



**MIGRANT
INTEGRATION
POLICY INDEX
2020**



DETAILS RECOMMANDATIONS ASTI - MIPEX 2020

Domain	MIPEX Recommendations Text laws - procedures	Findings/Claims of the ASTI I
<p>Labour market mobility</p>	<p><i>MIPEX: Labour market mobility: Slightly unfavourable: Non-European newcomers have less access and support to improve their job prospects, professional and language skills in Luxembourg than in most EU or Western European countries.</i></p> <p>How can non-EU nationals obtain a residence permit for an employed person?</p> <ul style="list-style-type: none"> o A residence permit for an employed person must be applied for before arriving in Luxembourg. o The third-country national is looking for an employer in Luxembourg before coming. o Employers are obliged by law to declare any vacancy to ADEM before they can hire. o The ADEM checks on the national or European labour market to see if there are any suitable candidates available for the vacancy. o If none of the candidates put forward by ADEM are suitable for the employer, the employer can request 	<p>ASTI: the demands of 2015 are still valid</p> <p>The fact is that Non-EU nationals must prove for a job applied for in Luxembourg that the employment is "of general interest" for our market.</p> <p>This general interest criterion should be abolished or at least better defined .</p> <p>Another obstacle to obtain a residence permit for Non-EU employees is the complexity of the recruitment procedure related to the requirements of the Ministry of Immigration and the market test to which they are subject.</p> <p>We would like to see the following demands added</p> <ul style="list-style-type: none"> - Introduction of a temporary residence permit for the purpose of seeking work; Luxembourg should be inspired by the recent example of Germany, which amended its legislation to allow skilled workers (persons with a higher education diploma or a qualified vocational training of at least two years) to obtain a temporary residence permit to enable them to seek work.



	<p>after 3 weeks a certificate from ADEM attesting to the possibility of hiring a person from outside the EU of his or her own choice.</p> <ul style="list-style-type: none">o The employer issues an employment contract without a starting date in favour of the non-EU worker applying for a residence permit.o The ADEM certificate attesting to the possibility of employing a person from outside the EU is attached to the application for a residence permit for non-EU employees which the applicant worker must submit to the Immigration Department of the Ministry of Foreign Affairs.o The deadline for processing the application is approximately 4 months.o The Ministry may reply that an "administrative investigation" of an undefined duration is underway in order to process the file and verify the authenticity of the documents submitted.o The third-country national will only be able to take up employment after receiving his or her residence permit for an employed person.o This residence permit for employed persons gives them the right to settle in Luxembourg.	<p>- Offering the possibility for people legally residing for a long period in another EU Member State to obtain a residence and work permit in Luxembourg, without having to pass the market test.</p>
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	<p>Luxembourg has introduced in its legislation (Article 67-4 added by the law of 1 August 2018 to the immigration law) a temporary residence permit for seeking work or setting up a business. This provision applies to persons already present on Luxembourg territory.</p> <p>Students or researchers may, at the end of their studies or research, be authorised to stay for a period of 9 months to look for work or to set up a business. Thereafter they can apply for an AS as an employee or as a self-employed person.</p>	<p>This is a transposition of Article 25 of the European Directive of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service and pupil exchange programmes or educational projects and au pair work.</p>
<p>Family reunification of third country nationals TCN</p>	<p>MIPEX Family reunification: Halfway favourable: Luxembourg has become slightly favourable to non-European families, by abolishing the one-year waiting period, in line with EU trends. However, obstacles to integration still appear in the procedures, security and rights in the area of family reunification.</p> <p>An TCN must prove to have appropriate accommodation as defined by the Grand-Ducal Regulation of 5 September 2008 defining the criteria of resources and housing provided by the law of 29 August 2008 on the free movement of persons and immigration.</p>	<p>ASTI: the clause of 12 months of residence and work has been abolished for TCN reunification of spouses and children - this clause is still valid for the reunification of ascendants.</p> <p>The maximum waiting time for an answer is currently 9 months</p> <p>ASTI maintains the recommendation of the housing criterion.</p> <p>The housing criteria required for family reunification need to be better defined.</p> <p>It is difficult to know what precise criteria are required of a TCN who wants to be joined by his or her family.</p>



	<p>Art 9. (1) The condition of appropriate accommodation provided for by law is assessed in relation to the stipulations of the Grand-Ducal Regulation of 25th February determining the criteria of tenancy, health or hygiene which the accommodation intended for rent must meet.</p> <p>For the application of Article 69, paragraph (1), point 2 of the law, is considered as appropriate housing, the housing considered as normal for a family of comparable size in the same locality and meeting the criteria referred to in the preceding paragraph, etc., shall be considered as appropriate housing.</p>	<p>The number of rooms required according to the family composition, the size of the accommodation required, ...</p>
<p>Education</p>	<p>MIPEX Education: Slightly favourable: Slightly above the Western European average, Luxembourg offers courses targeted at the specific needs of immigrant pupils and advocates an intercultural approach for all pupils. However, with the largest number of 1st/2nd generation pupils of any developed democracy, Luxembourg has a particularly important task in promoting equal opportunities at all levels, encouraging mixed schools, language learning, multilingualism and diversity in the education sector.</p>	<p>For ASTI all the recommendations of 2015 remain valid. The major challenge at school is the high level of knowledge required in German and French, as well as the hesitant approach to learning German as a foreign language for children born to foreign parents, who have more difficulty associating their mother tongue with German. One of the consequences is the high number of young people who leave school without a diploma or certification at the end of the school curriculum.</p> <p>In the meantime, many jobs are filled by cross-border commuters, mostly monolingual but qualified.</p>



		<p>From the age of 12 onwards, young people are separated between classical secondary school with few foreign pupils and technical secondary school where the majority of pupils are of foreign origin: the separation therefore takes place at an early age and becomes "effective". We would like to add that formal and informal education are struggling to work together for equal opportunities.</p>
<p>Health Access to social security coverage</p>	<p>MIPEX Health: Half-Favourable: While immigrant patients have rights to inclusive health care and intercultural interpreters, Luxembourg's average policies could benefit from greater involvement of immigrants in the design and delivery of services and greater integration in all health policies.</p>	<p>ASTI supports the demand by several Luxembourg civil society organisations (Ronnen Desch) for the creation of an universal health coverage. This would pursue three interrelated objectives of universal coverage:</p> <ul style="list-style-type: none"> - Equitable access to health services - all those who need health services, whatever their financial means, should be able to access them ; - quality - health services must be of sufficient quality to improve the health of those who receive them; - financial protection - the cost of care must not expose users to financial hardship
<p>Political participation</p>	<p>Political participation: Favourable: With foreign citizens constituting a near-majority of its population, Luxembourg does more than most countries to facilitate their political participation through local</p>	<p>There is a need to promote access to all types of participation in a country where 48% of residents are foreigners - voting in legislative elections, according to the criterion of residence, should be possible for all migrants in</p>



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	<p>voting rights, ad hoc campaigns, strong consultative bodies and funding for immigrant associations. These policies are ranked #2 on MIPEX, alongside Ireland and New Zealand, and score 85/100. Luxembourg's policies would be fully favourable with small changes in the voter registration procedure. Turnout among foreign citizens could be as high as in Nordic countries if voter registration was quasi-automatic and ongoing, from a newcomer's first day in Luxembourg up until a few days before the election. These changes can be compatible with EU law and Luxembourg's obligatory voting system.</p>	<p>Luxembourg in order to allow real democratic participation of all residents.</p> <p>Given that 83% of resident foreigners are citizens of the Union, who are less interested in acquiring Luxembourg nationality, access to the national right to vote on the basis of residence could be a possibility to include them in civic participation.</p> <p>The referendum on the legislative right to vote on 7 June 2015 clearly rejected this idea. Luxembourg voters have made it clear that participation in national elections will only be possible through access to Luxembourg nationality. In order to overcome this blockage, ASTI recommends the creation of instruments for citizen participation with local (communes) and national (Chamber of Deputies) bodies, e.g. the Luxembourg Parliament. The introduction of a "Bürgerrat" on the model of the German-speaking canton of Belgium, the reform of the National Council for Foreigners elected by foreigners and attached as a consultative body to the Chamber of Deputies is another avenue.</p>
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<p>Permanent residence Long-term stay</p>	<p>MIPEX : Permanent residence : Half favourable: The path to permanent residence in Luxembourg is average for Western Europe but more complicated than in countries such as Belgium, Italy, Portugal, Spain and the Nordic countries. The way in which Luxembourg transposed its European obligations in 2008 allowed a smaller number of groups to benefit from greater rights but still limited security.</p>	<p>All the 2015 recommendations remain valid A TCN must prove 5 years of residence and work in Luxembourg before applying for long-term residence. If he or she has an interruption of work during these 5 years, the long-term residence permit may be refused (with exceptions such as illness or pregnancy...). The waiting period of 6 months to receive an answer from the Immigration Department is too long.</p>
<p>Access to nationality</p>	<p>MIPEX Access to nationality: Slightly favourable: Immigrants access to nationality has improved from half to slightly favourable, which may begin to increase the traditionally low rates of naturalisation and political participation in Luxembourg. While the 2008 reform paved the way for dual nationality, the nationality law of 8 March 2017 followed the recommendations of MIPEX and international trends. The waiting period for the first generation is reduced from 7 to 5 years and their efforts are rewarded for learning Luxembourgish. The right to citizenship is recovered by spouses and extended from the third to the second generation. Luxembourg's policies are now comparable to those of many Western European countries and are now restrictive on only a few points compared to traditional destination countries (the</p>	<p>The law having been reformed in 2017 allows wider access to Luxembourg nationality by introducing, among other things, <i>jus soli</i> for the second generation. Nevertheless, Luxembourg is struggling to enshrine the pure and simple <i>jus solis</i>.</p> <p>ASTI underlines that it is incomprehensible that the time required to accede to nationality and to register on the communal electoral rolls is the same.</p>



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	Americas, Australia, New Zealand), Ireland, Portugal or Sweden.	
Anti discrimination	<p>MIPEX Anti-discrimination: Favourable: The biggest improvement in Luxembourg's integration policies has been its stronger approach to non-discrimination thanks to the law of 7 November 2017. Luxembourg's anti-discrimination policies have moved from slightly to fully favourable, as protection now extends to all victims of discrimination on the basis of nationality, whether they are Luxembourg citizens, mobile Europeans or non-EU citizens. These improvements in Luxembourg's laws and enforcement mechanisms could help to improve the traditionally low levels of awareness of discrimination and reporting of cases of discrimination on the grounds of nationality, race, ethnic origin and religion. Its policies are now comparable to those of Western European countries and traditional destination countries, although practitioners could still learn from their wider experiences, practices and positive actions.</p>	<p>The Equal Treatment Centre CET should have the possibility to take legal action in cases of discrimination. Its resources should be strengthened in order to improve the work against all forms of discrimination. We demand that Luxembourg should also set up a monitoring body, e.g. an observatory on racism, antisemitism and xenophobia.</p>