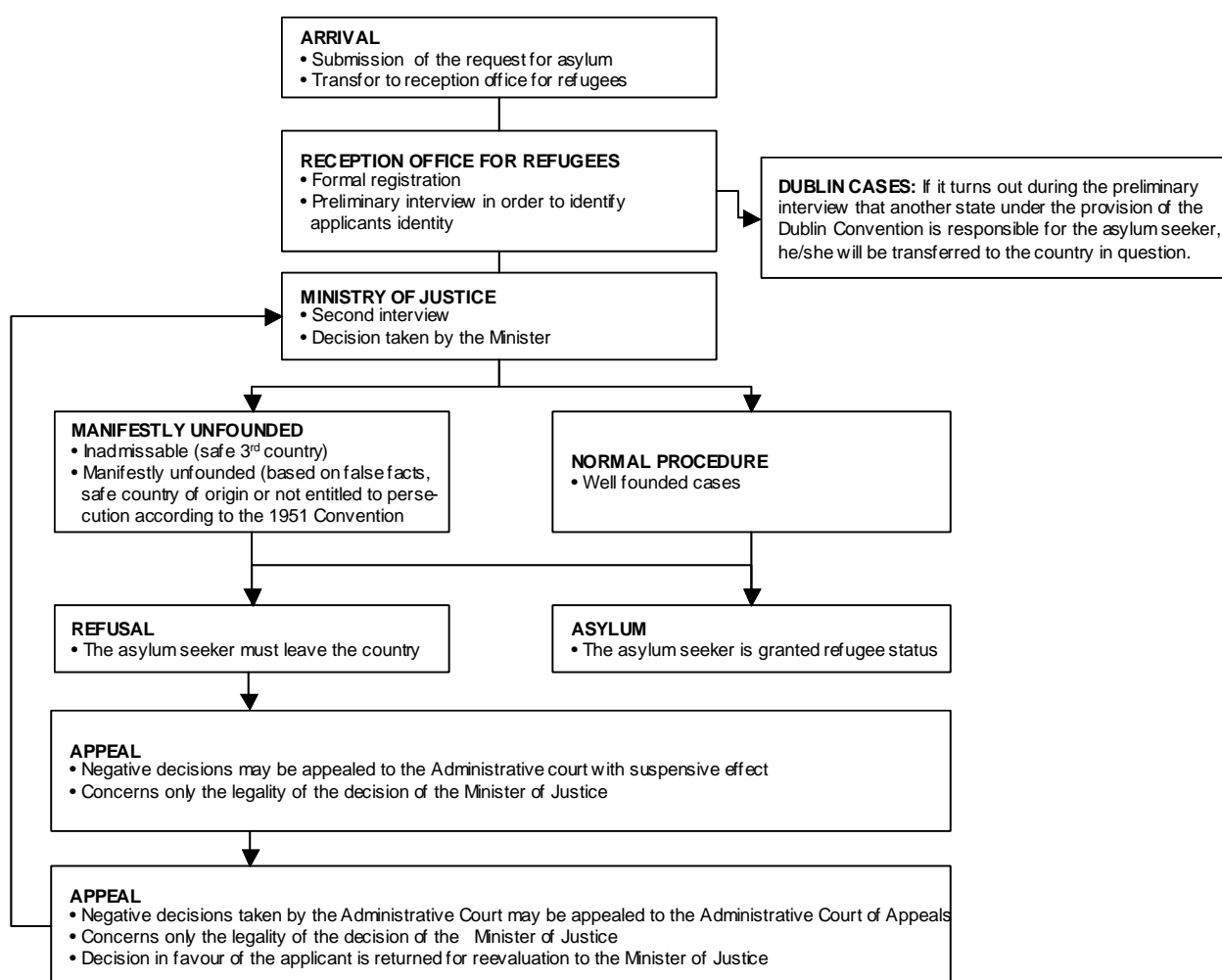
Final Decision

The Ministry of Justice takes the final decision on the case (subject to conforming/reforming appeal decisions by the administrative court). If positive, the applicant is recognised as a refugee.

A refused applicant faces one of three possibilities:

- 1) Immediate expulsion
- 2) Tolerance status while waiting for expulsion
- 3) Granting of a temporary residence permit

Figure 10.2: The asylum and reception procedure



10.6. Accommodation

Luxembourg houses asylum applicants using a mixed system of accommodation centres, hostels and different forms of private accommodation. The accommodation centres are spread across the country, partly in order to follow a policy of distributing the burden of accommodation among communes and avoid creating "hot spots", and partly taking advantage of opportunities to rent empty facilities located in the different regions of the country.

10.6.1. Names and addresses of accommodation and reception centres

The table below lists all the accommodation centres in Luxembourg. Information on capacity has only been provided for accommodation centres exceeding a capacity of

100 persons. The government section of the Family Ministry “Commissariat du Gouvernement aux Etrangers” (CGE) is responsible for the financial aspect and for the managing of the majority of the accommodation centres. Red Cross and Caritas are managing three centres as listed below in the table.

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
Accommodation	“Simmerfarm” Septfontaines	CGE	CGE	
Accommodation	“Tocotel” 470, rte de Longwy Rodange	CGE	CGE	
Accommodation	50, rte du Vin Remerschen	CGE	CGE	
Accommodation	11, Kohnerloch Vianden	CGE	CGE	
Accommodation	20-22, rue de la Poste Colmar- Berg	CGE	CGE	
Accommodation	“Foyer CDC” 74, rue J-P Bausch Esch/Alzette	CGE	CGE	
Accommodation	14, rue Principale Wahl	CGE	CGE	
Accommodation	86, Grand- Rue Clervaux	CGE	CGE	
Accommodation	“FNEL” 20, rue Grentenberg Rippig	CGE	CGE	
Accommodation	11, rue de Biwisch Troisvierges	CGE	CGE	
Accommodation	131, rte de Diekirch Walferdange	CGE	CGE	
Accommodation	80, Grand-Rue Clervaux	CGE	CGE	
Accommodation	3, rue Pierre Aspelt Aspelt	CGE	CGE	
Accommodation	In Stegen	CGE	CGE	
Accommodation	“Ancien Couvent” Eisenborn	CGE	CGE	
Accommodation	“Studio” 13, rue Principale Hosingen	CGE	CGE	
Accommodation	33, rue de l’Hôpital Differdange	CGE	CGE	
Accommodation	88, rue Audin Esch / Alzette	CGE	CGE	
Accommodation	25, Grand – Rue Esch / Alzette	CGE	CGE	
Accommodation	105, rte d'Eich Luxembourg	CGE	CGE	
Accommodation	“Ancien Foyer Maje- rus” 344, rte de Longwy Luxembourg	CGE	CGE	
Accommodation	3, rue Nic Pletschette Rumelange	CGE	CGE	
Accommodation	32, rue du Château Sanem	CGE	CGE	

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
Accommodation	34, rue de Remich Trintange	CGE	CGE	
Accommodation	23, rue de Boevange Useldange	CGE	CGE	
Accommodation	"Héliar" 5, rte de Diekirch L-6590 Weilerbach	CGE	CGE	Over 100
Accommodation	"Foyer" 299, rte de Thionville L-5884 Hesperange	CGE	CGE	Over 100
Accommodation	"Don Bosco" 162c, rue de la Faïencerie L-1511 Luxembourg	Red Cross	CGE	Over 100
Accommodation	13, rue de Reichlange L-8505 Rédange	Red Cross	CGE	
Accommodation	In Wiltz	Caritas	CGE	

10.6.2. Special treatment

There are no special facilities or care programmes for vulnerable groups. However, the Government Commissariat for Aliens (Commissariat du Gouvernement aux Etrangers, CGE) and NGOs (in particular Caritas) provide guidance and special assistance to people with special needs.

10.6.3. Standard and facilities of reception and accommodation centres

The size and standard of the accommodation centres differ greatly, depending on the conditions and opportunities offered by the different establishments being used as accommodation centres. These can include former schools and other large disused buildings suitable for accommodation (e.g. youth hostels, sanatoria); campgrounds (only for temporary accommodation and for young single males); pensions and hotels, and private accommodation. Accommodation ranges from dormitories (in former schools) to single and family rooms. Leisure facilities such as common living rooms, sports and playrooms, and playgrounds, do not exist in all centres, which may be explained by the recency of commissioning and/or the small size of many of the centres. However, the government seeks to regulate the overall standards of asylum centres / pensions, and efforts are being made to further improve facilities and general standards.

Table 10.5: Reception and accommodation centres

Number of reception centres	
Capacity of reception centres	-
Number of accommodation centres	30 identified
Capacity of these accommodation centres	1329
Further accommodation in hotels and other facilities provided by different municipalities	No numbers available, as these facilities are usually only available on a short or medium term basis
Capacity of these further facilities	381
Total capacity of reception/accommodation centres	1710
Number of persons accommodated in private housing	677

10.6.4. Possible changes and developments

No significant changes to these procedures and capacities have been made recently.

10.7. Means of subsistence

Table 10.6: Current amount of assistance

	Self-catering	Full board
Single adult	11,000 FLUX/month	2,000 FLUX /month
Couple	20,000 FLUX/month	
Child between 0 and 12	5,000 FLUX/month	
Child between 12 and 18	6,500 FLUX/month	
	8,000 FLUX/month	
Child between 0 and 2		5,000 FLUX
Child between 2 and 3		2,500 FLUX
Child between 3 and 18		1,000 FLUX

After registration and the start of his asylum procedure, an asylum seeker is entitled to (financial) social assistance in accordance with government regulations. Different amounts apply depending on whether people cook for themselves or receive meals at their place of accommodation. The current levels are as follows:

Rejected Asylum seekers who have appealed against a first instance rejection are still entitled to social benefits, as the law on the asylum procedure gives their appeal suspensive effect. However, until the notification of the appeal decision, these benefits are cut by 20 %.

Furthermore, asylum seekers receive an allocation for clothing for children 4,000 FLUX per child between 3 to 12 years and 6,000 FLUX for children between 12 and 18 years. Free clothing is also provided for adult people who lack means, either through direct distribution by the Red Cross or Caritas, or in some cases through purchase coupons. Free public transport may also be granted to asylum seekers.

10.7.1. Possible changes

At present, self-catering prevails over meals provided by the centres. Greater use of provided meals has been introduced recently, partly in order to reduce possible financial incentives to asylum seekers. However, the government recognises that self-catering gives greater freedom and human dignity than provided meals. Furthermore, a recent study by Caritas Luxembourg suggests that financial benefits are not the primary incentives which draw people to a particular country, but rather a mix of factors including the prior existence of an immigrant community corresponding to the asylum seeker's nationality in that country and the general long-term economic and employment prospects it appears to offer.

10.8. Access to education

Access to education is identical for asylum seekers and people under temporary protection. The underlying principle is that children should have free access to (compulsory) public education, and that for people having passed the first (admissibility) stage of the procedure, language tuition must be provided to facilitate the asylum seeker's basic integration in Luxembourg.

Table 10.7: Access to education

	Children	Adults
Mother tongue tuition	Unofficial classes	
Language tuition		Over 15 years: After recognition of admissibility of application, access to free language tuition in either French or German.
Access to primary school	Free	
Access to secondary school	Free	
Access to vocational training	No	No
Access to further education		No

10.8.1. Possible changes

No information is available.

10.9. Access to the labour market

Asylum seekers do not have access to the labour market. Only after recognition do Convention refugees have the right to work, but they require a work permit, which will be requested by their prospective employer.

People under temporary protection based on their special and temporary status have access to the labour market.

10.9.1. Possible changes

No information is available.

10.10. Access to health care

Asylum seekers have access to free medical care. During the first 4 months after their application, they receive medical care via coupons provided by the CGE. After that, they are covered by health insurance, with contributions being paid by the CGE. The health insurance covers all medical costs in accordance with the Luxembourg health insurance system – including consultations, hospital and surgical interventions, pharmaceuticals and prescriptions, and 70% of dental care.

Table 10.8: Access to health care

	Children	Pregnant women	Adults	Victims of torture or rape
*Health screening on arrival	-	-	-	-
*Psychological assistance	Via CGE or NGOs	Via CGE or NGOs	Via CGE or NGOs	Via CGE or NGOs
*Enrolment in health care programme	Via CGE	Via CGE	Via CGE	Via CGE

10.10.1. Possible changes

No information is available.

10.11. Rules on detention and other restrictions on free movement

Asylum seekers and people under temporary protection are free to move within the territory of Luxembourg, but may not leave the country.

No “closed centres” exist. However, based on the Law of 28 March 1972 (section 15), an alien who cannot be removed from the territory of Luxembourg for practical reasons can be “kept at the Government’s disposal” until his removal can be effected. The venue of such administrative detention is a normal prison, not a special refugee detention centre. The period of detention must not exceed 1 month, but this can be extended twice by the Ministry of Justice. Appeal against such an extension is possible, with suspensive effect.

10.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought

There is only one respect in which treatment differs according to the stage of the asylum procedure, namely that of financial assistance, which is reduced by 20% for asylum seekers who have appealed against a first instance decision. In addition, access to health care also varies during the asylum procedure, but the difference is solely related to the length of stay in Luxembourg, not the stage of the asylum procedure.

Generally, all asylum seekers are treated the same way except for labour market related activities. Persons under temporary protection are allowed to work, and the same applies to Convention refugees, who may work after recognition if they obtain a work permit.

Table 10.9: Differences in treatment

Differences in treatment according to			
	Stage of asylum procedure	Type of status sought	Vulnerable groups
Accommodation	No. A mix of accommodation centres, hostels and private accommodation are used. Applicants can choose accommodation outside centres if they have own means.	No.	There are no special facilities for vulnerable groups.
Means of subsistence	After registration (start of procedure) the asylum seeker receives financial assistance, which is reduced by 20% for asylum seekers who have appealed against a first instance decision.	No	No.
Education	No	No	No.
Labour market related activities	Asylum seekers do not have access to labour market. After recognition convention refugees are allowed to work, but require a work permit. Such work permit is to be requested by their prospective employer.	Persons under temporary protection are allowed to work.	No.
Health care	Asylum seekers have access to free medical care. During the first 4 months the applicants receive medical care via coupons, after that they adhere to health insurance.	No	Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for pregnant women and minors if required.

10.13. Political atmosphere surrounding refugees and immigrants

10.13.1. The public debate

The general political atmosphere around refugees and immigrants in Luxembourg is relatively calm. Until a few years ago, by comparison with the large number of other foreigners living in Luxembourg the number of asylum seekers was so low that there was scarcely any public awareness or debate about the issue. With the growing number of asylum seekers since the second half of the 1990s, public awareness of the

issue has grown, as has the citizens' fear of and negative attitudes towards asylum seekers and nonEU foreigners. On the government level, the increasing numbers of refugees prompted the adoption of the revised law on the asylum procedure, which aims amongst other things to accelerate the procedure (see above), as well as to introduce practical measures to improve the system for the accommodation and social protection of asylum seekers. The general attitude of both the public and government towards asylum seekers has become more restrictive.

Given Luxembourg's geographical location in the heart of the EU, devoid of external borders, the country takes a distinct interest in international and EU cooperation on asylum matters. This interest relates both to the use of the Dublin/Schengen system, and to the cooperation with other EU countries regarding special medical and psychiatric treatment for aliens when such treatment is not readily available in Luxembourg.

10.13.2. The political debate

Luxembourg, a small country, currently receives the largest amount of asylum seekers per capita in the EU. Given the historically large share of foreigners in Luxembourg, and the tendency of the population "not to pay too much attention to them", the influx of asylum seekers has so far not resulted in severe hostility from the population. However, negative reactions have started to emerge at the local level in communities which house asylum seekers, for instance from parents who fear that their children's education may suffer as a result of the large number of foreign children with initial poor language abilities and who come from different educational systems. The general attitude among the population is increasingly one of favouring the rapid repatriation of asylum seekers.

The government aims to reduce the number of asylum seekers present in the country by accelerating the procedure, and by applying stricter criteria for recognition of refugee status.

Given the limited size of the administration, the number of specialised government staff dealing with asylum matters is also limited. NGOs therefore play an important role in social assistance – ranging from information, help in communicating with the authorities, psychosocial assistance, and education.

The asylum procedures and social assistance system have so far been managed largely on a case-by-case basis within the established legislative and institutional framework. As a consequence efficiency is probably less, but responsiveness to individual asylum seekers' needs is greater.

10.13.3. Co-operation

No information is available.

10.14. Other information

No other information has been provided.

