

## LUXEMBOURG

### ARRIVALS

#### 1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years

Table 1:

Source: Ministry of Justice

Month	2002	2003	Variation +/- (%)
January	47	79	+63.8
February	39	107	+174.4
March	71	112	+57.7
April	64	127	+98.4
May	78	107	+37.2
June	95	120	+26.3
July	87	138	+58.6
August	66	89	+34.8
September	124	135	+8.9
October	108	151	+39.8
November	105	177	+68.6
December	158	207	+31.0
<b>TOTAL</b>	<b>1,042</b>	<b>1,549</b>	<b>+48.7</b>

#### 2. Breakdown according to the country of origin/nationality, with percentage variation

Table 2:

Source: Ministry of Justice

Country	2002	2003	Variation +/- (%)
Kosovo	319	420	+31.7
Montenegro	140	87	-37.9
Russian Federation	68	60	-11.7
Macedonia	44	23	-47.8
Ukraine	19	30	+57.9
Moldova	17	19	+11.8
Togo	15	18	+20.0
Rwanda	9	1	-88.9
Sierra Leone	8	24	+200.0
Turkey	8	14	+75.0
<i>Others</i>	395	853	+115.9
<b>TOTAL</b>	<b>1,042</b>	<b>1,549</b>	<b>+48.7</b>

#### 3. Persons arriving under family reunification procedure

No figures available.

#### 4. Refugees arriving as part of a resettlement programme

Luxembourg does not operate any resettlement programmes.

**5. Unaccompanied minors**

108 (2002: 12)

**RECOGNITION RATES**

**6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions**

Table 3:

Source: Ministry of Justice

Statuses	2002		2003	
	Number	%	Number	%
No status awarded	881	91.8	1,039	83.1
Convention status	44	4.6	62	5.0
Humanitarian status	35	3.6	106	8.4
Tolérance status (Duldung)	-	-	43	3.5
<b>TOTAL</b>	<b>960</b>	<b>100</b>	<b>1,250</b>	<b>100</b>

No separate figures are available for first and second instance decisions.

**7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages**

No figures available.

**RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS**

**8. Persons returned on 'safe third country' grounds**

2 persons

**9. Persons returned on 'safe country of origin' grounds**

The concept of 'safe country of origin' has not yet been introduced into national legislation.

**10. Number of applications determined inadmissible**

141 persons (121 cases)

**11. Number of asylum seekers denied entry to the territory**

27 persons (16 cases)

**12. Number of asylum seekers detained, the maximum length of and grounds for detention**

No figures available.

**13. Deportations of rejected asylum seekers**

Table 4:

Source: Ministry of Justice

Country	2002	2003
Montenegro	35	51
Serbia	9	35
Tunisia	-	5
Bosnia-Herzegovina	-	3

Turkey	-	2
Macedonia	-	1
Mauritania	-	1
<b>TOTAL</b>	<b>44</b>	<b>98</b>

#### 14. Details of assisted return programmes, and numbers of those returned

Table 5:

Source: Ministry of Justice

Country	2002	2003
Montenegro	122	504
Serbia	23	42
Kosovo	5	19
Bosnia-Herzegovina	11	13
Russian Federation	3	12
Belarus	-	5
Ukraine	1	5
Macedonia	6	4
Albania	6	2
Algeria	-	1
Croatia	-	1
Bulgaria	1	-
Ethiopia	1	-
Latvia	2	-
Lithuania	4	-
Uzbekistan	1	-
Turkey	4	-
<b>TOTAL</b>	<b>190</b>	<b>608</b>

Return programmes are run by the Ministry of Justice with a financial contribution from the Ministry for Family. Persons returned to Serbia and Montenegro who arrived in Luxembourg before August 2001, and who agreed to return to their country of origin (and registered for the programme by 6 August 2002) received €1,190 per adult and €95 per child, plus €400 for 3 persons' luggage (€150 for 1-2 persons' luggage).

#### 15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention (Dublin II Regulation)

136 persons (116 cases)

### SPECIFIC REFUGEE GROUPS

#### 16. Developments regarding refugee groups of particular concern

##### Kosovo

The Government took decisions on an individual basis after consulting with United Nations Interim Administration Mission in Kosovo (UNMIK). Minorities from Kosovo (Serbs, Roma, Ashkali, Goranis) were not sent back in groups.

From the beginning of April 2003, a huge number of minors, mostly English speaking Africans from Nigeria, Liberia, Sierra Leone and other countries have submitted applications for asylum in Luxembourg. The Government's policy has been to carry out interviews as quickly as possible (within

two weeks from arrival) in order to shorten the asylum procedure. This generally means that applicants are not able to contact a lawyer.

## **LEGAL AND PROCEDURAL DEVELOPMENTS**

### **17. New legislation passed**

There was no legislation relevant to asylum passed in 2003.

### **18. Changes in refugee determination procedure, appeal or deportation procedures**

The 'temporary accommodation centre' in Schrassig, which can accept up to 50 persons (rejected asylum seekers or persons detained under the Dublin Convention) for up to three months, was constantly occupied throughout 2003. The total number of persons detained is not known.

58 persons (adults and children) were detained in another 'temporary accommodation centre' near the international airport.

### **19. Important case-law relating to the qualification for refugee status and other forms of protection**

*Nr 1516, Administrative Tribunal, 2<sup>nd</sup> Chamber (02.04.2003)*

The applicants, a Serbian family from Kosovo who had left the province for Serbia and then applied for asylum in Luxembourg, were issued with a negative decision on the basis that there was a possible 'internal flight alternative' within Serbia. However, the administrative tribunal overruled this decision and granted them asylum under the 1951 Geneva Convention on the basis that, in their view, Serbia could not offer the suggested 'internal flight alternative' to the applicant.

### **20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate**

There were no developments in the use of the exclusion clauses in 2003.

### **21. Developments regarding readmission and cooperation agreements**

The largest readmission agreement was negotiated with Serbia and Montenegro and signed in 2003. 555 persons left Luxembourg in 2003 to return to Montenegro and 77 to Serbia.

## **THE SOCIAL DIMENSION**

### **22. Changes in the reception system**

There were no changes in the reception system in 2003.

### **23. Changes in the social welfare policy relevant to refugees**

There were no changes in the social welfare policy relevant to refugees in 2003.

### **24. Changes in policy relating to refugee integration**

During the second half of 2003, a new group of asylum seekers, mainly made up of young African males (from Nigeria, Liberia, Sierra Leone and Ivory Coast) arrived in Luxembourg. As a result of the large number of arrivals and limited availability for language courses, only few were able to join a course and all of them remained unemployed.

105 young asylum seekers attended vocational training organised by Caritas.

### **25. Changes in family reunion policy**

There were no changes in family reunion policy in 2003.

## **OTHER POLICY DEVELOPMENTS**

### **26. Developments in resettlement policy**

There were no developments in resettlement policy in 2003.

### **27. Developments in return policy**

Very few asylum seekers were sent back to their country of origin in 2003, except those originally from Serbia and Montenegro. Nevertheless, the number of returns increased from 180 in 2001 to 632 in 2003.

### **28. Developments in border control measures**

There were no developments in border control measures in 2003.

### **29. Other developments in refugee policy**

There were no further developments in refugee policy in 2003.

## **POLITICAL CONTEXT**

### **30. Government in power during 2003**

A coalition of Liberals and Christian Socialists was in power in 2003.

### **31. Governmental policy vis-à-vis EU developments**

There were no relevant developments in the governmental policy vis-à-vis the EU. The Government continued to support harmonisation and ideas such as a common list of 'safe countries of origin'.

### **32. Asylum in the national political agenda**

The Government has been trying to shorten the asylum procedure and to make access to it more difficult. A new proposal was drafted with this aim, which, if approved, would introduce a 6-12 month procedure.