



**INTEGRATION OF BENEFICIARIES OF INTERNATIONAL /  
HUMANITARIAN PROTECTION INTO THE LABOUR MARKET:  
POLICIES AND GOOD PRACTICES**

**LUXEMBOURG**

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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 for Family, Integration and the Greater Region or of the Ministry of Foreign and European Affairs.

The present report was drafted by David Petry and Adolfo Sommaribas, 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), Marc Hayot (OLAI, Ministry for Family, Integration and the Greater Region), Catherine Stronck (Directorate of Immigration, Ministry of Foreign and European Affairs) and Germaine Thill (STATEC).

## *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. As documentary sources legal texts, official documents (such as parliamentary documents), reports and press articles have been used for this study. Furthermore, semi-structured interviews were conducted with different stakeholders in the field of integration of refugees: the *Office luxembourgeois de l'accueil et de l'intégration* (OLAI) of the Ministry of Family, Integration and the Greater Region, ASTI asbl, CLAE asbl, the Solidarity and Integration Service of Caritas Luxembourg and the Migrants and Refugees Service of the Red Cross Luxembourg. The *Service de la formation des adultes* (SFA) of the Ministry of National Education, Childhood and Youth, the *Service de la scolarisation des enfants étrangers* (SECAM), Ministry of National Education, Childhood and Youth and the social office in Esch-sur-Alzette were consulted by telephone on specific points.

## *Executive summary*

In Luxembourgish legislation the term “international protection” includes both refugee status and subsidiary protection status.

The Law of 18 December 2015 on international protection and temporary protection defines a refugee as “a third-country national or stateless person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of his nationality and is unable to, or owing to such fear, is unwilling to avail himself or herself of the protection of that country”.<sup>1</sup> On the other hand, a person benefiting of subsidiary protection is defined in negative terms, namely “any third-country national or stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm”.<sup>2</sup> Finally, temporary protection, the only alternative form of humanitarian protection provided for in the asylum legislation, means “a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection”.<sup>3</sup> However, this type of protection has until now not been applied in practice.

Integration of beneficiaries of international protection into the Luxembourgish labour market might appear quite unproblematic at first glance. From a legal point of view, the access is indeed very much open to both beneficiaries of international protection as well as beneficiaries of subsidiary protection. As from 2006 onwards, the legislator proceeded with an approximation of both statuses, providing the same rights to both types of beneficiaries of international protection. As soon as the applicants are granted international protection they are authorised to engage in employed or self-employed activities under the same conditions as Luxembourgish nationals, with the exception of civil servant jobs. This is also true for most of the support measures that aim to

advance or enhance the access to employment, whether on the level of education, vocational training, language learning, recognition of diploma, counselling, social aid or access to housing. In each of those areas, the beneficiaries of international may in principle benefit from equivalent access as provided to other migrants, third-country nationals or Luxembourgish nationals. The authors of the new Law of 18 December on international protection were also very clear on the fact that the content of the international protection would remain exactly the same as is in the former law.<sup>4</sup>

Yet, the reality on the ground seldom matches the aims of the legislative framework. Effective access to the labour market remains a significant challenge for beneficiaries of international protection in order to fully integrate in Luxembourgish society. The linguistic regime as well as the high demands in terms of language requirements constitute a first major hurdle, both at the level of education/vocational training and the labour market. Rather than being able to immediately access the regular education system, respectively the labour market, refugees must first engage in a learning process sometimes coupled with administrative procedures (i.e. recognition of diplomas) that may significantly slow down the integration process.

The transition period that begins once the applicant is granted international protection status appears to be particularly challenging. Indeed, several measures from which the applicants for international protection benefited during the procedure will no longer be available once they are granted the status. Thus, social aid, including housing, provided to international protection seekers will no longer be applicable to refugees. Even though national authorities have implemented several specific targeted measures in order to facilitate the transition period (i.e. progressive financial contribution to accommodation costs), it remains a phase of instability and uncertainty for the refugees and their families.

This also stresses the need for employment-related support measures, which in Luxembourg are implemented in a more general integration framework. Thus, most of the support measures that exist for beneficiaries of international protection are not tailored to them in particular, but they are also open to other types of migrants or foreigners living in Luxembourg.

*Section 1: Accessing the labour market: residence permit and the legal right to access the labour market*

**Q1. Please provide a brief overview of the legal and policy framework and practices concerning residence rights and labour market access rights granted to refugees, beneficiaries of subsidiary and humanitarian protection.**

The legal framework on international protection having changed in December 2015, this report will take into consideration both asylum laws. Even though the new law of 18 December 2015 entered into force on 28 December 2015, when it was published in the Memorial A<sup>5</sup>, all previous applications of international protection and all statuses of international protection granted following these applications, will be regulated under the former law, except if the conditions are more beneficial to the applicants.

The Law of 5 May 2006 on the Right of Asylum and Complementary Forms of Protection introduced three different categories of protection: Refugee status (under the Geneva convention), subsidiary protection status and temporary protection status in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin.<sup>6</sup> The law has been amended several times by the Law of 17 July 2007<sup>7</sup>, the Law of 29 August 2008<sup>8</sup>, the Law of 19 May 2011<sup>9</sup>, the Law of 1 July 2011<sup>10</sup> and the Law of 19 June 2013<sup>11</sup>, which have progressively brought into line both statuses from an administrative point of view and in terms of content.

A. International protection (refugee status and subsidiary protection status)

The Law of 5 May 2006 establishes that the term of “international protection” comprehends both refugee and subsidiary protection status.<sup>12</sup> Nevertheless, when the law entered into force in 2006 there were substantial differences between the refugee status and the subsidiary protection status. The main differences were:

- a) Duration of the residence permit: 3 years for the refugee status and 1 year for the subsidiary protection status<sup>13</sup>;
- b) Travel document: The refugee status gave right to obtain a travel document according to the annex of the Geneva Convention allowing the individual to travel outside of Luxembourg,<sup>14</sup> whereas the beneficiary of subsidiary

protection can only obtain a travel document if s/he is unable to obtain a national passport and if his/her presence is required in another State for serious humanitarian reasons;<sup>15</sup>

- c) Access to the labour market: Beneficiaries of the refugee status were authorised to engage in employed or self-employed activities subject to the general rules applicable to the economic sector concerned and to the public services.<sup>16</sup> On the contrary, for beneficiaries of subsidiary protection, in addition to the conditions which applied to refugees, the government could take into account the situation of the labour market for granting them access to the labour market. Also, the law established that the government could enforce the community priority for nationals and EU citizens as well as for unemployed legal third-country national residents for a limited duration. The law established that these measures could be implemented through a Grand-Ducal regulation.<sup>17</sup>

In all other aspects such as family reunification<sup>18</sup>, education for minors<sup>19</sup> and adults<sup>20</sup>, recognition of diplomas and qualifications<sup>21</sup>, minimum guaranteed income (*Revenu minimum garanti -RMG*)<sup>22</sup>, social assistance<sup>23</sup>, healthcare<sup>24</sup>, equal treatment for unaccompanied minors<sup>25</sup>, housing<sup>26</sup> and free movement within the Luxembourgish territory, there was equal treatment between beneficiaries of refugee status and subsidiary protection.

Since then, the intention of the Luxembourgish government has been to reduce the existing differences between both statuses. The first significant amendment was made by article 155 8° and 9° of the Law of 29 August 2008<sup>27</sup> on the free movement of persons and immigration, stating that for both categories a residence permit was issued with the legend “international protection”.<sup>28</sup> Also paragraphs (3) and (4) of article 48 were abrogated, granting the same access to the labour market with the same restrictions to beneficiaries of both statuses (see below). Finally the Law of 19 June 2013<sup>29</sup> established that the minimum duration of the residence permit for both statuses is of 3 years and renewable. However, the difference in regards to the travel document remains unchanged (see above).



For the purposes of this study, the rights and obligations of beneficiaries of subsidiary protection status and the refugee status are the same, with the exception of the travel document, and they are covered by the term “international protection”.

Nevertheless and despite the intention of the legislator to close the gap between both statuses, other related legislation that might affect their rights has not been amended. Some examples of this are:

- a) The law on the creation of the Guaranteed Minimum Income (*RMG*)<sup>30</sup> as amended by the Law of 29 August 2008<sup>31</sup> only mentions beneficiaries of the refugee status as well as recognised stateless persons<sup>32</sup> as being beneficiaries of the *RMG* excluded from the requirement of the 5 years of continuous legal residence.
- b) The law on Luxembourgish nationality solely grants the benefit of taking into consideration the period between the filing of the application and the decision that grants the status to beneficiaries of refugee status.<sup>33</sup>
- c) The Social Security Code solely takes into account the contributions periods in the country of origin of the beneficiaries of refugee status who obtained the Luxembourgish nationality for establishing the probation period to have access to a retirement pension<sup>34</sup>.
- d) The Social Security Code solely mentions the granting of the refugee status as an authorisation of residence for the purposes of family allowances<sup>35</sup>, even though the granting of subsidiary protection status equally corresponds to a legal residence.<sup>36</sup>
- e) The law on the special pension schemes for civil servants solely takes into account the periods of professional activity in the country of origin of beneficiaries of refugee status who obtained the Luxembourgish nationality for obtaining the pension.<sup>37</sup>
- f) The law on disabled persons as amended by Law of 16 December 2011<sup>38</sup> solely mentions as beneficiaries of the disabled person status beneficiaries of the refugee status and stateless persons. Any other third-country national must be a legal resident or work for a business legally established in Luxembourg. In the same sense, article 1 (2) paragraph 2 of the same law<sup>39</sup> established that for benefiting of the severely disabled persons income, any third-country national has to reside for a minimum period of 5 years in the previous 20 years in Luxembourg, with the exception of the beneficiaries of refugee status and recognised stateless persons.

g) At the international - and European level there are several differences in the legal documents of social security benefits:

- Regulation 883/2004 of the European Parliament and the Council of 29 April 2004 on the coordination of social security systems states that the regulation applies to refugees and recognised stateless persons, its family members and its survivors<sup>40</sup>, without mentioning beneficiaries of subsidiary protection.
- The European Convention on Social and Medical Assistance<sup>41</sup> extends the rights only to recognised refugees.
- The bilateral agreement on Social Security with Chile indicates that recognised refugees can choose the most convenient solution in regards to pensions, either the aggregation and pro-rata calculation rules of the convention or the application of the Luxembourgish law which allows to take into consideration as assimilated period, the contribution periods during which the applicant had the refugee status.<sup>42</sup>
- The bilateral agreement between Luxembourg and Belgium on cross-border workers solely covers recognised refugees and stateless persons.<sup>43</sup>
- The bilateral agreements concluded between Luxembourg, the Czech Republic and Slovakia on social security, which nevertheless ceased to have effect following the date of accession of the Czech Republic and Slovakia to the European Union, solely mention recognised refugees. They can choose the most convenient solution in regards to pensions, either the aggregation and pro-rata calculation rules of the convention or the application of the Luxembourgish law, which allows taking into consideration as assimilated period, the contribution periods during which the applicant had the refugee status.<sup>44</sup>

The new Law of 18 December 2015 on international protection and temporary protection, follows the intention of the legislator to approach both statuses, refugee - and subsidiary protection statuses.<sup>45</sup> The Law's objective is to establish the procedures of granting and withdrawing international protection, the conditions required from third-country nationals in order to benefit from those statuses as well as a uniform status for the refugees and the beneficiaries of subsidiary protection in regards to the content of this protection. In that sense, it states that the content of both

protections is the same except if the texts indicates otherwise.<sup>46</sup> The residence permit is issued for a minimum duration of three years in the case of both statuses and it is renewable if all the conditions are fulfilled.<sup>47</sup> In regards to social rights, the new Law maintains the same rights established in the amended Law of 5 May 2006.<sup>48</sup>

The only difference that remains between both statuses is the travel document. Thus, refugees are granted a travel document once they are granted the refugee status, allowing them to travel outside of Luxembourg.<sup>49</sup> The beneficiaries of subsidiary protection may solely obtain the travel document in case they are unable to obtain a national passport.<sup>50</sup> However, the new law does not address the issue of amending complementary laws, which were mentioned above.

There was no debate in regards to the content of both statuses among the different actors during the parliamentary discussion of the project. Neither the legal opinion of the “*Collectif Réfugiés Luxembourg*”<sup>51</sup> nor the legal opinion of the Consultative Commission of Human Rights<sup>52</sup> addressed any of the articles related to the content of both statuses. The legal opinion of the Council of State mentions that articles 37 to 66 of the bill n° 6779 (now Law of 18 December 2015 on international protection and temporary protection) have not suffered any amendments in regards to the dispositions established in the amended Law of 5 May 2006 as amended by the Law of 19 June 2013 when transposing Directive n° 2011/95/UE.<sup>53</sup>

## B. Temporary protection

The temporary protection, which is the only form of humanitarian protection foreseen by the amended Law of 5 May 2006, is defined as the protection being granted in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin.<sup>54</sup> This type of protection does not preclude an individual for obtaining an international protection<sup>55</sup>. Although established in the law, this protection has never been granted in practice since the entrance into force of the Law of 5 May 2006.<sup>56</sup> The law requires that a decision of the European Council has to be taken in the conditions defined by articles 4 and 6 of the Directive 2001/55/EC of 20 July 2001.<sup>57</sup> However, the Law of 5 May 2006 also establishes that the temporary protection can be triggered by a Grand-Ducal regulation.<sup>58</sup>

The temporary protection contains very limited rights:

- a) It grants its holder the right to temporary stay in the territory but not to reside in it.<sup>59</sup>
- b) The beneficiary is granted by the Minister of Immigration a certificate (which is not a residence certificate);<sup>60</sup>
- c) The duration of the certificate is limited in time and the law does not define it. Also, in order to be renewed, it has to be validated by the municipality where the beneficiary lives<sup>61</sup>;
- d) The beneficiary may obtain a temporary authorisation of occupation, which is valid for duration of 6 months, renewable.<sup>62</sup> However, the minister in charge of Immigration can condition the access to the labour market to the priority of EU and EEA citizens as well as unemployed third-country nationals legally residing in Luxembourg who are granted unemployment benefits. The temporary authorisation of occupation is only valid for a single economic sector and a single employer.<sup>63</sup>
- e) Access to life-learning education and vocational training is only possible if the conditions are established by a Grand-ducal regulation.<sup>64</sup>
- f) Access to social aid and housing are subject to the conditions of a Grand-Ducal regulation.<sup>65</sup>
- g) Family reunification is only admissible if the family was already set up in the State of origin and has been separated by reason of circumstances surrounding the mass influx.<sup>66</sup>

The authors of the Law of 18 December 2015 on international protection and temporary protection, excluded all references to the rights which derive from the temporary protection status. These rights are introduced in the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.<sup>67</sup> However, the following aspects which are foreseen by the Law of 5 May 2006 are excluded: a) the possibility of using the certificate granted to the beneficiaries of temporary protection as a certificate of residence to meet the required formalities to get married according with the Civil Code;<sup>68</sup> and b) access to adult education.<sup>69</sup>

The new law on the reception of applicants for international protection and temporary protection foresees nevertheless the possibility of granting a temporary occupation

authorisation (*Autorisation d'occupation temporaire – AOT*) to beneficiaries of temporary protection.<sup>70</sup> This AOT is issued for a maximum duration of 6 months, renewable, and only valid for a determined employer and for a single profession. They have also access to the same reception material conditions (i.e. housing, food and clothing) than international protection applicants.<sup>71</sup>

## **Section 2: Labour market integration policy and its organisation**

### Section 2.1: Overview of labour market integration policies for refugees, beneficiaries of subsidiary and humanitarian protection

#### **Q2. Please give an overall summary of your relevant national policies related to labour market integration for refugees, beneficiaries of subsidiary protection and humanitarian protection.**

There is no specific labour market integration policy in regards to international protection beneficiaries.

From a legal point of view, access to the labour market is open to both refugees and beneficiaries of subsidiary protection.<sup>72</sup> However, in regards to effective access to the labour market, the NGO's that are in regular contact with the target group have identified several barriers<sup>73</sup>, which often make it very difficult for beneficiaries of international protection to access employment.

As soon as they are granted international protection they are authorised to engage in employed or self-employed activities under the same conditions as Luxembourgish nationals<sup>74</sup>, except for civil servant jobs (see table 3), which are restricted to Luxembourgish nationals and/or EU citizens.<sup>75</sup>

Once the applicant of international protection is granted status, the assistance measures that apply as international protection applicant, disappear in principle. The social aid, which the beneficiary received during the international protection procedure, ends when the applicant is granted the refugee- or subsidiary protection status.<sup>76</sup> However, in case the international protection applicants obtain the refugee- or subsidiary protection status or an authorisation of stay as a salaried worker, in most cases, they do not have sufficient resources to meet their needs.

The law<sup>77</sup> establishes that the beneficiaries of international protection are granted the same access to social assistance than the Luxembourgish nationals. In consequence they will have to request the minimum guaranteed income (RMG)<sup>78</sup> to satisfy their needs, before the National Solidarity Fund (*Fonds national de solidarité - FNS*). In case that the applicants are requesting an integration allowance<sup>79</sup>, which is also an insertion measure in the view of accessing the labour market, they must file an application before the National Service for Social Action (*Service National de l'action sociale- SNAS*).

During the transition period between obtaining the status and receiving guaranteed minimum resources, respectively their first income from their salaried activity, OLAI may grant them diverse financial advances in order to cover:

- Administrative fees to regularise their stay in Luxembourg (administrative fees for being issued a passport/residence permit);
- Costs derived from urgent needs (i.e. medical expenses, hygiene products, etc.)<sup>80</sup>

This also means that the beneficiary of international protection has to rely on support measures that are open to residents in general.<sup>81</sup>

As there is no specific support system in place, there is also no official counselling service to orient the beneficiaries of international protection in order to access the labour market. This function is to a large extent provided by the NGOs that have been dealing with them as international protection applicants (i.e. Luxembourgish Red Cross, Caritas Luxembourg, ASTI or CLAE).<sup>82</sup>

During their international protection procedure OLAI was their responsible referral service in regards to social aid. As soon as they are granted international protection status the *Fonds National de Solidarité* (FNS), the *Service National d'Action Sociale* (SNAS) and the Social Office (*Office social*) of their municipality of residence will be the competent authorities for social aid and guaranteed minimum income (RMG). These authorities do not specifically/solely address refugees files, but are social services open to all persons legally residing in Luxembourg.

Once the beneficiaries of international protection obtain the status and begin receiving either professional income or the minimum guaranteed resources, they are normally confronted with the difficulty of finding housing in Luxembourg, especially in cases of larger families.<sup>83</sup> In the past, certain families could therefore benefit from of a “second phase” housing (studio, apartment, house) during a maximum duration of three years.<sup>84</sup> OLAI assumed the expenses of the everyday- and accounting management, the house cleaning, as well as the legal and litigation follow-up.<sup>85</sup>

The Government, very recently, decided to implement a package of measures to support municipalities in their efforts in regards to reception and integration of beneficiaries of international protection, in particular in terms of housing provision (see section 3 Q. 10).<sup>86</sup>

Article 48 of the Law of 5 May 2006 transposed into national law article 26 of the Qualification Directive.<sup>87</sup> It considers that the beneficiary of international protection is authorised to access to the labour market and practice any salaried or non-salaried activity without any restriction<sup>88</sup> (except those mentioned in section 1 Q.1). Nevertheless, neither the law nor the Grand-Ducal regulations foresee a transition period to prepare the international protection applicants to access the labour market once they are granted the status to access the labour market.

The amended Law of 5 May 2006 provided for access to the labour market for international protection seekers in the event that the authorities have not ruled within 9 months<sup>89</sup> after the application was filed.<sup>90</sup> With a view to empowering international protection seekers, the Luxembourgish Refugee Council urged the government to facilitate the labour market access by reducing or eliminating the waiting period and revising the current administrative procedure.<sup>91</sup> This would also allow for a much smoother transition for accessing the labour market, once the refugees are granted status. Being able to work or search for employment while the asylum procedure is still ongoing<sup>92</sup>, enables them to already have an employment once they are granted the status, or at least having established first contacts on the labour market.<sup>93</sup> The Law of 18 December 2015 on the reception of applicants for international protection and temporary protection reduces the time limit to 6 months during which the applicants for international protection cannot file an application for a temporary occupation authorisation and thus access the labour market.<sup>94</sup> After this period the applicant may

file the application and if it is granted, it will be for one single determined employer and for one profession. It is valid for a period of six months and it is renewable.<sup>95</sup>

The beneficiaries of international protection may register as job seekers with the Agency for the Development of Employment (ADEM).<sup>96</sup> They have also access to counselling provided by the Agency for the development of employment in equivalent conditions as Luxembourgish nationals.<sup>97</sup> However, there are no support measures specifically tailored to them.<sup>98</sup> The ADEM will propose them the different formations or training that they will offer to any other job applicant.<sup>99</sup>

A study conducted by the SESOPI-CI and CLAE Asbl. in 2008 concluded that the effective access to employment for applicants for international protection was very limited even though they all aspire to work. Reasons for this include socio-cultural factors, but also legal and administrative constraints, which discourage employers to undertake the necessary steps.<sup>100</sup>

Children have access to education in the same conditions as Luxembourgish nationals, whereas the access for adults to education, professional training, life-long learning training<sup>101</sup> is guaranteed by the Law of 5 May 2006,<sup>102</sup> so in principle they have the same access as any third-country national legally residing in the country. Education policy in general strives to make no distinctions among any categories or different statuses. The approach consists in integrating people as soon as possible into the regular national education system.<sup>103</sup> In regards to education, the linguistic regime continues nevertheless to be a challenge for beneficiaries of international protection in accessing the regular system in the short term.

The support measures are not addressed in regards to beneficiaries of temporary protection as this status has never been granted by the Luxembourgish authorities since the entering into force of the Law of 5 May 2006.<sup>104</sup>

## [Section 2.2: Organisation of employment-related support measures](#)

**Q3a. Please describe your Member State's overall organisational approach with regard to labour market integration policy to refugees, beneficiaries of subsidiary and humanitarian protection: who are the main state actors responsible for the provision of support measures?**



As mentioned above, there is no specific labour market integration policy for beneficiaries of international protection.

In principle, recognised refugees and subsidiary protection beneficiaries have access to the labour market (with the exceptions mentioned in regards to the public sector) as well as to support and integration measures open for other categories of migrants.<sup>105</sup> This policy is defined at the national level and is implemented by the following authorities:

- A. The Directorate of Immigration of the Ministry of Foreign and European Affairs grants the residence permit. Seen that Luxembourg has since the entering into force of the Immigration law established a single permit policy, the residence permit in the case of international protection beneficiaries also allows them to exercise a paid activity and are thus not required to request a work permit.<sup>106</sup>
- B. The Recognition of Diplomas Department of the Ministry of Education, Children and Youth is in charge of the recognition of diplomas of secondary education for international protection beneficiaries. It is also the authority in charge of the recognition of education levels, professional training and qualifications.<sup>107</sup>
- C. The Homologation Commission of the Ministry of Higher Education and Research is the competent authority for the homologation of most of the diplomas of regulated professions.<sup>108</sup>
- D. The Agency for the Development of Employment (*Agence pour le développement de l'emploi - ADEM*), which provides counseling in equivalent conditions as to Luxembourgish nationals in order to search for an employment.<sup>109</sup> The ADEM is divided in seven regional offices: Diekirch, Differdange, Dudelange, Esch-sur-Alzette, Luxembourg-City, Wasserbillig and Wiltz. The competent agency is the one that covers the region in which the beneficiary of international protection is resident.<sup>110</sup> The competent agency will also be in charge of the beneficiaries' counseling.
- E. The National Solidarity Fund (*Fonds national de solidarité - FNS*) is the competent authority that will grant the minimum guaranteed income (RMG) to the beneficiary of international protection. In case the applicant is requesting

an integration allowance, the competent authority will be the National Action Service (*Service national d'action sociale – SNAS*).

- F. The Ministry of Education, Children and Youth, through the National Institute of Languages (INL), the municipalities and several NGOs, provide the language courses.

There is no inter-institutional coordination between all these competent authorities.

**Q3b. Please indicate whether the provision of the different support measures to recipients is in any way centrally coordinated?**

No. There is no coordination between all the different support measures. The beneficiary of international protection must apply to each institution separately. There is also no exchange of information between the different structures. Every individual residing legally in the country is granted a unique national identification number, which allows for administrative efficiency between the different institutions of the administration and guarantees data protection.<sup>111</sup>

***Section 3: Support measures to access the labour market***

*Language courses*

**Q4. In relation to language courses, please explain the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced.**

Effective access to the Luxembourgish labour market is enhanced by the good command of at least one of the three administrative and judicial languages in Luxembourg, namely Luxembourgish, French and German. A recent study of the University of Luxembourg on language requirements, in job offers<sup>112</sup>, analysing only a certain segment of the labour market, notes the increasing importance of language requirements. Although French remains the most required language on the labour market, 42% of the job offers were looking for trilingual personnel in 2014.<sup>113</sup> These significant language requirements underline the importance of language courses as a mean for enabling effective access to the labour market.

Yet in Luxembourg there are no language courses specifically tailored to beneficiaries of international protection.<sup>114</sup> The existing courses, which are in principle open to other categories of migrants, foreigners and Luxembourgish nationals are organised and / or subsidised by the Ministry of Education, Childhood and Youth in the frame of the general adult education (*formation générale des adultes*).<sup>115</sup> Among the institutions and organisations that offer such courses is the National Institute of Languages (*Institut National des Langues – INL*)<sup>116</sup>, but there are also several organisations (i.e. Caritas Luxembourg<sup>117</sup>, Moien Asbl, CLAE Asbl, ASTI Asbl, Centre de Formation Lucien Huss Asbl) and municipalities, which offer courses labelled by the Ministry of Education, Childhood and Youth.

Language courses in the frame of the Welcome and Integration Contract (*Contrat d'accueil et d'intégration* or *CAI*)

The Welcome and Integration Contract, established by the Law of 16 December 2008 on the reception and integration of foreigners in the Grand-Duchy of Luxembourg (articles 8 to 13), is proposed to any foreigner of at least 16 years of age who resides legally on the territory of Luxembourg and wishes to remain on a permanent basis (not included are international protection applicants). The contract is optional and it targets as much European Union citizens as third country nationals, the new arrivals as well as the people who have been living in Luxembourg for many years. The services offered within the framework of this contract are:

- A language training course
- A citizenship training course (see section on orientation courses)
- An orientation training course (see section on orientation courses)

The language training course (30-180 hrs.) offered within the CAI aims to enable the signatory of the CAI to reach at least Basic User Level A.1.1 of the Common European Framework of Reference for Languages in one or more of the three administrative languages of Luxembourg (Luxembourgish, French, or German). For certain courses, a working language adapted to a specific public is used (i.e. French is used as a working language in German courses, Portuguese and English as working languages in a French course, German or French as working languages in

Luxembourgish courses). There are also special courses for illiterate persons. An administrative meeting with the candidates to the CAI is held to determine the linguistic skill of the candidates and to orient them in the language training that is most adapted to their personal/professional needs. If the candidates reach and passes the introductory level A.1.1 either in Luxembourgish, French or German, they can, in accordance with their personal/professional needs develop their competences in one of the languages in which they were approved the introductory level A.1.1. In case of need, the language training can be completed with literacy courses. The performance of the signatory is evaluated by the OLAI after two years at the end of the contract (art. 22 of the grand-ducal regulation. The verification is made by the OLAI. It is important to mention that the student must sign an attendance list every time s/he assists to a course (language, orientation or citizenship course). The courses are proven by a certificate and introduced in a database. The language skills acquired at the end of a course are evaluated through a descriptive skills assessment issued by the training organisation.<sup>118</sup>

One of the advantages of signing the Welcome and Integration Contract is to get an exemption from one of the mandatory citizenship training courses for the acquisition of Luxembourg nationality. For OLAI, the CAI constitutes a flagship tool for the implementation of the integration policy of foreigners.<sup>119</sup>

### Challenges and obstacles

Languages are one of the main obstacles for beneficiaries of international protection to access the labour market.<sup>120</sup> In most cases, it is the first hurdle they have to overcome. In Luxembourg most of the employers require from the applicant that s/he speaks one or more of the administrative languages of the country (French, German or Luxembourgish)<sup>121</sup>. If the beneficiary does not speak any of the administrative languages, access to the education system is also hampered at the outset.<sup>122</sup>

The challenges that migrants face to immerse in Luxembourg's linguistic landscape equally apply to beneficiaries of international protection and they often require significant time and efforts from them before they may even integrate the national labour market.

As the language courses in Luxembourg are generally open for all type of migrants/foreigners, organisations that offer these courses also have to take into account the different profiles of their students as well as the multiple expectations and motivations they might have for engaging in these courses. For example, for some of the beneficiaries of the courses, the objective is to express themselves in concrete or everyday situations essential to meet the demands of their respective employment, whereas others target a deeper level of learning.<sup>123</sup>

While the offer of language courses has increased in the last few years, learning remains very difficult if the language is not regularly practiced and/or where no one in the immediate social environment speaks the language.<sup>124</sup>

### *Orientation courses*

**Q5. In relation to orientation courses, please explain the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced.**

In Luxembourg, orientation courses are implemented within the Welcome and Integration Contract (see above). Likewise other courses offered within the CAI, they are open to any foreigner of at least 16 years of age who legally resides on the territory of Luxembourg and wishes to remain on a permanent basis (not included are international protection applicants).

- A citizenship training course

The 6-hour citizenship training course aims to provide insight on integration and on the basic conditions of a harmonious cohabitation in a plural Luxembourg as well as on the history of Luxembourg, its political organisation, and its mores and customs. The courses are organised by OLAI and the Ministry of National Education, Childhood and Youth, in collaboration with municipalities and high schools (*Lycées*).<sup>125</sup> The accreditation is based on the teacher's expertise in citizenship training (a special national teacher training course is offered) and on his pedagogical competences.

- An orientation day

Organised twice a year, the orientation day takes place during half a day on a weekend. It includes various partners and is aimed at enabling the signatory candidate to have better knowledge of Luxembourg's official establishments and organisations.<sup>126</sup> The organisation of the orientation day is covered by the Luxembourg Welcome and Integration Agency (OLAI) / Ministry of Family and Integration.

As the orientation courses provided within the CAI are very much theoretical, ASTI asbl suggests to additionally offer more practical measures and instruments in order to familiarise refugees and other third country nationals with national and local cultures. Coaching and mentoring systems, where volunteers would i.e. accompany them to go to visit museums, have a walk in the city centre etc. would create further insights while fostering social interaction at the same time.<sup>127</sup>

## *Education*

**Q6. In relation to access to education, please describe the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced.**

### Children who are granted international protection

There are no specific or particular measures for the children of beneficiaries of international protection. These children may however benefit from the more general support measures and education possibilities provided to minors having linguistic difficulties. The aim of these measures is to integrate them as soon as possible within the 'regular' national school system.

In Luxembourg, school attendance is compulsory for all children from 4 to 16 years, whether they are nationals or foreigners and regardless of the status of their parents. Thus, minors that have been granted international protection status will have full access to the education system, under the same conditions as Luxembourgish nationals.<sup>128</sup>

The Service of Schooling for Foreign Children (SECAM)<sup>129</sup> coordinates all the measures for the school insertion of pupils speaking a foreign language (including beneficiaries of international protection) and provides a support not only for the children, but also for the parents and teachers. In 2014, priority was given to development assistance in linguistic competences of newly arrived children.<sup>130</sup> There is no service or class exclusively targeted at beneficiaries of international protection. According to the SECAM, there is also no need for such classes as they face similar challenges than other newly arrived children in Luxembourg.<sup>131</sup> SECAM also provides a link between the OLAI and school officials: transmission of information regarding reception facilities and housing run by OLAI, the number of international protection seekers, material assistance etc.<sup>132</sup>

The school system in Luxembourg is generally confronted with the integration of foreign children and/or children who do not speak Luxembourgish at home.<sup>133</sup> Language teaching is central in the Luxembourgish education system and specialised structures and services as well as specific measures have been implemented for children of migrants, both on the level of basic and secondary education.<sup>134</sup>

Different types of classes for newly arrived children exist at the technical - or general secondary level, such as the reception classes (classes d'accueil), insertion classes (classes d'insertion) or transitional classes (classes transitoires). In 2014-2015, 29 reception classes have been put in place at the technical - or general secondary level for newly arrived migrant children, out of which 10% of the participants were asylum seekers or beneficiaries of international protection.<sup>135</sup> From grade 10 of the technical secondary level (+/- 16 years of age), they may also enroll in classes with specific language configurations (classes à régime linguistique spécifique).<sup>136</sup>

The teaching staff is trained and supported by the Ministry through continuous joint education. In 2012-2013, 210 persons took part in one of the 8 continuous education modules offered in relation to welcoming of newly arrived children.<sup>137</sup> However, these education modules target teaching staff of young children (cours d'accueil, classes d'accueil, classes d'insertion).

In 2001, Caritas Luxembourg created the 'classes passerelles'<sup>138</sup> (bridging classes) that aim to integrate young people who don't speak the official languages of Luxembourg

or who have little education, into standard classes or assist them until they can act autonomously. These classes are held by educators with appropriate methodologies for young people aged between 16 and 23 years and who are unable or who have difficulties to enter the school system. The content of the training mainly focuses on learning French and upgrading math skills in order to pass the apprenticeship examination, which is seen by Caritas as a main objective.<sup>139</sup> Young people may attend the ‘*classes passerelles*’ for a maximum of two years, at the end of which they should have reached the level for making an apprenticeship or the language skills required for university entrance.<sup>140</sup>

The aim of all these measures is to integrate the students in the traditional school system, respectively to allow them to follow the same curriculum as their peers. ASTI asbl also stresses the importance of integrating them as quick as possible into the traditional school system and to avoid the multiplication of out-of-school classes or lessons, prioritising instead the immersion and inclusion within traditional and local schools/courses.<sup>141</sup>

Children of international protection beneficiaries who have good/excellent English or French language skills may follow the International Baccalaureate Diploma programme<sup>142</sup>, which targets young students aged above 15 and who have recently moved to Luxembourg without being familiar with all the languages commonly spoken in the country.<sup>143</sup> The programme allows them to follow a high-level secondary studies programme focussing both on languages and sciences and prepare them for further studies at university.<sup>144</sup> The diploma is recognised by the law as an equivalent to the Luxembourgish school leaving certificate (*Diplôme de fin d’études secondaires*).<sup>145</sup>

#### Adults who are granted international protection

As with children, there are no specific support measures for general education provided to beneficiaries of international protection. Adult beneficiaries are granted the same access to education as any other third-country national legally residing in Luxembourg.<sup>146</sup> The responsible institution of implementing the education for adults is the Ministry of Education, Children and Youth.



The Adult learning department (*Service de la Formation adulte - SFA*) provides training programmes known as “2<sup>nd</sup> qualification path” (*2<sup>ème</sup> voie de qualification*) which are specifically tailored to the needs of adults and should facilitate the combining of employment and training. They enable persons who did not have the opportunity to complete their initial education or who do not meet the required level of education or language skills to realise their professional project.<sup>147</sup> The training programs provide “classic” secondary education (*enseignement secondaire classique - ES*) courses or technical secondary education (*enseignement secondaire technique - EST*). Participation is free of charge, but the support material must be acquired by the student and no financial aid is foreseen.<sup>148</sup> Courses that prepare for the final examination at “classic” secondary education (*enseignement secondaire classique - ES*) are provided in two different schools, one of which provides them via evening classes.<sup>149</sup>

There is also the possibility of “Distance learning baccalaureate” through the e-learning platform of the Ministry of National Education, Childhood and Youth. This program targets individuals who have stopped their secondary education before graduating and who want to pass the baccalaureate to (re)enter the labour market.<sup>150</sup> The courses offered are very flexible, allowing adults to reconcile work, family life and studies.<sup>151</sup> However, unless having successfully completed the 4<sup>th</sup> year of secondary education in Luxembourg, language requirements in the three national languages are listed among the conditions to access the distance-learning baccalaureate, hampering considerably the access for beneficiaries of international protection.

In general, language requirements are among the major challenges that beneficiaries of international protection are facing for joining the provided courses in the frame of adult education.<sup>152</sup>

In 2014, personalised training workshops (*ateliers d’apprentissage personnalisés – “Learn for Success”*) have also been put in place by the SFA to allow adults to prepare for promotion- and qualification examinations or to extend their general knowledge and skills (i.e. German, French, English, mathematics, sciences, computer programs or civic knowledge).<sup>153</sup>

Basic instruction is another branch handled by the Adult learning department of the Ministry of National Education, Childhood and Youth. The programme is primarily aimed at adult illiteracy but also targets persons of immigrant background who have never attended school and to persons who are literate in a different alphabet.<sup>154</sup>

### *Vocational education and training*

**Q7. In relation to vocational education and training,<sup>155</sup> please describe the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced. Please also identify any good practices in relation to this support measure.**

As mentioned above, the Law of 5 May 2006 guarantees not only access to classical conventional education but also to vocational education and training.<sup>156</sup> Vocational training is designed and structured to promote professional experience, which can take two different forms depending on the training:

- Apprenticeship: The student has apprenticeship status and concludes a contract with a training organisation while attending school during a number of hours per week.
- Traineeship: The trainee has the status of trainee and the majority of his training takes place in school while undertaking a traineeship of at least 12 weeks in a company during his training.<sup>157</sup>

In Luxembourg, orientation towards vocational training starts at the end of 9<sup>th</sup> grade (third year of technical secondary education – *enseignement secondaire technique, EST*). Three different training courses exist leading to the following certifications:

- 1) The certificate of professional competence (*certificat de capacité professionnelle – CCP*) with a normal duration of 3 years. It enables to gain basic professional and social skills needed when entering the labour market for the first time. The holder of a *CCP* may continue his training in order to obtain a *DAP* in the same speciality.
- 2) The vocational qualification *diploma (diplôme d’aptitude professionnelle – DAP)* with a normal duration of 3 years. The training is based on an apprenticeship contract or a trainee contract (minimum Of 12 weeks

traineeship). It allows to access the labour market as a qualified worker. The holder of a *DAP* may continue his training as technician or complete a master's qualification. S/he may also consider superior technical studies in the specialty corresponding to his/her diploma if, s/he completes preparatory modules.

- 3) The technician diploma (*diplôme de technician – DT*) with a normal duration of 4 years and primarily organized under traineeship contract. The qualification targets an extensive professional training and allows for direct labour market access or superior technical studies in the specialty corresponding to his/her diploma.<sup>158</sup>

Vocational training is based on the development of skills and is organised within modules (and not disciplines) of which each target the development of multiple skills and is oriented to real-life working situations.<sup>159</sup> The validation of these modules and transferable units also provides an opportunity for people who have had their education interrupted to resume their training without having to start again.<sup>160</sup>

In that sense, the Adult learning department of the Ministry of National Education, Childhood and Youth, provides courses to adults in order that they can finish their initial vocational training.

Secondary vocational training (*enseignement secondaire technique - EST*) is provided to adults from 9<sup>th</sup> grade onwards (secondary school starting at 7<sup>th</sup> grade) in three different schools.<sup>161</sup> The 9<sup>th</sup> grade is decisive for persons of immigrant background in accessing future education and vocational training, especially for those who do not have a recognised level of education or the required language skills for entering the training system in Luxembourg.<sup>162</sup> However, there are no trainings tailored to beneficiaries of international protection in particular, nor are the teachers specifically trained to interact with refugees.<sup>163</sup>

From the 10<sup>th</sup> grade on, two different trainings for the technical regime exist:

- 1) 10<sup>th</sup> to 13<sup>th</sup> grade of the administrative and commercial division, section management (*gestion*), which allow the granting of a vocational diploma, are organised in evening classes at the *Lycée technique Ecole de Commerce et de Gestion* (LTECG);

2) 10<sup>th</sup> to 11<sup>th</sup> of the health professions division are offered at the *Lycée Technique du Centre* (LTC) and the *Ecole de la 2e Chance*.<sup>164</sup>

With the Law of 19 December 2008 concerning the reform of vocational education,<sup>165</sup> the system of vocational training has been reorganised to meet the requirements of a modern vocational education.<sup>166</sup> Nevertheless, for beneficiaries of international protection the main problems remain a reality, namely the recognition of qualifications and the language skills in order to access vocational training. Although there are also French-speaking classes among training programmes offered within the “2<sup>nd</sup> qualification path”<sup>167</sup>, the vast majority of training courses require the knowledge of French, German or Luxembourgish. Considering the countries of origin from most of the recognised refugees<sup>168</sup> and beneficiaries of subsidiary protection, only a very small minority speaks one of these languages.<sup>169</sup> This means that they usually must first go through the language courses before they may apply for training and vocational education.

### *Procedures for the recognition of qualifications*

**Q8. In relation to procedures for the identification and recognition of qualifications, please describe the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced.**

The Law of 5 May 2006 ensures equal treatment between beneficiaries of international protection and Luxembourg nationals within the framework of the existing procedures for the recognition of diplomas, certificates and other formal qualifications.<sup>170</sup> It also states that where beneficiaries of international protection are not in a position to provide documentary evidence of their qualifications, they shall be given full access to the appropriate systems for the evaluation, validation and accreditation of their earlier training.<sup>171</sup>

In practice, the recognition of diplomas remains however very problematic. Most of the international protection applicants fled their country of origin without taking their diplomas with them, preventing them from proving their professional qualification.<sup>172</sup> Even if they are in possession of their diplomas, the recognition remains challenging.

Thus, if the recognised refugee comes from a country that is not signatory of the Paris Convention and/or the Lisbon Convention,<sup>173</sup> the Ministry of Education should make an analysis to establish the equivalent of the education obtained by the applicant in comparison with the Luxembourgish education system.<sup>174</sup> The Ministry of Education in this case will require that the applicant, holder of a diploma granted by a recognised higher education institute of a third-country, provides a higher education diploma of at least three years and a certificate of language of a B.2 level in one of the three administrative languages.<sup>175</sup> As long as the recognition of the secondary school diploma has not been granted, the higher education diplomas cannot be homologated.<sup>176</sup> These conditions do not differ from those required from other third-country nationals legally residing in Luxembourg.<sup>177</sup> On the other hand, if the third-country national comes from a country that has signed the Paris or Lisbon Convention, the Ministry of Education analyses each case individually.<sup>178</sup>

In the frame of vocational training, the Law of 19 June 2009 transposed Directive 2005/36/EC on the recognition of professional qualifications. The qualifications obtained in third countries do not benefit from the provisions of this directive, with the exception of recognised refugees who are granted the same rights as EU citizens. The qualifications are not automatically recognised but are assessed as part of the general system of the directive and compared to the corresponding national training. In case there are substantial differences, they might be compensated by an internship or an evaluation. For the recognition academic diplomas there are no language requirements, unlike the different professional qualifications for the purpose of a right of establishment.<sup>179</sup>

#### Recognition of a baccalaureate diploma

The application for recognition of a baccalaureate diploma must be filed by regular mail with the Recognition of Diplomas Department of the Ministry of National Education, Childhood and Youth.<sup>180</sup> The applicant must file the following documents:

- a) Motivation letter requesting the recognition of the diploma;
- b) Curriculum vitae establishing the date and place of birth as well as the educational training;
- c) Copy of his/her valid identification documents (residence permit, passport);

- d) Copy of the certificates or diplomas;
- e) Copy of the diploma of a higher education institution recognised in a third-country which proves the successful termination of a higher education cycle of at least three years;
- f) Certificate of language of a level B.2 either for the Luxembourgish, German or French language;
- g) Residence certificate;
- h) Beneficiaries of international protection must present the decision of the Directorate of Immigration in which the international protection was granted;
- i) Proof of payment of the administrative fee of 125 €.

All the documents coming from third countries must be legalised by the competent authority and they must be translated in case they are not written in French, German or English.<sup>181</sup>

#### Recognition of higher education qualifications

Formal Recognition of a third-country national's higher education qualification can be done through the following two procedures: Registration of foreign certificates and accreditation of certificates.

- A. Registration of foreign certificates at the register of higher education qualifications (*registre des titres d'enseignement supérieur*): This register confirms the duration of the studies and the value of the diploma. Once the diploma is entered, it enables the recipient to publicly hold the qualification of a higher education level. The file for the enrolment procedure in the register must include a duly completed enrolment application form as well as a certified copy of the diploma.

A diploma may be recorded in the register of certificates provided:

- it is obtained in accordance with the law and provisions in the country where the title was granted;
- it is recognised by the country where the higher education establishment which granted the title is established;

- it represents the final graduation certificate of a full cycle of higher education studies (minimum 3 years).

The applicant who wishes to record his diploma in the register of certificates must submit an application to the secretary of the Academic Board of the Ministry of Higher Education and Research together with all required documents. Once the diploma has been registered, the Ministry of Higher Education and Research forwards a ministerial decree the applicant with regards to the registration of the diploma in the register of certificates.<sup>182</sup>

B. Accreditation of certificates: This procedure is used to access certain regulated professions, namely teaching professions in literature and sciences, medical practice, dental medicine, veterinary medicine, pharmacy as well as at attorney at Law.

1) If a foreign certificate is obtained in one of the following specialisations: philosophy, linguistic and literary disciplines history, geography, biology, chemistry, physics, maths or law, the applicants must adhere to the accreditation procedure in force, irrespective of their nationality.

2) If a third-country certificate (outside of the EU) is obtained in one of the following specialisations: medicine, dental medicine, veterinary medicine or pharmacy, the applicants must adhere to the accreditation procedure in force, irrespective of their nationality. Solely applicants whose certificate/diploma was issued by a EU Member State may contact the Health Ministry directly and request authorisation to practice.<sup>183</sup>

Luxembourg remains one of the few countries in the European Union where certificates/diplomas are recognised by ministries (Ministry of Higher Education and Research or Ministry of Justice) and not by a university. In the field of law, even nationals from countries in the European Union which do not have a civil law system (for example the United Kingdom and Ireland) may encounter problems because the principles of law in their country do not correspond to the principles of French or Luxembourgish law.<sup>184</sup>

In the cases of doctors, specialist doctors, dentists, veterinarians or pharmacists, recognition of diplomas is not necessary for a degree issued by a EU Member State. Holders of diplomas or degrees obtained in a country of the European Union may contact the Health Ministry with a view to requesting authorisation to practice. If a person holds a degree/diploma issued by a country that is not a Member State of the European Union, the degree must be recognised by the Ministry of Higher Education and Research.<sup>185</sup> It is a prior condition that must be met before obtaining authorisation to practice.

Accreditation of prior and experiential learning (*validation des acquis de l'expérience* - VAE):

Introduced with the reform on vocational training in 2008,<sup>186</sup> the VAE enables the formal recognition of competences acquired throughout life by granting a corresponding certificate, diploma or other degree. Each person possessing at least three years of practical experience in the activity s/he wants to validate, may introduce his/her application at the Ministry of National Education, Childhood and Youth. In case they meet the required conditions they can obtain, in whole or in part, a certificate of technical and vocational studies (*certificat d'initiation technique et professionnel – CITP*); a manual skills certificate (*certificat de capacité manuelle – CCM*); a technical and vocational skills certificate (*certificat d'aptitude technique et professionnelle – CATP*); a master craftsman's diploma (*brevet de maîtrise*); a technician's diploma (*diplôme de technicien*) or a technical school leaving certificate (*diplôme de fin d'études secondaires techniques*).<sup>187</sup>

The skills and knowledge acquired must be in relation to the certificate, diploma or degree aimed for. The competences may be acquired through formal learning in an educational or training establishment or in the workplace; through non-formal learning as part of an activity which contains an important part of training; through informal learning by carrying out activities related to work, family or leisure.<sup>188</sup>

On 23 December 2014 the draft bill amending the amended Law of 19 December 2008 was approved by the Government council. In this draft bill the different stages of the procedure for the VAE are clarified. Among other things, the notion of three years is replaced by the notion of a total duration of 5000 hours, the request for the



VAE has to be submitted in French or German language and a steering board committee is established.<sup>189</sup>

In regards to procedures for recognition of qualifications in general, the NGOs in charge of beneficiaries of international protection and other third country nationals would support more flexibility.<sup>190</sup> ‘Practical certification’, namely practical demonstration of competences, would be an alternative at least for certain professions and trades, whilst taking account of the security and unfair competition considerations.<sup>191</sup>

As a matter of fact, it is quite common that beneficiaries of international protection are forced to take jobs outside their professional fields or experience and that they are only at a later stage, if at all, able to take up employment in the branch in which they are trained. This is not least because of the difficulties that they encounter for recognising their diplomas.<sup>192</sup>

### *Counselling services*

**Q9. In relation to counselling services, please describe the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced.**

There are no official State-led counselling services that specifically target assistance requirements of beneficiaries of international protection. As already stated above, once the applicant of international protection is granted status, the assistance measures that apply as international protection applicant disappear in principle.

The OLAI of the Ministry of Family, Integration and the Greater Region, who was their responsible referral service in regards to social aid during their international protection procedure, will provide them with the necessary information in regards to the existing competent institutions for social aid, housing or labour market.<sup>193</sup>

Thus, the beneficiaries of international protection will be referred to the “Social office” (*office social*) of the municipality where they have their domicile for any request regarding social aid. The social aid ensures to people in need access to goods and services tailored to their situation in order to develop or maintain their

independence. The assistance is of palliative, curative or preventive nature and is based on social support on short-, medium- or long term. If necessary, the assistance also includes material aid, in kind or financial.<sup>194</sup> The type of requests for assistance from beneficiaries of international protection is diverse, but they usually concern housing, employment, problems related to languages as well as covering of medical costs. The social assistants working in the social offices are not specifically trained to work with refugees as their services target a much wider public. They may nevertheless receive awareness training or other assistance from NGOs/associations specialised in working with refugees or other migrant groups.<sup>195</sup>

Several NGOs or associations in Luxembourg provide counselling services to foreigners and newly arrived migrants in general, but none of them is exclusively targeted at beneficiaries of international protection. Those that provide counselling services and other support, namely the Luxembourgish Red Cross, Caritas Luxembourg, ASTI Asbl. and CLAE Asbl., also provide these measures within services that are open to other migrants or third country nationals. The counselling service offered by Caritas Luxembourg, nevertheless, specialised in informing and guiding international protection seekers as well as refugees.<sup>196</sup> In the frame of these counselling services, some of the NGOs/associations reported specific assistance/support requirements from beneficiaries to international protection. Among the reasons why they seek assistance, employment issues and housing can be found top of the list, but also demands for support in regards to family reunification are rather frequent.<sup>197</sup>

At present, there is one ongoing project which directly relates to supporting refugees in their search for employment. The project “*InSitu JOBS*<sup>198</sup>” was implemented in May 2015 by the *Comité de liaison des associations d'étrangers* (CLAE Asbl) and is financially supported by the AMIF. As a follow-up project of the “*Tracer sa voie*” project, also implemented by CLAE in 2011 and which had been running for three consecutive years, it is however not targeted exclusively to beneficiaries of international protection but also other regular staying third country nationals.<sup>199</sup> Considering the difficulties that refugees face when starting their path to professional integration, including the lack of language proficiency, their often weak relational network but also an environment that fails to provide for recognition of qualifications,

the project aims at a gradual independence of the refugees in their search for employment and training whilst strengthening the partnership with existing structures in the field of labour integration in order to promote exchanges and better meet the refugees' needs.<sup>200</sup>

CLAE puts emphasis on the transversal approach of their project, which according to them is essential to ensure the success of the refugees' socio professional insertion. The support measures should thus not solely focus on employment, but also take into account training, education, languages, validation of acquired experience as well as linking with other associations and institutions.<sup>201</sup> Alongside the personal interviews and support (i.e. skills assessment, orientation, administrative information etc.) that had already been offered in the former project<sup>202</sup>, the newly created project "*InSitu JOBS*" will also include a set of workshops on specific themes, such as personal and professional development or on how to prepare a job application. These workshops will be held in groups on a weekly basis, enabling the social interaction among the participants.

In the frame of the former project "Tracer sa voie", a regular consultation with a steering committee, including representatives of the Directorate of Immigration of the Ministry of Foreign and Affairs, the OLAI, the Ministry of Education and professional training, ADEM and the SNAS had been put in place.<sup>203</sup> In their new project (*InSitu JOBS*) CLAE is set to continue in this direction and wants to further connect with companies, employers, trade unions, federations and other associations working in the field of refugees and other third country nationals.<sup>204</sup>

According to ASTI asbl., it is also important that the provision of support is not solely state led. Creating direct links and relations between business and labour communities can be practical and efficient alternatives to purely administrative procedures. Especially in those cases where people have already established contact with entrepreneurs who are willing to offer professional training, there is no need to go through an administration, which may eventually even compound the search for a job. Removing the barriers between the beneficiaries of international protection that seek for a job and the company is crucial.<sup>205</sup>

In the frame of their counselling services, Caritas Luxembourg noted that very often beneficiaries of international protection find it difficult to engage in administrative procedures and to become empowered as long as their family situation, namely their family reunification procedure remains unsolved.<sup>206</sup> According to national legislation, beneficiaries of international protection have to apply for family reunification within three months after the grant of international protection in order to be exempted from the conditions of producing evidence showing that they have stable and regular resources, sufficient to meet they own needs and those of their family members for whom they are financially responsible, without recourse to the social assistance system, having appropriate accommodation to receive the family member(s) and having sickness insurance cover for them and their family members.<sup>207</sup> Yet, in practice it often takes more than three months for the beneficiaries of international protection in order to prepare their file in time and being exempted from these conditions.<sup>208</sup>

In this regard and with a view of transposing the “asylum package” into national law, the Luxembourgish Refugee Council (*Lëtzebuenger Flüchtlingsrot-LFR*) urged the government to eliminate this three months period.<sup>209</sup>

### *Access to housing*

**Q10. In relation to access to housing, please describe whether refugees, beneficiaries of subsidiary and humanitarian protection are entitled to receive help from the government with regard to access to housing, and how it is implemented in practice.**

In Luxembourg beneficiaries of international protection have the same access to housing as any other third-country national legally residing in the country.<sup>210</sup>

The responsible authority for obtaining social housing is the National Housing Fund (*Fonds National de Logement*),<sup>211</sup> but they may also turn to the Social Real Estate Agency (AIS)<sup>212</sup> and the *Société Nationale des Habitations à Bon Marché*<sup>213</sup> (*SNHBM*).<sup>214</sup> There is also a local social housing service at the Municipality of Luxembourg<sup>215</sup> and Esch-sur-Alzette.<sup>216</sup>

In Luxembourg the major problem in regards to housing is the price of the real estate market<sup>217</sup> and the scarcity of social housing. The social housing stock for (large) family accommodation is particularly low and also hard to finance.<sup>218</sup> As stated above, housing issues are also among the regular concerns and subject of assistance requests in the frame of the counselling services that are provided by NGOs/associations or social offices.

Seen that beneficiaries of international protection are initially very often without personal resources, they may continue to reside in the reception facilities of the OLAI, including the meal services, for a three months period. This period should give sufficient time to carry out the administrative procedure for obtaining the RMG (guaranteed minimum income) and other social rights.<sup>219</sup>

After the three months' period, the beneficiaries of international protection who have not found appropriate housing can continue to reside in the reception facilities of OLAI and may still benefit from the social counseling of OLAI, but they have to pay a symbolic rent for which the amount is fixed in accordance with the family composition. In the case of families this financial contribution to accommodation costs is a third of their entire income. For single adults, the financial participation is progressive: it is fixed at 450€ on the 4<sup>th</sup> month, 550€ on the 5<sup>th</sup> month and 650€ as of 6 months.<sup>220</sup>

In the past, certain families benefited from of a “second phase” housing (studio, apartment, house) during a maximum duration of three years.<sup>221</sup> OLAI assumed the expenses of the everyday- and accounting management, the house cleaning, as well as the legal and litigation follow-up.<sup>222</sup>

Only very recently, municipalities have been informed through circular by national authorities of a new temporary programme that aims to support beneficiaries of international protection in particular, but also all other residents who are looking for housing and who are on the waiting list of the National Housing Fund (*Fonds National de Logement*).<sup>223</sup> The programme foresees that for housing rented by municipalities from private property owners, the State will cover the difference between the rent negotiated in the contract with the private property owner, subject to a ceiling, and the amount for provision in accordance with a set scale.<sup>224</sup> The financial

contribution of the beneficiary of international protection amounts to 400€ plus 100€ per bedroom (charges excluded). The owner does not need a bank guarantee as the municipality is deemed creditworthy. The programme shall be launched with an unlimited budget and run, in principle, for three years.

In order to ensure that no discrimination between beneficiaries of international protection and other residents who are searching for housing and who are on the waiting list of the National Housing Fund, will take place, municipalities shall commit through agreement (*convention*) to make equally available housing for both categories. This will be coordinated by the Ministry of Interior in collaboration with the OLAI and the Ministry of Housing.<sup>225</sup>

The Government also plans to introduce a rent subsidy in early 2016 to assist low-income households that have to spend more than 33% of their net income on rent on the private market. This measure should respond to the needs of households that were unable to access rental housing of a public-sector promoter, either because their request couldn't be satisfied due to lack of availability or because their financial and family situation does not enable them to meet the access conditions for such accommodation.<sup>226</sup>

Following the recent influx of asylum seekers in Luxembourg, private initiatives to accommodate refugees on a voluntary basis have proliferated. Although in an answer to a parliamentary question the Minister of Family and Integration recommends to limit private accommodation of recognised refugees in Luxembourg, the OLAI plans to put in place the appropriate and necessary framework for this form of volunteering with the aim of creating a network of private accommodation for refugees.<sup>227</sup>

### *Guaranteed minimum resources*

**Q11. In relation to guaranteed minimum resources, please describe the organisation and implementation of the support measure, including the procedure to access the support measure, specifying any obstacles experienced.**

The Law of 5 May 2006 foresees that the beneficiaries of international protection (refugees and subsidiary protection) have the same access to social assistance as

Luxembourgish nationals.<sup>228</sup> In consequence they are entitled to receive the guaranteed minimum income and social aid in case they fulfil the objective criteria.<sup>229</sup>

- Guaranteed minimum income (RMG)

The guaranteed minimum income forms part of the social assistance system in Luxembourg, one of the three branches, alongside social security and social aid, which together compose the Luxembourgish social protection system.<sup>230</sup>

The guaranteed minimum income is financed by general taxation and is paid from the general budget of the State. The persons have to prove that they do not have sufficient means to live when their income does not reach a certain threshold. It consists of either:

- “integration allowance“ (*indemnité d’insertion*): it is linked to an integration activity<sup>231</sup> and it is paid to applicants who fulfil certain conditions and are capable of performing a professional activity.
- “supplementary allowance” (*allocation complémentaire*): it compensates the difference between the RMG and the household income.

In principle, third-country nationals are only entitled if they have resided in Luxembourg for at least 5 years out of the last 20. However, in regards to beneficiaries of international protection, this condition does not apply.<sup>232</sup> Even though there is no mention in the law of the RMG of the beneficiaries of subsidiary protection the National Solidarity Fund extended this benefit to them.<sup>233</sup>

Only persons under 25 years are eligible for the RMG.<sup>234</sup> This restriction often poses significant challenges to young beneficiaries of international protection without employment.<sup>235</sup>

The total amount of RMG without taking into consideration the own resources of the beneficiary is 1348,18 € for single adult; family of two adults: 2.022,27€; amount for additional adult: 385,73€ and 122,56€.<sup>236</sup>

The National Solidarity Fund (FNS) and the municipalities’ social offices are the institutions responsible for handling financial public assistance benefits. The FNS is a public body with legal representation and financial autonomy. It is subject to the

authority and supervision of the Ministry of Family and Integration. The principle objective of the FNS is to execute the obligation established by the law of Minimum Guaranteed Income (RMG).<sup>237</sup> The National social action Service (SNAS) is responsible for the integration allowance (*indemnité d'insertion*).

- Social aid

Social aid is granted and distributed by the social assistance offices of the municipalities. Each office has legal personality.<sup>238</sup> Each application is treated by a social worker who will present the files to the board of directors of the social assistance office, which must decide on them.<sup>239</sup>

- Cost of living allowance (*Allocation de vie chère*)

In addition to the guaranteed minimum income, beneficiaries of international protection may benefit upon request from a cost of living allowance for the year 2015, provided that their total annual income does not exceed the fixed amounts<sup>240</sup> established by the Grand-Ducal regulation depending on the family structure.<sup>241</sup> The global annual income for a single person cannot exceed 2.988 euros.<sup>242</sup>

- Transition period

During the transition period between obtaining the status and receiving guaranteed minimum resources, respectively their first income from their salaried activity, OLAI may grant them diverse financial advances in order to cover:

- Administrative fees to regularise their stay in Luxembourg (administrative fees for being issued a passport/residence permit);
- Costs derived from urgent needs (i.e. medical expenses, hygiene products, etc.)<sup>243</sup>

These financial advances are recovered by OLAI through:

- Cessions on family allowances with the National Family Benefits Fund (*Caisse Nationale de prestations familiales*);
- Cessions on the salary with the employer of the applicant;
- Commitment to reimburse signed by the beneficiaries.<sup>244</sup>



#### Section 4: Labour market participation

**Q12. Drawing on available research on employment/unemployment (or if not available, indications from relevant stakeholders) please indicate the sector/industry and the type of work which beneficiaries mainly successfully secure jobs in in your Member State.**

There are no statistics available regarding the sector and type of work in which beneficiaries successfully secure jobs in.

According to the NGOs and associations that work with refugees it is however quite common that they work in sectors and professions which are not directly related to their professional qualifications. Some of them may be able to access the professions for which they are trained for at a later stage, whereas others won't succeed in doing so. In most cases this situation is directly related to the challenges they face in regarding to recognition of diplomas and qualifications as well as language requirements on the labour market. This applies also to both, "qualified" and less "qualified" workers.<sup>245</sup>

A study conducted in 2012 by Caritas Luxembourg in collaboration with CEFIS notes the huge difficulties for recognised refugees to find quality and sustainable employment.<sup>246</sup> Professional downgrading is sometimes the only way to obtain work, whether temporary or permanent. According to the same study, the refugees in the sample were not totally satisfied with their professional situation, as 39,2% of them were searching for employment.<sup>247</sup>

**Table 1: Statistics on labour market participation**

	Refugees					Beneficiaries of subsidiary protection					Beneficiaries of humanitarian protection				
	2010	2011	2012	2013	2014	2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
Total number granted protection	83	41	56	129	145	19	6	7	33	33	N/A	N/A	N/A	N/A	N/A
Total number of beneficiaries of international/humanitarian protection residing in the MS	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	N/A	N/A	N/A	N/A	N/A
Total number employed (including self-employment)	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	N/A	N/A	N/A	N/A	N/A
Total number overqualified in their position	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	N/A	N/A	N/A	N/A	N/A
Total number unemployed <sup>248</sup>	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	N/A	N/A	N/A	N/A	N/A
Total number of inactive persons <sup>249</sup>	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	N/A	N/A	N/A	N/A	N/A

## Section 5: Conclusions

### **Q13. Please summarise your Member State's policy on access to employment, indicating any practical obstacles for the target group of this Study.**

In Luxembourg beneficiaries of refugee status and subsidiary protection almost have the same rights, with the exception of the travel document. The temporary protection, which is the only alternative humanitarian protection provided for in the asylum legislation, has on the other hand until to date never been granted.

The national legislation allows refugees as well as beneficiaries of subsidiary protection to have an immediate access to employment in the same conditions as Luxembourgish nationals, except for civil servant jobs. However, the reality on the ground is quite different as refugees often prove to have serious difficulties to effectively access the labour market, at least on the short term. The amended Law of 5 May 2006 already provided for the possibility to apply as an asylum seeker for a temporary work permit nine months after the procedure started. This time period has been reduced to six months with the entering into force of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection. Nevertheless and as a matter of fact, the possibility to access the labour market through a temporary work permit remained until now quite theoretical as in practice very few of those who were later granted the status had previously been granted such a permit.

The official linguistic regime in Luxembourg (French, German and Luxembourgish) makes it very hard to obtain a job if the person does not speak any of the required languages. Even though the OLAI allows the applicants for international protection to follow languages courses at reduced costs, in some cases the applicants have little instruction or they speak a language with a different alphabet. Language problems therefore considerably limit the capacity to enter the labour market for both high- and low qualification sectors. In addition, the recognition of diplomas and qualifications has proven problematic in many cases, especially concerning the recognition of secondary school diplomas. Others face the impossibility of their qualifications and/or diplomas being recognised as they were unable to bring them along after fleeing their country of origin.

Finally, the transition period which begins once the applicant is granted international protection status proves to be particularly challenging because several measures from which the applicants for international protection benefited during the procedure will no longer be available (i.e. housing, food, clothing, pocket money). The acquisition of the status also involves a change in support and guidance as well as a shift in terms of responsible authorities in charge of their support (i.e. OLAI will no longer be competent for their social assistance).

**Q14. Please summarise your Member State's policy on facilitating labour market integration, reviewing to what extent employment-related support measures can and are being accessed by refugees and beneficiaries of subsidiary and humanitarian protection and to what extent they facilitate their access to the labour market.**

An objective of the international protection legislation is that once the beneficiary has obtained the status s/he can have access without further delay to the labour market in the same conditions as Luxembourgish nationals or EU citizens. However, there are very few employment-related support measures in place for refugees, beneficiaries of subsidiary and temporary protection once they are granted status.

On the other hand they may benefit from minimum social income (*RMG*) as soon as they obtain international protection status, in the same conditions as EU citizens. Specific measures also exist during their international protection procedure, which may be of benefit once being granted the status.

The Law of 18 December 2015 on reception of applicants for international protection and temporary protection has reduced the time period from nine to six months for an applicant of international protection to apply for a temporary occupation authorisation. It allows the international protection applicant who obtains an AOT to enter the Luxembourgish labour market before having obtained the status. Also the new Law provides access to vocational training for the applicants for international protection.<sup>250</sup>

Once the applicants are granted the international protection status (refugee or subsidiary protection), they have access to training related to employment

opportunities, vocational training and skills improvement trainings.<sup>251</sup> They can also register at the national employment agency (ADEM) and benefit of all the existing support measures that are available to any other job seeker. Nevertheless, it is important to take into consideration the obstacles raised in Q.37.

**Q15. Please summarise your Member State's policy on the availability of *tailored* support measures to access the labour market that are available to refugees and beneficiaries of subsidiary and humanitarian protection as opposed to legally residing third-country nationals in general**

There is no national integration policy that targets refugees or beneficiaries of subsidiary protection in particular, neither in regards to employment-related measure nor in regards to any other integration measure. Most of the existing integration measures are provided to all residents legally residing in Luxembourg or otherwise to migrants or non-Luxembourgish speaking residents in general.

**Q16. Please summarise if and to what extent differences exist with regard to labour market access between:**

- **Refugees, beneficiaries of subsidiary and humanitarian protection on the one hand and third-country nationals legally residing in your Member State territory on the other hand;**
- **Refugees, beneficiaries of subsidiary protection and beneficiaries of humanitarian protection**

In legislation, the only difference that exists between refugees as well as beneficiaries of subsidiary protection with regard to labour market access are civil servant jobs, which are reserved to nationals and EU citizens for certain positions and functions. For the rest, they benefit from the same conditions as Luxembourgish nationals. In practice, the differences are much more pronounced. This can be due to various reasons, but the most vivid are certainly related to language requirements, administrative procedures such as the recognition of diplomas, socio-cultural capital as well as their socio-economic status.

There are no differences between refugees and beneficiaries of subsidiary protection with regard to labour market access, neither in law nor in practice. Nevertheless and

despite the intention of the legislator to close the gap between both statuses, other related legislation that might affect their rights, have not been amended. Thus, several specific legislations concerning the social protection system and naturalisation solely mention beneficiaries of the refugee status and recognised stateless persons.

In regards to beneficiaries of temporary protection (status that has until now not been granted), their access to the labour market is highly restricted. They can apply for a temporary occupation authorisation valid for six months and renewable but it is limited to one simple employer and one profession.<sup>252</sup> They are also subject to the labour market test, so in reality this option is very much theoretical.

**Q17. Please summarise what you consider to be good practices in the provision of labour market integration support measures in your national context.**

The effective integration of refugees is in most cases based on a process which has already started upon their arrival. Their successful integration, including access to employment is thus closely tied to the support they receive during their asylum procedure. The reduction of the time period (from nine to six months) to apply for a temporary occupation authorisation (AOT), which was introduced by the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection may in that sense be seen as more beneficial for the refugee's labour market integration as it further reduces their period of inactivity. The willingness of the State as well as the NGOs to provide language courses as soon as possible follows the same lines.

The competent authorities also acknowledged the difficult transition period experienced by applicants of international protection who are eventually granted the status. This is a period where refugees are particularly vulnerable because they do no longer benefit from the support measures they received as applicants for international protection. In an effort to minimise the negative effects and to facilitate this transitional phase, national authorities have implemented several specific targeted measures. Before obtaining the guaranteed minimum income, the OLAI may for instance grant them diverse financial advances in order to cover administrative fees or costs derived from urgent needs. In regards to housing, they may continue to reside

for a three months' period in the reception facilities of the OLAI. They may also stay longer, but they will have to pay a progressive financial participation.

In the field of education and language teaching, several specific classes that aim to upgrade the newly arrived children's language skills and basic education and eventually their integration in the regular school system have proliferated in the last years. The commitment of NGOs and other organisations in this field is also crucial and the support measures they implemented have proven successful.

Support measures specifically targeted at beneficiaries of international protection and which are directly aimed at fostering employment access are less abundant. Establishing contacts with employers and creating relations between companies and refugees who seek for jobs are just a few of possible solutions to further enhance their effective access to the labour market.

**Section 6: Additional information to ensure comparability**

**Table 2: Residence permits granted to refugees, beneficiaries of subsidiary protection and persons granted humanitarian protection**

	<b>Refugees</b>	<b>Beneficiaries of subsidiary protection</b>	<b>Beneficiaries of humanitarian protection</b>
Minimum duration of residence permit (by law)	3 years <sup>253</sup>	3 years <sup>254</sup>	It is not established by the law. The duration is established by the ministry in charge of Immigration. <sup>255</sup>
Maximum duration (including renewals <sup>256</sup> ) residence permit in months/years (by law)	5 years. This maximum duration is not established by the law. However, the administrative practice has been to issue the residence permit for a maximum duration of five years.	5 years. See Refugees.	It is not established by the law. <sup>257</sup>
Mean length of residence permit <sup>258</sup> in months/years (in practice)	5 years. See above.	5 years. See Refugees.	To date, it has never been granted.
After how many years of authorised stay can an application for permanent residence be made?	5 years. <sup>259</sup> The period between the filing of the application and the positive decision is taken into consideration according to the following rules: a) if the decision was taken in less than 18 months only half of the period of the decision will be	See Refugees.	N/A. The temporary protection only grants a tolerance to stay in the country, but is not an authorisation of residence <sup>261</sup> , meaning the beneficiary cannot apply for permanent residence. <sup>262</sup>



	taken into account; b) if the decision was taken after 18 months the full period is taken into consideration. <sup>260</sup>		
What are the conditions for permanent residence?	<p>(1) S/he must produce evidence showing that s/he has stable and regular resources sufficient to maintain him/herself and his/her family members whom are his/her dependants without having recourse to the social assistance system;<sup>263</sup></p> <p>(2) s/he must have appropriate accommodation;<sup>264</sup></p> <p>(3) s/he must have health insurance cover for him/herself and for his/her family members;<sup>265</sup></p> <p>(4) s/he must not constitute a threat to public policy or public security.<sup>266</sup></p> <p>(5) the degree of integration of the beneficiary is taken into account.<sup>267</sup></p>	See Refugees.	N/A. See above.
After how many years of authorised stay can an application for citizenship be	After 7 years of continuous and uninterrupted residence. <sup>268</sup> However, for counting this	After 7 years of continuous and uninterrupted	N/A.

made?	legal residence period, the period between the filing of the application and the decision that granted the refugee status is taken into account. <sup>269</sup>	residence <sup>270</sup> once granted the subsidiary protection status, as any third-country national residing in Luxembourg. The law does not mention the 7 years period in regards to beneficiaries of subsidiary protection. See Refugees.	
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<p>What are the conditions for citizenship?</p>	<p>(1) Being at least 18 years old;<sup>271</sup>  (2) Having resided on the territory for a continuous period of 7 years  (3) Passing the Luxembourgish language test in oral comprehension (level B.1) and oral expression (level A.2)<sup>272</sup>  Having attended at least 3 courses of civic instruction on Luxembourgish institutions and fundamental rights<sup>273</sup>  Not having been condemned abroad to an imprisonment judgement of 1 year or more<sup>274</sup></p>	<p>See Refugees.</p>	<p>N/A. See above.</p>
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**Table 3: Conditions linked to access to the labour market**

	Refugees	Beneficiaries of subsidiary protection	Beneficiaries of humanitarian protection
Conditions for labour market access laid down in national legislation <sup>275</sup>	<p>Refugees are authorised to engage in employed or self-employed activities subject to general rules applicable to the economic sector concerned and to the public services.<sup>276</sup></p> <p>Limitations: They do not have access to civil servants jobs and to the public sector, which is only open to EU citizens.<sup>277</sup></p> <p>They do not have access to the public servant jobs, which imply a direct or indirect participation of the exercise of the public authority. These jobs are limited to Luxembourgish nationals.<sup>278</sup></p> <p>In regards to regulated professions such as lawyer,</p>	See refugees	N/A

	health professionals <sup>279</sup> , socio-educational professions <sup>280</sup> , physician, dentist or veterinarian <sup>281</sup> , auditor, they are required to meet the same conditions that apply to Luxembourgish national. <sup>282</sup>		
Conditions for labour market access that apply in practice	The only condition for engaging in employed activities (taking into consideration the limitations and exceptions mentioned above) is the general requirement that applies to any Luxembourgish national or EU and EEA citizen, namely that the position is declared at the Agency for the Development of Employment (ADEM). <sup>283</sup>	See refugees	N/A
Main differences in conditions (as set out in legislation or in practice) concerning labour market access when compared with other third-country nationals legally residing on the territory	Unlike other third country nationals, refugees have an open and immediate access to the labour market as 1) they are not subject to the labour market test; 2) they are not limited to a specific sector or profession; and 3) their residence permits are issued for a longer period.	See refugees	N/A

	<p>Also, if the refugee is a highly qualified worker s/he can begin working without having to meet the conditions required for obtaining the status (especially the salary threshold).</p> <p>In regards to effective access to the labour market, refugees and other third country nationals have similar difficulties.</p> <p>Thus, the linguistic regime in Luxembourg (French, German and Luxembourgish) makes it very hard to obtain a job if the person does not speak any of the required languages (see Section 3.).</p> <p>The recognition of diplomas and qualifications has proven quite problematic in many cases<sup>284</sup>, especially concerning the recognition of secondary school diplomas.</p> <p>A specificity, which often applies to refugees (unlike other third country nationals), is the impossibility to provide their diplomas, as they were</p>		
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	unable to bring them along. As a consequence, their recognition of qualifications and diplomas becomes almost impossible. <sup>285</sup>		
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**Table 4: Eligibility for employment-related support measures**

	Refugee	Beneficiaries of subsidiary protection	Persons granted humanitarian status
Education <sup>286</sup>	Yes. Basic instruction and possibility to finish studies.	Yes. The same as for adult refugees.	Yes. <sup>287</sup>
Language courses	Yes.	Yes.	No.
Orientation courses	Yes. (as signatory of the Welcome and Integration contract - CAI)	Yes. (as signatory of the Welcome and Integration contract - CAI)	No.
Vocational education and training	Yes.	Yes.	Yes.
Counselling	Yes.	Yes.	No.
Recognition of qualifications	Yes.	Yes.	No.
Guaranteed minimum resources	Yes.	Yes.	No.
Housing support/access to social housing	Yes.	Yes.	No.

**Table 5: Authorities responsible (executive and financial) for the provision of employment-related support measures**

Employment-related support measure	Authority that carries executive responsibility	Authority that carries financial responsibility
Education	Ministry of National Education, Childhood, Youth	Ministry of National Education, Children, Youth
Language courses	National Institute of Languages, Municipalities, and approved associations in regards to adults. Ministry of National Education, Childhood and Youth (through the SECAM) in regards with children. OLAI in the frame of of the CAI ( <i>Contrat d'accueil et d'intégration</i> ).	Ministry of National Education, Childhood and Youth.
Orientation courses	OLAI.	OLAI.
Vocational education and training	Adult learning department (SFA) of the Ministry of National Education, Childhood and Youth in regards to adults. Ministry of National Education, Childhood and Youth (through the SECAM) in regards to children.	Ministry of National Education, Childhood and Youth (through the SECAM) in regards to children.
Counselling	Administration for the Development of Employment (ADEM).	Administration for the Development of Employment (ADEM).
Recognition of qualifications	Secondary education diplomas. Department of Recognition of Diplomas, Ministry of National Education, Childhood and Youth. Validation of acquis and experience (VAE). Validation of acquis and experience unit, Ministry of National Education, Childhood and Youth. Homologation of Diplomas: Homologation Commission of the Ministry of Higher Education and Research.	Ministry of National Education, Childhood and Youth.  Ministry of National Education, Childhood and Youth.  Ministry of Higher Education and Research.
Guaranteed minimum resources	National Solidarity Fund (FNS) and National Service for Social Action (SNAS)	National Solidarity Fund (FNS) and National Service for Social Action (SNAS)
Housing	National Housing Fund and other institutions such as Social Real Estate Agency (AIS) and the <i>Société Nationale des Habitations à Bon Marché</i> (SNHBM).	National Housing Fund and other institutions such as Social Real Estate Agency (AIS) and the <i>Société Nationale des Habitations à Bon Marché</i> (SNHBM).
Social aid	Social offices (local level)	



**Table 6: Conditions to access employment-related support measures**

	Education	Language courses	Orientation courses	Vocational education and training	Counselling	Recognition of qualifications	Guaranteed minimum resources	Housing	Comments*
Having a residence permit	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	This requirement applies to all third-country nationals legally residing in the country as well as beneficiaries of international protection.
Having a work permit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Having identity documents	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	
Having a domicile	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	To benefit from all the measures, the applicant has to reside on the territory. This condition applies also to third-country nationals (with the exception of cross-border worker third-country nationals).
Language competency	No for basic instruction. Yes for regular education.	No.	No.	Yes.	No.	Yes.	No.	No.	To integrate the regular education system, there are reception classes which foster language learning of school's vehicular languages.
Specific qualifications/diplomas required	No.	No.	No.	No.	No.	Yes.	No.	No.	
Sufficient financial	No.	No.	No.	No.	No.	Must pay fees.	It will be adjusted accordingly to the	Yes.	

resources							resources of the applicant.		
Eligibility for loans	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

**Table 7: Statistics in relation to accessing employment-related support measures**

	Refugees, beneficiaries of subsidiary protection and humanitarian protection					Please specify to which groups the figures refer to
	2010	2011	2012	2013	2014	
Total number of beneficiaries accessing education	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	
Total number accessing language courses	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	
Total number accessing orientation courses	n.a.	8	23	23	21	The numbers provided refer to the number of beneficiaries of international protection who signed the CAI ( <i>contrat d'accueil et d'intégration</i> ), the framework in which orientation courses are held. Even though they signed the contract, they did not necessarily attend the courses. The CAI was launched in October 2011. <sup>288</sup>
Total number accessing vocational education and training	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	
Total number making use of procedures for the recognition of qualifications	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	
Total number provided minimum guaranteed resources	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	
Total number accessing counselling services	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	
Total number accessing housing	n.i.a.	n.i.a.	n.i.a.	n.i.a.	n.i.a.	

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- <sup>1</sup> Article 2 f) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>2</sup> Article 2 g) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>3</sup> Article 2 r) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>4</sup> Exposition of motives, Bill n° 6779, Parliamentary document n° 6779/00, p. 47.
- <sup>5</sup> Memorial A-255 of 28 December 2015.
- <sup>6</sup> Article 1 of the amended Law of 5 May 2006 on the Right of Asylum and Complementary Forms of Protection, Memorial A-113 of 3 July 2013.
- <sup>7</sup> Memorial A-121 of 19 July 2007.
- <sup>8</sup> Memorial A-138 of 10 September 2008.
- <sup>9</sup> Memorial A-102 of 20 May 2011.
- <sup>10</sup> Memorial A-151 of 25 July 2011.
- <sup>11</sup> Memorial A-106 of 25 June 2013.
- <sup>12</sup> Article 2 a) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013.
- <sup>13</sup> Article 46 (1) and (2) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. However, this difference was abrogated by the Law of 19 June 2013.
- <sup>14</sup> Article 47 (1) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>15</sup> Article 47 (2) of the Law of 5 May 2006. This difference still remains. See article 47 (2) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013.
- <sup>16</sup> Article 48 (1) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>17</sup> Article 48 (3) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>18</sup> Article 45 (1) and (2) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>19</sup> Article 49 (1) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>20</sup> Article 49 (2) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. Access to the general education system, as well as life-learning training or professional recycling, under the same conditions as any other third-country national legally residing in Luxembourg.
- <sup>21</sup> Article 49 (3) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>22</sup> Article 50 of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. The social assistance system comprehends the guaranteed minimum income (*revenu minimum garanti -RMG*), which is financed by general taxation and is paid from the general budget of the State. The persons have to prove that they do not have sufficient means to live when their income does not reach a certain threshold. See LU EMN NCP, Migrant access to social security and healthcare: policies and practice, 2014, p. 1.
- <sup>23</sup> Article 50 of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. Social assistance comprehends financial and non-financial aid provided by the social offices of the municipalities as established by the amended Law of 18 December 2009 organising social aid.
- <sup>24</sup> Article 51 (1) and (2) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. They have the same access as the Luxembourgish nationals. Article 51 (2) guaranteed in both cases access to special treatment to those beneficiaries with special needs, such as pregnant women, disabled persons, persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence and minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman or degrading treatment or armed conflict, under the same conditions as those applying to Luxembourgish nationals.
- <sup>25</sup> Article 52 (1) to (6) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.
- <sup>26</sup> Article 53 of the Law of 5 May 2006. They have access in the same conditions than the Luxembourgish nationals or any third-country national legally residing in the territory.
- <sup>27</sup> Article 155 8° and 9° of the Law of 29 August 2008 on free movement of persons and immigration, which amended articles 46 (1) and (2) and article 48 of the Law of 5 May 2006.
- <sup>28</sup> Article 155 8° of the Law of 29 August 2008 on free movement of persons and immigration.

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- <sup>29</sup> Article 1 17° of the Law of 19 June 2013 which amended article 46 (1) of the Law of 5 May 2006.
- <sup>30</sup> Article 2 (2) of the Law of 29 April 1999 on the creation of the guaranteed minimum income.
- <sup>31</sup> Article 158 (2) of the Law of 29 August 2008.
- <sup>32</sup> Article 4 (1) of the Grand Ducal Regulation of 16 January 2001 establishing the modalities for the application of the Law of 29 April 1999 on the creation of the guaranteed minimum income. This Grand Ducal Regulation only mentions as beneficiaries the recognised refugees and stateless persons.
- <sup>33</sup> Article 6 (2) paragraph 2 of the Law of 23 October 2008 on Luxembourgish nationality, Memorial A-158 of 27 October 2008.
- <sup>34</sup> Article 172 (8) of the Social Security Code.
- <sup>35</sup> Article 269 (2) of the Social Security Code.
- <sup>36</sup> Article 46 (2) of the amended law of 5 May 2006, Memorial A-113 of 3 July 2013.
- <sup>37</sup> Article 3 (5) of the Law of 3 August 1998 on the special pension schemes for civil servants.
- <sup>38</sup> Article 1 (1) paragraph 2 of the Law of 12 September 2003 on disabled persons as amended by article 1 (a) of the Law of 16 December 2011.
- <sup>39</sup> Article 1 (2) paragraph 2 of the Law of 12 September 2003 on disabled persons as amended by article 1 (c) of the Law of 16 December 2011.
- <sup>40</sup> Article 2 of the regulation 883/2004 of the European Parliament and the Council of 29 April 2004 on the coordination of social security systems. See also: Ministère de la Sécurité Sociale, « *Droit de la Sécurité Sociale* », 2015, p. 488.
- <sup>41</sup> Article of the European Convention on Social and Medical Assistance of 11 December 1953. See also: Ministère de la Sécurité Sociale, « *Droit de la Sécurité Sociale* », 2015, p. 519.
- <sup>42</sup> Ministère de la Sécurité Sociale, « *Droit de la Sécurité Sociale* », 2015, p. 533.
- <sup>43</sup> Ministère de la Sécurité Sociale, « *Droit de la Sécurité Sociale* », 2015, p. 534.
- <sup>44</sup> Ministère de la Sécurité Sociale, « *Droit de la Sécurité Sociale* », 2015, p. 543.
- <sup>45</sup> Article 1 paragraph 1 of the Law of 18 December 2015 on international protection and temporary protection, [Memorial A-255 of 28 December 2015](#).
- <sup>46</sup> Article 53 (2) of the Law of 18 December 2015 on international protection and temporary protection .
- <sup>47</sup> Article 57 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>48</sup> See legal opinion of the Council of State. Parliamentary document n° 6779/03 of 20 July 2015.
- <sup>49</sup> Article 58 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>50</sup> Article 58 (2) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>51</sup> Parliamentary document n° 6779/02 of 5 June 2015 nor in its complementary opinion, Parliamentary document n° 6779/08 of 26 October 2015.
- <sup>52</sup> Parliamentary documents n° 6779/04 of 28 August 2015 and n° 6779/07 of 26 October 2015.
- <sup>53</sup> Parliamentary document n° 6779/03 of 20 July 2015.
- <sup>54</sup> Articles 1 and 56 of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013. See also article 67 of the Bill n° 6779.
- <sup>55</sup> Article 57 of the law of 5 May 2006. See Memorial A-78 of 9 May 2006. See also article 68 of Law of 18 December 2015 on international protection and temporary protection.
- <sup>56</sup> Before the entrance into force of the Law of 5 May 2006 during the Balkans war, the Luxembourgish government established a system of ad-hoc protection (humanitarian status) that is the equivalent of the temporary protection for people coming from the former Republic of Yugoslavia. There was no legal basis for it, but it was taken by decision of the Government Council of 20 March 1992. In another decision of 29 May 1992, every beneficiary of this ad-hoc status had access to the labour market. However, the duration of the work permit was limited to the duration of the authorisation of stay, which was of 3 months. This ad-hoc status was later limited in scope by decisions of the Government Council of 3 July 1992 (only granted to people coming from Bosnia-Herzegovina). This status was declared contrary to the Constitution by the First instance Administrative Court, n° 9608 of 27 February 1997 because it had no legal basis. With the signature of the Treaty of Peace of Dayton, the Government Council decided on 8 December 1995 to abolish this ad-hoc status. Besch, Sylvain, « *Les réfugiés entre droit et politique (1990-2009)* », Asti 30+, 30 ans de migrations, Luxembourg, 2010, pp. 110-111.

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<sup>57</sup> Directive 2001/55/EC of 20 July 2001 on minimum standards for granting temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. See also Article 58 (1) of the law of 5 May 2006. See Memorial A-78 of 9 May 2006. See also article 69 of the Law of 18 December 2015 on international protection and temporary protection.

<sup>58</sup> Article 58 (2) of the law of 5 May 2006.

<sup>59</sup> Article 62 (1) of the law of 5 May 2006, Memorial A-78 of 9 May 2006.

<sup>60</sup> Article 62 (3) of the law of 5 May 2006, Memorial A-78 of 9 May 2006. However, this certificate is valid to fulfil the formalities needed to get married according with the Civil Code. See also article 72 paragraph 1 of the Law of 18 December 2015 on international protection and temporary protection.

<sup>61</sup> Article 62 (2) of the law of 5 May 2006, Memorial A-78 of 9 May 2006. See also article 72 paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.

<sup>62</sup> Article 65 (1) of the law of 5 May 2006, Memorial A-78 of 9 May 2006. This disposition is abrogated in the Law of 18 December 2015 on international protection and temporary protection.

<sup>63</sup> Article 65 (1) of the law of 5 May 2006. See Memorial A-78 of 9 May 2006. This temporary authorisation of occupation does not grant access to a residence permit (article 65 (3)) and it is not valid at its expiration or when the employment contract is terminated (article 65 (4)). Also it can be withdrawn if the beneficiary change of sector (article 65 (5)).

<sup>64</sup> Until now this Grand-ducal regulation has not been issued.

<sup>65</sup> Until now this Grand-ducal regulation has not been issued.

<sup>66</sup> Article 68 of the Law of 5 May 2006, Memorial A-78 of 9 May 2006.

<sup>67</sup> Article 14 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, [Memorial A-255 of 28 December 2015](#).

<sup>68</sup> See article 62 (3) of the amended Law of 5 May 2006.

<sup>69</sup> According to the article 14 (8) of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, adults who are beneficiaries of temporary protection have access to vocational training, but they do not have access to the educational system which is reserved to minors (article 14 (7)).

<sup>70</sup> Article 14 (1) and (2) of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.

<sup>71</sup> Article 14 (9) in relation to article 2 g) of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.

<sup>72</sup> Amended Law of 29 August of 2008 on free movement of persons and immigration.

<sup>73</sup> Please refer to the respective sections for more details in regards to challenges and obstacles for effective access to the labour market.

<sup>74</sup> Article 48 (1) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. See also article 59 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>75</sup> Article 2 (1) a) of the amended Law of 16 April 1979 on the general status of the civil servants of the State and the Grand-Ducal Regulation of 12 May 2010 determining the positions in the public administrations et public institutions which imply a direct or indirect participation on the exercise of the public authority.

<sup>76</sup> The conditions required to benefit from social aid during the asylum procedure as well as the conditions under which the aid ends are set out in the Grand-Ducal Regulation of 8 June 2012 establishing the conditions and procedures for granting social aid to applicants of international protection, Memorial A-123 of 20 June 2012

<sup>77</sup> Article 50 of the amended Law of 5 May 2006.

<sup>78</sup> Article 2 (2) of the amended Law of 29 April 1999 on the creation of the right to a minimum guaranteed income.

<sup>79</sup> Official website, Service national d'action sociale, Ministère de la Famille, <http://www.snas.public.lu/> and Guichet.lu, [Demander le bénéfice du revenu minimum garanti \(RMG\)](#).

<sup>80</sup> *Rapport Quinquennal*, Office luxembourgeois de l'accueil et l'intégration (OLAI), Ministère de la Famille de l'Intégration et à la Grande Région, Luxembourg, December 2014, p. 119. Before 2011, OLAI provided financial advances for expenses on rent, banking guaranteed deposit and the real estate agency fee for moving into a new house/apartment after leaving the reception facility, but this was stopped in 2011.

<sup>81</sup> See Section 1 Q. 1.

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- <sup>82</sup> Interview with Caritas Luxembourg, 04.08.15
- <sup>83</sup> *Rapport Quinquennal*, Office luxembourgeois de l'accueil et l'intégration (OLAI), Ministère de la Famille de l'Intégration et à la Grande Région, Luxembourg, December 2014, p. 119.
- <sup>84</sup> *Ibidem*. OLAI signed renting contracts for three years with the beneficiaries. In 2012, OLAI rented 34 houses and 50 apartments to recognised refugee families. Also the house Schadeck in Hesperange is a housing of second phase for monoparental families and single women. In 2012, there were 10 families living in the premises. However, OLAI will no longer apply this measure in the future and will look for alternatives.
- <sup>85</sup> *Ibidem*.
- <sup>86</sup> Answer of the Minister of Interior to the parliamentary question n°1529 of 29 October 2015.
- <sup>87</sup> Article 59 (1) of the new Law of 18 December 2015 on international protection and temporary protection transposed it as well. Exposition of motives, Bill n° 6779, Parliamentary document n° 6779/00, p. 47.
- <sup>88</sup> Article 48 (1) of the amended Law of 5 May 2006.
- <sup>89</sup> Article 14 (2) of the amended Law of 5 May 2006..
- <sup>90</sup> Article 14 (2) of the amended Law of 5 May 2006.
- <sup>91</sup> Press release by the Luxembourgish Refugee Council (*LFR*), « *Réfugiés : le droit d'asile va de pair avec le devoir d'accueillir* », Luxembourg, 15.09.15
- <sup>92</sup> Applicants for international protection may apply to work temporarily in certain specific areas 9 months after filing their international protection application. The temporary work permit (*autorisation d'occupation temporaire – AOT*) is valid for 6 months (renewable) but only for one profession and one specific employer. The temporary work permit is no longer valid if the application for international protection is definitively rejected (once all remedies have been exhausted) or withdrawn. It is important to note that before hiring a third-country national, s/he has to pass the labour market test. The employer must declare the vacant position to the Agency for the Development of Employment (Agence pour le développement de l'emploi – ADEM) who checks whether the position could be filled by persons registered in its records (EU/EEA citizens or third-country nationals legally residing in the territory) and who are beneficiaries of unemployment benefits). An employer who has not been presented with a suitable candidate from the ADEM within 3 weeks following his declaration of a vacant position can request a certificate from the director of the ADEM which will allow him to recruit a third country national. Only after obtaining the certificate, the employer may apply for the AOT for the applicant for international protection. See also Article 14 (2) of the amended Law of 5 May 2006 and guichet.lu, [Work for applicants for international protection](#).
- <sup>93</sup> Interview with ASTI asbl., 18.09.15.
- <sup>94</sup> Article 6 (1) and (2) of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>95</sup> Article 6 (2) of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>96</sup> L'Agence pour le développement de l'emploi (ADEM), <http://www.adem.public.lu/fr/index.html>
- <sup>97</sup> Article 48 (2) of the amended Law of 5 May 2006.
- <sup>98</sup> International protection applicants can benefit from a temporary occupation autorisation (AOT). They may benefit from a supplementary aid from the ADEM in their efforts for looking for a job, <http://www.adem.public.lu/demandeur/permis/index.html>
- <sup>99</sup> L'Agence pour le développement de l'emploi (ADEM), <http://www.adem.public.lu/demandeur/aides/index.html>
- <sup>100</sup> « *L'accès à l'emploi et à l'apprentissage des demandeurs de protection internationale et des bénéficiaires d'attestation de tolérance* », Luxembourg, December 2008, p.58 in UN High Commissioner for Refugees (UNHCR), *Dossier: Accès à l'emploi et à l'apprentissage des demandeurs de protection internationale et des bénéficiaires d'attestations de tolérance*, December 2009, <http://www.refworld.org/docid/4bc2e5522.html>
- <sup>101</sup> Article 48 (2) of the amended Law of 5 May 2006.
- <sup>102</sup> Article 49 is the transposition in national law of article 27 of the Qualification Directive on access to education. There is no further explanation of this issue in the exposition of motives of the bill n° 5437. See Parliamentary document n° 5437/00, p. 37.
- <sup>103</sup> Telephone interview with *Service de la formation des adultes (SFA)*, Ministry of National Education, Childhood and Youth, 2 December 2015
- <sup>104</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°1471 of 19 October 2015

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- <sup>105</sup> Articles 48, 49 and 50 of the amended Law of 5 May 2006.
- <sup>106</sup> Article 46 (1) in accordance with article 48 (1) of the amended Law of 5 May 2006.
- <sup>107</sup> See [guichet.lu](http://guichet.lu), [Demander une reconnaissance de niveau d'études, d'équivalence de diplômes et d'équivalence de qualifications professionnelles](http://guichet.lu/Demander_une_reconnaissance_de_niveau_d_etudes_d_equivalence_de_diplomes_et_d_equivalence_de_qualifications_professionnelles).
- <sup>108</sup> See [guichet.lu](http://guichet.lu), [Commission d'homologation – Ministère de l'Enseignement supérieur et de la Recherche](http://guichet.lu/Commission_d_homologation_Ministere_de_l_Enseignement_superieur_et_de_la_Recherche). In Luxembourg the homologation of diplomas only concerns the studies of the applicant. In order to be authorised to practice several regulated professions (i.e. lawyer and physician) the applicant must fulfill further requirements.
- <sup>109</sup> Article 48 (2) of the amended Law of 5 May 2006..
- <sup>110</sup> The ADEM has an application that allows the applicant to select its location of residence and the application will indicate which the competent agency is, Lëtzebuerger Gemengen, « *Un nouveau numéro d'identification unique pour chaque citoyen* », 4. September 2013, <http://www.gemengen.lu/2013/09/04/un-nouveau-numero-d%E2%80%99identification-unique-pour-chaque-citoyen/>
- <sup>111</sup> Lëtzebuerger Gemengen, « *Un nouveau numéro d'identification unique pour chaque citoyen* », 4. September 2013.
- <sup>112</sup> Pigeron-Piroth I. and Fehlen F., « *Les langues dans les offres d'emploi au Luxembourg (1984-2014)* », IPSE, Institut de langue et de littératures luxembourgeoises, Institute of Geography and Spatial Planning, University of Luxembourg, June 2015
- <sup>113</sup> Ibidem
- <sup>114</sup> Interview with Caritas Luxembourg, 04.08.15.
- <sup>115</sup> « *Rapport d'activités 2014* », Ministère de l'Education nationale, de l'Enfance et de la Jeunesse, March 2015, p.60.
- <sup>116</sup> See « *Rapport d'activités 2014* », Ministère de l'Education nationale, de l'Enfance et de la Jeunesse, March 2015, p.62.
- <sup>117</sup> In regards to the language courses offered by Caritas Luxembourg in their Centre Oasis, the number of refugees attending these courses has steadily (with the exception of 2013) increased during the last years: 2014= 42; 2013= 13; 2012= 33; 2011= 22; 2010=20. Information provided by Caritas Luxembourg on 15.09.15.
- <sup>118</sup> See LU EMN NCP answers to: Ad-Hoc Query on provisions and acts on integration of foreigners requested by AT EMN NCP on 24<sup>th</sup> April 2015; Ad-Hoc Query on Educational projects for immigrants requested by GR EMN NCP on 30<sup>th</sup> January 2015; Ad-Hoc Query on Integration Agreement requested by IT EMN NCP on 18<sup>th</sup> January 2013.
- <sup>119</sup> *Rapport Quinquennal*, Office luxembourgeois de l'accueil et l'intégration (OLAI), Ministère de la Famille de l'Intégration et à la Grande Région, Luxembourg, December 2014.
- <sup>120</sup> Caritas Luxembourg, « *Réfugiés reconnus au Luxembourg, Quelle intégration ?* », Luxembourg, 2012, p. 72.
- <sup>121</sup> According to Pigeron-Piroth and Fehlen the jobs offers in 2014 required in 42% that the applicants speak the three languages (this is a substantial difference from 1984 when only 20% required the three languages). On the other hand French is the principal language required by employers. In 90,4% of the job offers published in the Luxembourg Wort employers required French (alone or related to other languages). Pigeron-Piroth I. and Fehlen F., *Les langues dans les offres d'emploi au Luxembourg (1984-2014)*, IPSE, Institut de langue et de littératures luxembourgeoises, Institute of Geography and Spatial Planning, University of Luxembourg, June 2015, p.p. 46-47.
- <sup>122</sup> Caritas Luxembourg, « *Réfugiés reconnus au Luxembourg, Quelle intégration ?* », Luxembourg, 2012, p. 72.
- <sup>123</sup> Interview with Caritas Luxembourg, 04.08.15.
- <sup>124</sup> This is why ASTI asbl offer alongside their language courses also coaching, namely learners who regularly meet with volunteers who master the language, as well as round-table discussions on specific themes, enabling them to put into practice in a more informal setting what they have learnt during theory lessons, Interview with ASTI asbl., 18.09.15.
- <sup>125</sup> *Rapport Quinquennal*, Office luxembourgeois de l'accueil et l'intégration (OLAI), Ministère de la Famille de l'Intégration et à la Grande Région, Luxembourg, December 2014.
- <sup>126</sup> For further information regarding the Welcome and Integration Contract, please see LU EMN NCP answers to: Ad-Hoc Query on provisions and acts on integration of foreigners requested by AT EMN NCP on 24<sup>th</sup> April 2015; Ad-Hoc Query on Educational projects for immigrants requested by GR EMN NCP on 30<sup>th</sup> January 2015; Ad-Hoc Query on Integration Agreement requested by IT EMN NCP on 18<sup>th</sup> January 2013.
- <sup>127</sup> Interview with ASTI Asbl., 18.09.15.



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<sup>128</sup> Art. 49(1) of the amended Law of 5 May 2006. As mentioned above, the adults have access to the education system under the same conditions of third-country nationals legally residing in Luxembourg.

For further information regarding education access of foreign children in general and unaccompanied minors in particular, please see: LU EMN NCP, “Policies, practices and data on unaccompanied minors in 2014”, 04.12.2014, <https://www.emnluxembourg.lu/type-documentation/policies-practices-and-data-unaccompanied-minors-2014>.

<sup>129</sup> *Service de la scolarisation des enfants étrangers* (SECAM), Ministry of National Education, Childhood and Youth. SECAM coordinates measures to promote the school - reception and integration of foreign children. It offers support to pupils, parents and teachers through various projects and services, <https://portal.education.lu/Default.aspx?alias=portal.education.lu/secam&>.

<sup>130</sup> *Rapport d'activité 2014*, Ministry of National Education, Childhood and Youth, 2014, March 2015.

<sup>131</sup> Telephone interview with *Service de la scolarisation des enfants étrangers* (SECAM), Ministry of National Education, Childhood and Youth, 13 November 2015.

<sup>132</sup> *Rapport d'activité 2014*, Ministry of National Education, Childhood and Youth, 2014, March 2015.

<sup>133</sup> In 2009/2010, 16,5% of all children in basic education were born outside of Luxembourg and for 54,2% the language spoken at home was other than Luxembourgish, *Luxembourg.lu*, “Scolarisation des enfants étrangers”, <http://www.luxembourg.public.lu/fr/societe/education-formation/scolarisation-etrangers/index.html>.

<sup>134</sup> A pilot project named « 100 Wierder Lëtzebuergesch » has recently been implemented by the Adult Learning Service (*Service de la Formation des Adultes –SFA*) of the Ministry of National Education, Childhood and Youth to familiarise newly arrived migrants with the Luxembourgish language and the education system. A handbook is therefore distributed to organisations, associations and volunteers who support persons who work with the target population. For more information please see: <http://blog.men.lu/actualites/100-wierder-letzebuergesch>.

<sup>135</sup> *Service de la scolarisation des enfants étrangers* (SECAM), Ministry of National Education, Childhood and Youth, Telephone interview, 13 November 2015. This number also includes a class at the *Ecole de la deuxième chance (E2C)* welcoming students that are no longer subject to compulsory schooling (17-24), <http://www.e2c.lu/>.

<sup>136</sup> These are classes where all courses are taught in French. School curriculums are identical to those of other classes, « *L'école du succès, une chance pour tous* » (brochure), Ministry of National Education, Childhood and Youth, 2014.

<sup>137</sup> *Service de la scolarisation des enfants étrangers* (SECAM), Ministry of National Education, Childhood and Youth, Official website “*Formation continue commune*”, Examples of such continuous education offered to teaching staff: *journées d'accueil des enseignants chargés de cours/classes d'accueil à la rentrée scolaire ; implémentation d'un portfolio des langues : formation continue à destination des multiplicateurs des cours d'accueil (enseignement fondamental); évaluation diagnostique des compétences en allemand des élèves récemment arrivés; évaluation diagnostique des compétences en langue maternelle des élèves portugais au cycle.*

<sup>138</sup> Young refugees attending the *classes passerelles* in 2014=1; 2013=1; 2012=3. Information provided by Caritas Luxembourg on 17.09.15.

<sup>139</sup> Caritas Luxembourg, “*Form'actif, Service Solidarité et Intégration*” (Brochure) and Caritas, Interview, 30 July 2014.

<sup>140</sup> Interview with Caritas Luxembourg, 30.06.14.

<sup>141</sup> Interview with ASTI asbl., 18.09.15.

<sup>142</sup> The Programme is offered in several public and private high schools in Luxembourg.

<sup>143</sup> Men.lu, [Enseignement secondaire et secondaire technique](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.

<sup>144</sup> Ibidem.

<sup>145</sup> Men.lu, [Schooling of children with a foreign mother tongue](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.

<sup>146</sup> Article 49 (2) of the amended Law of 5 May 2006.

<sup>147</sup> *Rapport d'activité 2014*, Ministère de l'Education Nationale, l'Enfance et la Jeunesse, Rapport d'activité 2014, Luxembourg, 2015.

<sup>148</sup> Men.lu, [Formation des adultes, 2<sup>e</sup> voie de qualification](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.

<sup>149</sup> The classes are held at the Athenée de Luxembourg (evening classes) and the Ecole de la 2e chance, Ibidem.



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- <sup>150</sup> Men.lu, [Dépliant eBAC](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.
- <sup>151</sup> The courses take place 25% on campus (*lycées*) and 75% via internet, Guichet.lu, [Obtenir un diplôme de l'enseignement secondaire général en cours du soir ou à distance \(eBAC\)](#).
- <sup>152</sup> Interview with the Luxembourgish Red Cross, 04.09.2015
- <sup>153</sup> Men.lu, [Les ateliers d'apprentissage personnalisés - L4S](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.
- <sup>154</sup> *Rapport d'activité 2014*, Ministère de l'Education Nationale, l'Enfance et la Jeunesse, Rapport d'activité 2014, Luxembourg, 2015, p. 60.
- <sup>155</sup> Vocational education and training aims to equip people with knowledge, know-how, skills and/or competences required in particular occupations or more broadly on the labour market.
- <sup>156</sup> Article 49 (2) of the Asylum law.
- <sup>157</sup> Men.lu, [Formation professionnelle initiale – Organisation](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.
- <sup>158</sup> Ibidem
- <sup>159</sup> Men.lu, [Formation professionnelle initiale - Apprentissages](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.
- <sup>160</sup> Men.lu, [Formation professionnelle initiale – Organisation](#), Ministère de l'Education nationale, l'Enfance et de la Jeunesse.
- <sup>161</sup> They are provided in the following schools: Lycée technique du Centre, Lycée technique Esch, Lycée du Nord, Ministère de l'Education nationale, l'Enfance et de la Jeunesse, [2<sup>e</sup> voie de qualification](#), last accessed 24 November 2015.
- <sup>162</sup> The training is based on the educational programmes of 9<sup>th</sup> grade practical (*pratique*), 9<sup>th</sup> grade polyvalent (*polyvalente*), 9<sup>th</sup> grade technical giving access to CCP and DAP, technician training (*formation de technician*) and technical regime (*régime technique*), Ibidem.
- <sup>163</sup> Telephone interview with *Service de la formation des adultes* (SFA), Ministry of National Education, Childhood and Youth, 2 December 2015.
- <sup>164</sup> Ibidem.
- <sup>165</sup> Law of 19 December 2008 concerning the reform of vocational education, Memorial A-220 of 30 December 2008. See also Bill n°6774 of 30 January 2015 amending the Law of 19 December 2008 concerning the reform of vocational education.
- <sup>166</sup> « *La réforme de la formation professionnelle : formation professionnelle initiale – Berufs Bildung neu gestalten : Entwicklung von modularen und kompetenzorientierten Ausbildungsgängen* », Ministère de l'Education nationale et de la Formation professionnelle, Luxembourg, 2011.
- <sup>167</sup> Telephone interview with *Service de la formation des adultes* (SFA), Ministry of National Education, Childhood and Youth, 2 December 2015.
- <sup>168</sup> In 2014, the Directorate of Immigration granted 145 refugee status and 33 subsidiary protection status. In the refugee status beneficiaries only 15 came from francophone countries (10,3%). 80 came from Arabic countries (55,2%), 21 came from the Western Balkans (15,9%), 13 came from Iran (Persian – 9%) 2 from Russian speaking countries, 2 from English speaking countries and 12 from other language background. In regards to the subsidiary protection status 18 came from Arabic countries (54,5%), 10 came from the Western Balkans (29,3%), 3 from francophone countries (9,1%) and 2 from Turkey (6%).
- <sup>169</sup> « *Bilan de l'année 2014 en matière d'asile et d'immigration* », Press conference of 30 January 2015, Direction de l'Immigration, Ministère des Affaires Etrangères et Européennes, p.p. 6-7.
- <sup>170</sup> Article 49 (3) of the amended Law of 5 May 2006.
- <sup>171</sup> Article 49 (4) of the amended Law of 5 May 2006.
- <sup>172</sup> Interview with ASTI asbl., 18.09.15, Interview with Caritas Luxembourg, 04.08.15, Interview with the Luxembourgish Red Cross, 04.09.15.
- <sup>173</sup> Convention européenne relative à l'équivalence des diplômes donnant accès aux établissements universitaires, signed in Paris on 11 December 1953.
- <sup>174</sup> This is done in accordance with article 49 (3) of the Asylum law, Guichet.lu, [Demander une reconnaissance de diplôme \(baacalauréat/maturité\)](#).

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- <sup>175</sup> Ibidem.
- <sup>176</sup> Guichet.lu, [Faire homologuer un diplôme d'enseignement supérieur obtenu à l'étranger.](#)
- <sup>177</sup> Ibidem.
- <sup>178</sup> Ibidem.
- <sup>179</sup> Answer of the Minister National Education, Childhood and Youth and the Minister of Higher Education and Research to the parliamentary question n° 1515 of 21 October 2015.
- <sup>180</sup> Guichet.lu, [Demander une reconnaissance de diplômes \(baccalauréat / maturité\).](#)
- <sup>181</sup> Ibidem.
- <sup>182</sup> Guichet.lu, [Faire inscrire au registre des titres un diplôme d'enseignement supérieur obtenu à l'étranger.](#)
- <sup>183</sup> Guichet.lu, [Faire homologuer un diplôme d'enseignement supérieur obtenu à l'étranger.](#)
- <sup>184</sup> [Judgement of the Administrative Court, n° 27710C of 12 May 2011.](#)
- <sup>185</sup> Guichet.lu [Approval of foreign higher education diplomas.](#)
- <sup>186</sup> Law of 19 December 2008 concerning the reform of vocational training, Memorial A No 220 of 30 December 2008.
- <sup>187</sup> Ministère de l'Education national, l'Enfance et de la Jeunesse, [Validation des acquis.](#)
- <sup>188</sup> Guichet.lu, [Accreditation of prior and experiential learning \(VAE\).](#)
- <sup>189</sup> *Rapport d'activité 2014*, Ministère de l'Education Nationale, l'Enfance et la Jeunesse, Rapport d'activité 2014, Luxembourg, 2015, p. 58.
- <sup>190</sup> Interview with the Luxembourgish Red Cross, 04.09.15, Interview with CLAE asbl., 04.09.15, Interview with ASTI asbl., 18.09.15, Interview with Caritas Luxembourg, 04.08.15.
- <sup>191</sup> Interview with ASTI asbl., 18.09.15.
- <sup>192</sup> Interview with the Luxembourgish Red Cross, 04.09.15, Interview with CLAE asbl., 04.09.15, Interview with ASTI asbl., 18.09.15, Interview with Caritas Luxembourg, 04.08.15.
- <sup>193</sup> Interview with OLAI, 06.10.15.
- <sup>194</sup> Guichet.lu, [Demander l'aide sociale auprès d'un office social.](#)
- <sup>195</sup> This is for instance the case for the social office in Esch-sur-Alzette. Telephone interview with a social office in Esch-sur-Alzette, 23.11.15.
- <sup>196</sup> [Accueil pour demandeurs de protection internationale, migrants, réfugiés et personnes en difficulté](#), Service Solidarité et Intégration, Caritas Luxembourg.
- <sup>197</sup> Interview with Caritas Luxembourg, 04.08.15, Interview with the Luxembourgish Red Cross, 04.09.15.
- <sup>198</sup> For further information please see: [InSitu JOBS](#), Comité de liaison des associations d'étrangers au Luxembourg (CLAE asbl).
- <sup>199</sup> Interview with CLAE asbl., 04.09.15.
- <sup>200</sup> Final Report on the execution of the co-financed project « *TRACER SA VOIE* » under the European Refugee Fund (ERF), CLAE services asbl, Year covered: 01.09.2013 to 31.08.2014, 24.10.2014.
- <sup>201</sup> Interview with CLAE Asbl., 04.09.15.
- <sup>202</sup> During the three years covered by the project « Tracer sa voie », in total 125 persons were received (beneficiaries of international protection and applicants for international protection), 551 personal interviews were held and 217 services provided. See Summary report of the 3 years of the execution of the co-financed project under the European Refugee Fund (ERF), CLAE services asbl, Year covered: September 2011 to August 2014.
- <sup>203</sup> Final Report on the execution of the co-financed project « *TRACER SA VOIE* » under the European Refugee Fund (ERF) for they, CLAE services asbl, Year covered : 1.09.2013 to 31.08.2014, 24.10.2014.
- <sup>204</sup> Interview with CLAE asbl., 04.09.15.
- <sup>205</sup> Interview with ASTI asbl., 18.09.15.
- <sup>206</sup> Interview with Caritas Luxembourg, 04.08.15.
- <sup>207</sup> Article 69 (2) of the amended law of 29 August 2008.

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- <sup>208</sup> Interview with Caritas Luxembourg, 04.08.15.
- <sup>209</sup> Press release, « Réfugiés: Le droit d'asile va de pair avec le devoir d'accueillir », Lëtzebuenger Flüchtlingsrot (LFR), Luxembourg, 15th September 2015.
- <sup>210</sup> Article 53 of the amended Law of 5 May 2006.
- <sup>211</sup> The *Fonds du Logement* is a public institution created by the amended law of 25 February 1979 on housing aid, [http://www.fondsdulogement.lu/fdl/accueil-fr-j\\_6](http://www.fondsdulogement.lu/fdl/accueil-fr-j_6).
- <sup>212</sup> The *Agence Immobilière Sociale* (AIS) is an instrument for combating social exclusion due to housing. The principal objective of the AIS is to find and make available housing adapted to the composition of the household and to individuals of modest income having housing problems. The AIS works closely with the municipalities' social offices and the national social services, <http://www.ais.lu/>.
- <sup>213</sup> The *SNHBM* is a joint public corporation created in 1919. Its partners are the Luxembourgish State (51,07%), the Compensation Fund (22,58%), the BCEE (11%), Luxembourg City (7,15%), the City of Esch-sur-Alzette (4,28%), the City of Differdange (2,5%) and the City of Dudelange (1,42%). It has a rental park of 190 properties, <http://www.snhbm.lu/>.
- <sup>214</sup> Answer of the Ministry of Family, Integration and of the Greater Region to the parliamentary question n° 1345 of 17 August 2015.
- <sup>215</sup> The legal base is the Grand-Ducal Regulation of 16 November 1998 as modified by Grand-Ducal Regulation of 18 March 2000 on establishing the measures of execution regarding rental housing foreseen by the amended Law of 25 February 1979 on housing aid. See [vdL.lu, Logement Social](http://www.vdl.lu/Citoyens+et+r%C3%A9sidents/Logement/Logement+social.html). <http://www.vdl.lu/Citoyens+et+r%C3%A9sidents/Logement/Logement+social.html>
- <sup>216</sup> Esch.lu, *Logements communaux*, <http://www.esch.lu/citoyen/guichet/Pages/Logement.aspx>
- <sup>217</sup> Interview with Caritas Luxembourg, 04.08.15.
- <sup>218</sup> Interview with a social assistant of the social office in Esch-sur-Alzette, 23.11.15
- <sup>219</sup> Answer of the Ministry of Family, Integration and of the Greater Region to the parliamentary question n° 1345 of 17 August 2015.
- <sup>220</sup> Ibidem.
- <sup>221</sup> For this reason the OLAI signs renting contracts with the beneficiaries for three years. In 2012, OLAI rented 34 houses and 50 apartments to recognised refugee families. In 2012, there were 10 families living in the premises. See: *Rapport Quinquennal*, Office luxembourgeois de l'accueil et l'intégration (OLAI), Ministère de la Famille de l'Intégration et à la Grande Région, Luxembourg, December 2014, p. 119.
- <sup>222</sup> However, OLAI will no longer apply this measure in the future and will look for alternative solutions. Information provided by OLAI on 7 January 2016.
- <sup>223</sup> Answer of the Minister of Interior and the Minister of Housing to the parliamentary question n°1536 of 02 November 2015.
- <sup>224</sup> Answer of the Minister of Interior to the parliamentary question n°1529 of 29 October 2015.
- <sup>225</sup> Answer of the Minister of Interior and the Minister of Housing to the parliamentary question n°1536 of 02 November 2015.
- <sup>226</sup> Common answer of the Ministry of Family, Integration and of the Greater Region and the Ministry of Housing to the parliamentary question n° 1429 of 11 September 2015.
- <sup>227</sup> Answer of the Minister of Family and Integration to the parliamentary question n° 1400 of 26 August 2015.
- <sup>228</sup> Article 50 of the amended Law of 5 May 2006.
- <sup>229</sup> Amended Law of 18 December 2009 on social aid.
- <sup>230</sup> See LU EMN NCP, Migrant access to social security and healthcare: policies and practice, Luxembourg, 2014, p. 1.
- <sup>231</sup> Help to find a job or an employment measure.
- <sup>232</sup> Art. 2(2) of the modified Law of 29 April establishing the right to a guaranteed minimum income
- <sup>233</sup> Decision of the Board of the National Solidarity Fund of 25 March 2011.
- <sup>234</sup> Gouvernement.lu, [Revenu minimum garanti \(RMG\)](#), Fonds national de solidarité – FNS.
- <sup>235</sup> Telephone interview the social office in Esch-sur-Alzette, 23.11.15

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- <sup>236</sup> Ministère de la Sécurité Sociale, [Paramètres sociaux](#), valid from 1 January 2015.
- <sup>237</sup> Law of 29 April 1999 on the creation of a minimum guaranteed income right.
- <sup>238</sup> Article 5 of the Law of 18 December 2009 on social aid.
- <sup>239</sup> Normally the board of directors is composed by at least five members elected by the municipal council. See article 10 (1) and (2) of the Law of 18 December 2009 on social aid.
- <sup>240</sup> Fonds national de solidarité, [Limites de revenus mensuels bruts du ménage](#)
- <sup>241</sup> Articles 2 b) and 3 of the Council of Government regulation of 19 December 2008 on the creation of the Cost of Living allowance as it has been modified.
- <sup>242</sup> Article 3 of the Council of Government regulation of 19 December 2008 on the creation of the Cost of Living allowance as it has been modified.
- <sup>243</sup> Before 2011, OLAI advanced the money for rent, banking guaranteed deposit and the real estate agency fee for the installation of a new house/apartment but this was stopped in 2011, *Rapport Quinquennal*, Office luxembourgeois de l'accueil et l'intégration (OLAI), Ministère de la Famille de l'Intégration et à la Grande Région, Luxembourg, December 2014, p. 119.
- <sup>244</sup> Ibidem.
- <sup>245</sup> Interview with the Luxembourgish Red Cross, 04.09.15, Interview with CLAE asbl., 04.09.15, Interview with ASTI asbl., 18.09.15, Interview with Caritas Luxembourg, 04.08.15.
- <sup>246</sup> «*Réfugiés reconnus au Luxembourg : Quelle intégration ?*», Publication edited by Fondation Caritas Luxembourg/ Recherche et Développement, in collaboration with the Centre d'étude et de formation interculturelles et sociales (CEFIS), released in the frame of a special « ReD » paper of CEFIS, 2012, p.77
- <sup>247</sup> The quantitative analysis is based on the results of questionnaire completed by 89 refugees who received international protection status between 2000 and 2009. «*Réfugiés reconnus au Luxembourg : Quelle intégration ?*», Publication edited by Fondation Caritas Luxembourg/ Recherche et Développement, in collaboration with the Centre d'étude et de formation interculturelles et sociales (CEFIS), released in the frame of a special « ReD » paper of CEFIS, 2012, p.20
- <sup>248</sup> Also referred to as job-seekers in certain Member States.
- <sup>249</sup> “Inactive persons” are those who are not in the labour force so are neither classified as employed nor as unemployed. This category therefore does not include job-seekers. (Source: Eurostat)
- <sup>250</sup> Article 7 of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>251</sup> Article 59 (2) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>252</sup> Article 14 (1) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>253</sup> Article 46 (1) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013. See also article 57 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>254</sup> Article 46 (1) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013. See also article 57 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>255</sup> Article 62 (2) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013. See also article 72 paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>256</sup> Including possible renewal, but excluding permanent residence permits and permits granted after application for citizenship.
- <sup>257</sup> Article 62 (2) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013.
- <sup>258</sup> First residence permit including possible renewal, but excluding permanent residence permits and permits granted after application for citizenship
- <sup>259</sup> Article 80 (1) of the amended Law of 29 August 2008.
- <sup>260</sup> Article 80 (3) paragraph 2 of the amended Law of 29 August 2008.
- <sup>261</sup> Article 62 (1) of the amended Law of 5 May 2006, Memorial A-113 of 3 July 2013. See also article 72 paragraph 1 of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>262</sup> Article 80 (2) c) of the amended Law of 29 August 2008.
- <sup>263</sup> Article 81 (1) 1 of the amended Law of 29 August 2008.

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- <sup>264</sup> Article 81 (1) 2 of the amended Law of 29 August 2008.
- <sup>265</sup> Article 81 (1) 3 of the amended Law of 29 August 2008.
- <sup>266</sup> Article 81 (1) 4 of the amended Law of 29 August 2008. Article 81 (2) indicates that before refusing to grant long-term resident status, the Minister shall consider the seriousness or type of offence against public policy or homeland security or the danger that emanates from the person concerned. Refusal shall not be founded on economic considerations. The Minister shall take into consideration the length of stay and of the existence of links with the host country.
- <sup>267</sup> Article 81 (3) of the amended Law of 29 August 2008.
- <sup>268</sup> Article 6 (2) paragraph 2 of the Law of 23 October 2008 on Luxembourgish nationality.
- <sup>269</sup> Article 6 (2) paragraph 2 of the Law of 23 October 2008 on Luxembourgish nationality.
- <sup>270</sup> Article 6 (2) paragraph 1 of the Law of 23 October 2008 on Luxembourgish nationality.
- <sup>271</sup> Article 6 (1) of the Law of 23 October 2008.
- <sup>272</sup> Article 7 (1) b) of the Law of 23 October 2008.
- <sup>273</sup> Article 7 (1) c) of the Law of 23 October 2008.
- <sup>274</sup> Article 7 (2) b) of the Law of 23 October 2008.
- <sup>275</sup> This can for example include the requirement of being in possession of a residence permit/work permit, or restrictions can apply in time (duration), to a specific employer or employment sector, preference being given to EU citizens in general or for specific jobs.
- <sup>276</sup> Article 48 (1) of the Law of 5 May 2006, Memorial A-78 of 9 May 2006. See also article 59(1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>277</sup> Amended Law of 16 April 1979 on the general status of the civil servants of the State. Law of 18 December 2009 and amended Law of 24 December 1985 establishing the general status of municipal functionaries.
- <sup>278</sup> Article 2 (1) a) of the amended Law of 16 April 1979 on the general status of the civil servants of the State and Grand-Ducal Regulation of 12 May 2010 determining the positions in the public administrations et public establishment which imply a direct or indirect participation on the exercise of the public authority. It is important to mention that article 2 (1) f) of the Law of 17 December 2010, makes an exception. Mémorial A-249 of 31 December 2010. Article 2 (1) f) reads: «*Exceptionnellement, le Gouvernement en conseil pourra procéder à l'engagement d'agents hautement spécialisés ne pouvant pas se prévaloir de la connaissance de deux des trois langues administratives en cas de nécessité de service dûment motivée et sur avis conforme du ministre ayant la Fonction publique dans ses attributions. L'engagement de ces agents ne pourra avoir lieu qu'après la publication des vacances d'emploi en question.*»
- <sup>279</sup> Health professions: nursing auxiliary, therapist, nurse, midwife, specialist nurse, medical technical assistant, speech therapist, dietician, laboratory assistant, physiotherapist, orthoptist, curative teacher, psychomotor therapist, social worker, social hygiene worker, care-assistant for the elderly. etc., guichet.lu, <http://www.guichet.public.lu/entreprises/en/creation-developpement/projet-creation/diplomes/reconnaissance-qualifications/index.html>
- <sup>280</sup> Socio-educational professions: educator, carer, etc., guichet.lu, <http://www.guichet.public.lu/entreprises/en/creation-developpement/projet-creation/diplomes/reconnaissance-qualifications/index.html>
- <sup>281</sup> The exercise of the profession of doctor, dentist or veterinary surgeon is subject to a permit from the Ministry of Health. <http://www.guichet.public.lu/entreprises/en/creation-developpement/autorisation-etablissement/autres-professions-liberales/medecin-dentiste-veterinaire/index.html>
- <sup>282</sup> See in the same sense article 60 (3) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>283</sup> Article L. 622-4 of the Labour Code, Law of 31 July 2006, Memorial A-149 of 29 August 2006.
- <sup>284</sup> Caritas Luxembourg, «*Réfugiés reconnus au Luxembourg, Quelle intégration ?* », Luxembourg, 2012, pp.61-61, 80-81.
- <sup>285</sup> Interview with the Luxembourgish Red Cross, 04.09.15, Interview with Caritas Luxembourg, 04.08.15.

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<sup>286</sup> Education as described under Q8: education with a specific focus on access to education that has a direct link to employment, for example, by providing support for the development of higher level (non-vocational) skills. Please do not report on education more generally. The focus is on education for those of employment age that might lead towards employment.

<sup>287</sup> Article 66 of the amended law of 5 May 2006.

<sup>288</sup> Source: OLAI, Ministry of Family Integration and the Greater Region