The Refugee Collective (LFR) published its opinion on Bill No 8694, which aims to establish a specialised asylum and immigration court within Luxembourg's administrative judicial system. The LFR welcomed the reform, considering it a necessary response to the implementation of the EU Pact on Migration and Asylum.

The LFR noted that immigration and international protection cases already accounted for approximately 60% of the Administrative Tribunal's judicial activity, and a significant increase in cases was expected following the implementation of the Pact. It therefore considered the gradual establishment of the new tribunal, to be completed by 16 September 2027, to be appropriate, as it would allow time for recruitment, specialised training and organisational preparation.

However, the LFR stressed that the success of the reform would depend mainly on the resources allocated to the new tribunal, including judges, judicial attachés, registry staff, administrative personnel, IT infrastructure and documentary resources. It also highlighted concerns raised by judicial authorities regarding staffing levels, judicial recruitment and career progression, substitute judges, the responsibilities of the tribunal's director, the balance between specialised and ordinary administrative cases, procedural deadlines and transitional arrangements. In this regard, it called on stakeholders to ensure that the reform was properly implemented, with adequate resources, training and tools to address procedural challenges and ensure consistent and effective decisions. It also urged the legislator to equip the tribunal with the necessary resources from the outset, so that decisions could be delivered within appropriate timeframes without compromising the careful examination of each case. The LFR also called for continuous training for judges, judicial attachés, clerks and substitute judges to ensure consistent, well-reasoned decisions.

Finally, the LFR considered that the main purpose of judicial specialisation had to remain the effective protection of fundamental rights. It therefore stressed that the new tribunal should provide independent, impartial and accessible justice, ensuring the individual examination of each case and safeguarding the rights of vulnerable adults and children.

Source(s)

- Passerell (21 October, 2026), Avis du Collectif des Réfugiés (LFR) relatif au projet de loi n°8694 portant modification de la loi modifiée du 7 novembre 1996 portant organisation des juridictions de l'ordre administratif en vue

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d'instituer un tribunal de l'asile et de l'immigration [Opinion of the Refugee Collective (LFR) on Bill No. 8694 amending the amended Law of 7 November 1996 on the organisation of administrative courts, with a view to establishing an asylum and immigration court.], https://www.passerell.lu/_files/ugd/837f1b_ba79e4cb304e46619089165aa497ba05.pdf

Related development(s)

Government Council approves bill to create a dedicated asylum and immigration court

Date of development

21.10.2026

Country

Luxembourg

Thematic area(s)

Second instance determination, Pact on Migration and Asylum

Development type

Publication

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