Forms of protection - Luxembourg

Overview

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Relevant EU legislation

Luxembourg transposed the provisions of the recast Qualification Directive (Standards Qualification Regulation) into national law through the amended Law of 18 December 2015 on international protection and temporary protection (hereafter amended Asylum Law) | Loi modifiée du 18 décembre 2015 relative à la protection internationale et à la protection temporaire.

National legislation

Refugee status	Amended Law of 18 December 2015 on international protection and temporary protection (Loi modifiée du 18 décembre 2015 relative à la protection internationale et à la protection temporaire)
Subsidiary protection	Amended Law of 18 December 2015 on international protection and temporary protection (Loi modifiée du 18 décembre 2015 relative à la protection internationale et à la protection temporaire)

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Temporary protection	Luxembourg transposed Temporary Protection Directive in 2015 by the amended Law of 18 december 2015 on international protection and temporary protection (Loi modifiée du 18 décembre 2015 relative à la protection internationale et à la protection temporaire), chapter 5, articles 67 to 79. Provisions on temporary protection were automatically activated with the implementing decision of the Council of the EU for displaced people from Ukraine in March 2022.

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National forms of protection	Amended Law of 29 August 2008 on the free movement of persons and immigration (Loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration- hereafter Immigration Law) Provided that their presence does not constitute a threat to public order, public health or safety, the minister having Immigration and Asylum within their responsibilities (hereafter the Minister)may grant a third-country national: • Residence permit for private reasons based on exceptional grounds or humanitarian considerations: Article 78(3) of the amended Immigration Law. The application is inadmissible if it is based on grounds claimed in a previous application that was rejected by the Minister. The application must as well be submitted from Luxembourg territory, failing which it will be inadmissible. If a residence permit as referred to above is granted, a previous return decision is cancelled. • Suspension of removal based on medical reasons: Article 130 to 132 of the amended Immigration Law. The foreigner who establishes by means of medical certificates that his state of health requires medical care, the failure of which would result in exceptionally serious consequences for him/her and if it is proven that he/she cannot receive appropriate treatment in the country to which he/she is likely to be removed. An applicant for international protection cannot apply for a suspension of removal. Only if their application for international protection was refused and they received an obligation to leave the territory (so they are no longer considered an applicant), they can apply for a postponement of removal. The suspension of removal is issued based on a medical opinion by an appointed medical physician of the Directorate of Health who can examine the patient and will render a report on the case. It is important to stress that the suspension of removal is not a residence permit. The stay may have a maximum of 6 months, renewable but not exceeding 2

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Competent authority and stakeholders

Refugee status	The Ministry of Home Affairs- General Department of immigration- Department for Refugees | Ministère des affaires intérieures- Direction Générale de l'immigration- Département Réfugiés
Subsidiary protection	The Ministry of Home Affairs General Department of immigration- Department for Refugees | Ministère des affaires intérieures- Direction Générale de l'immigration- Département Réfugiés
Temporary protection	The Ministry of Home Affairs General Department of immigration- Department for Refugees | Ministère des affaires intérieures- Direction Générale de l'immigration- Département Réfugiés
National forms of protection	The Ministry of Home Affairs – General Department of immigration- Department for Foreigners| Ministère des affaires intérieures- Direction Générale de l'immigration- Département Etrangers

Renewal and withdrawal of international protection and national forms of protection

Refugee status

The review, renewal and withdrawal of international protection is regulated by Section 3 (Article 33), as well as by Article 44, and 47 of the amended Asylum Law.

Art. 57 of the amended Asylum Law states that refugees should obtain a residence permit valid for a period of at least three years and renewable, unless compelling reasons of national security or public policy preclude it. In practice, the residence permit is valid for 5 years and renewable. The permit includes the words "international protection – refugee status".

The law does not specify automatic, nor systematic **review** grounds for refugee or subsidiary protection status in Luxembourg. However, the Ministry may

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reassess an individual's status if new information arises that could affect their protection needs.

To **renew** the residence permit, refugees and beneficiaries of subsidiary protection must apply to the General Department of immigration within 2 months prior to the expiration date of the residence permit. A specific form should be completed, and it must be accompanied by a copy of the valid passport/travel document for refugees (Geneva Travel Document), a certification of affiliation to the Social Security in Luxembourg and a recent extract from the criminal records in Luxembourg. If they omit to apply for renewal of their protection, but remain on Luxembourgish territory, they are in the country illegally. More information on the renewal is available here. Generally, all applications for a renewal of the protection are accepted in Luxembourg. In the rare scenario of a refusal of the renewal, the consequences are the same as for withdrawal.

The Ministry of Home Affairs- General Department of immigration- Department for Refugees is the competent authority for initiating and managing the **withdrawal** of refugee status in Luxembourg. Common grounds for withdrawal may include:

- Voluntary return to the country of origin in order to re-establish themselves in the country of origin, or, in case of stateless persons, in the country of their formal habitual residence.
- Change in circumstances in the country of origin that no longer pose a threat to the individual (e.g., the end of the conflict or persecution).
- Fraud or misrepresentation in the application for refugee status.

In some cases, the withdrawal can also be initiated if the refugee engages in serious criminal activities or poses a threat to national security. The individual concerned shall be informed in writing that the Minister is proceeding with the reassessment of their right to benefit from international protection, along with the reasons for this reassessment. They shall have the right to present, either during a personal interview or in writing, the grounds on which the withdrawal of their international protection is unwarranted. Legal assistance is available for the concerned during the procedure. It is possible to submit an appeal to the administrative tribunal against the decision to withdraw international protection and against the notice to leave the territory, within the framework of the normal procedure. A single appeal must cover both the decision and notice; if two different appeals are submitted, they will be deemed ineligible. The deadline for submitting an appeal is one month from the notification of the decision. The

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deadline for submitting an appeal and an appeal submitted within the deadline will have a suspensory effect. An appeal against a decision issued by the administrative tribunal may be made within one month of notification of the decision. The time limit for submitting an appeal and an appeal submitted within the time limit will have a suspensory effect. Appeals to the administrative tribunal must be submitted via a lawyer (Article 35 and Article 36 of the amended Asylum Law).

The general principle is that the residence is linked to the refugee status. If the person is a beneficiary of international protection, they have the right of residence.

The Luxembourgish National Law states "*Withdrawal of international protection*" (article 33 et seq., articles 47 and 52 of the amended Asylum Law) is a decision by which the Minister revokes or refuses to renew a person's refugee status or status conferred by a person's subsidiary protection, or terminates it without prejudice to the obligation of the refugee to declare all relevant facts and to provide any relevant evidence at his or her disposal. The Minister shall provide evidence, on a case-by-case basis, that the person concerned has ceased to be or has never been a refugee.

The Minister may decide to withdraw refugee status if:

- de facto alterations or omissions, including the use of false documents, played a major part in the granting of the refugee status; or
- the applicant should have been excluded from international protection, as there are strong grounds to believe that they have committed a crime against humanity, a crime against peace, an act of war or a serious criminal offence outside Luxembourg; or
- reasonable motives have led to believe that the refugee represents a menace to the country's safety; or
- the refugee is sentenced by a final judgement of a particularly serious criminal offence.

According to article 44 (1) of the amended Asylum Law, a third-country national or a stateless person ceases to be a refugee in the following cases:

- They have voluntarily re-availed themselves of the protection of the country of their nationality; or
- having lost their nationality, they have voluntarily reacquired it; or

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- they have acquired a new nationality and enjoys the protection of the country of their nationality; or
- they have voluntarily re-established themselves in the country which they left or outside which they remained owing to fear of persecution; or
- they can no longer continue to refuse to avail themselves of the protection of the country of their nationality, the circumstances in connection with which they were recognised as a refugee having ceased to exist.
- if, in the case of a stateless person, they can return to the country of their former habitual residence, the circumstances in connection with which they were recognised as a refugee have ceased to exist.
- In case the beneficiary of international protection renders the residence permit because they move to another Member State, they will have the right to have a residence permit in Luxembourg if they decide to come back. If so, the residence cannot be reassessed and subsequently revoked, as long as the person continues having international protection recognised in the country.

According to Article 57 of the amended Asylum Law, the residence permit automatically lapses when the Minister revokes the refugee status or subsidiary protection status.

Pursuant to Article 111, paragraphs (1) and (2) of the amended Immigration Law, the person concerned is obliged to leave the territory within 30 days after the notification of the withdrawal, either to their country of origin, or to a country in which the person concerned is authorized to stay.

Failing to voluntarily leave the territory, the order to leave will be automatically executed and the person concerned will be forcibly removed. The person concerned is requested to present himself with the decision of withdrawal to the Ministry, to hand over the refugee travel document as well as the residence permit. The decision of withdrawal is subject to an action for annulment before the Administrative Tribunal within 3 months from the notification of the withdrawal.

Subsidiary protection status

The review, renewal and withdrawal of subsidiary protection status is regulated by Section 3 (article 33) of the amended Asylum Law, as well as by Articles 49 and 52

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Art. 57 of the amended Asylum Law states that beneficiaries of international protection should obtain a residence permit valid for a period of at least three years and renewable, unless compelling reasons of national security or public policy preclude it. In practice the residence permit is valid for 5 years and renewable. The permit includes the words “international protection – subsidiary protection”.

The law does not specify automatic, nor systematic **review** grounds for subsidiary protection status in Luxembourg. However, the Minister may reassess an individual's status if new information arises that could affect their protection needs.

To **renew** the residence permit, refugees and beneficiaries of subsidiary protection must apply to the General Department of immigration within 2 months prior to the expiration date of the residence permit. A specific form should be completed, and it must be accompanied by a copy of the valid passport/travel document for refugees (Geneva Travel Document), a certification of affiliation to the Social Security in Luxembourg and a recent extract from the criminal records in Luxembourg. If they omit to apply for renewal of their protection, but remain on Luxembourgish territory, they are in the country illegally. More information on the renewal is available here.

The Ministry of Home Affairs is the competent authority for initiating and managing the **withdrawal** of subsidiary protection status in Luxembourg. The Ministry can initiate the withdrawal of subsidiary protection status. This typically occurs when there are changes in the subsidiary protection status holder’s situation that would no longer justify the granting of international protection. Common grounds for withdrawal may include:

- Change in circumstances in the country of origin that no longer pose a threat to the individual (e.g., the end of the conflict or serious harm).
- Fraud or misrepresentation in the application for subsidiary protection status.

In some cases, the withdrawal can also be initiated if the beneficiary of subsidiary protection engages in serious criminal activities or poses a threat to national security. The individual concerned shall be informed in writing that the Minister is proceeding with the reassessment of their right to benefit from international protection, along with the reasons for this reassessment. They shall have the right to present, either during a personal interview or in writing, the grounds on which the withdrawal of their international protection is unwarranted. Legal

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assistance is available for refugees during the procedure. It is possible to submit an appeal to the administrative tribunal against the decision to withdraw international protection and against the notice to leave the territory, within the framework of the normal procedure. A single appeal must cover both the decision and notice; if two different appeals are submitted, they will be deemed ineligible. The deadline for submitting an appeal is one month from the notification of the decision. The deadline for submitting an appeal and an appeal submitted within the deadline will have a suspensory effect. An appeal against a decision issued by the administrative tribunal may be made within one month of notification of the decision. The time limit for submitting an appeal and an appeal submitted within the time limit will have a suspensory effect. Appeals to the administrative tribunal must be submitted via a lawyer (Article 35 and Article 36 of the amended Asylum Law).

Subsidiary protection can be withdrawn if:

- de facto alterations or omissions, including the use of false documents, played a major part in the granting of subsidiary protection; or
- the applicant should have been excluded from international protection, as there are strong grounds to believe that they have committed a crime against humanity, a crime against peace, an act of war, or he has committed a serious non-political crime;, or s/he has been guilty of acts contrary to the purposes and principles of the United Nations ; or s/he represents a threat to Luxembourg society or security.

Generally, all applications for a renewal of the protection are accepted in Luxembourg. In the rare scenario of a refusal of the renewal, the consequences are the same as for withdrawal. Pursuant to Article 111, paragraphs (1) and (2) of the amended Immigration Law, the person concerned is obliged to leave the territory within 30 days after the notification of the withdrawal, either to his/her country of origin, or to a country in which the person concerned is authorized to stay.

Failing to voluntarily leave the territory, the order to leave will be automatically executed and the person concerned will be forcibly removed. The person concerned is requested to present himself with the decision of withdrawal to the Ministry, to hand over the refugee travel document as well as the residence permit. The decision of withdrawal is subject to an action for annulment before the Administrative Tribunal within 3 months from the notification of the withdrawal.

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National forms of protection

Amended Immigration Law.

According to articles 78(3) and 79 of the amended Immigration Law, a third-country national authorised to reside in Luxembourg for exceptional grounds or humanitarian considerations shall be issued a residence permit with the words “private life” valid for a maximum of one year and renewable on request if after a review it appears that they continue to fulfil the conditions for protection based on humanitarian grounds.

Pursuant to articles 38, 90 and 91 of the amended Immigration Law, the Minister, based on a reasoned opinion from the medical officer referred to in article 28, may grant a **residence permit on medical grounds** to a third-country national who satisfies the conditions laid down in article 90. Third-country nationals who satisfy these conditions shall be issued with a residence permit with the word "privacy", valid for the duration of the medical treatment, otherwise for a maximum period of one year, renewable, if necessary, on request, after re-examination of their situation and if they continue to fulfil the conditions set out in article 90.

The law does not specify automatic **review** grounds for national protection status in Luxembourg. However, the Ministry of Home Affairs may reassess an individual's status if new information arises that could affect their protection needs.

The Ministry of Home Affairs is the competent authority responsible for processing applications for residence permits based on exceptional grounds or humanitarian considerations and for medical reasons. The responsibility for initiating the renewal of a residence permit lies with the permit holder. It is advisable to submit the renewal application two months before the current permit's expiration date. The residence permits for private reasons based on exceptional grounds or humanitarian considerations is a permanent residence permit that is issued the first time for one year, but when it is renewed it is for a maximum validity of up to three years. The extension of the residence permit is possible if the granting conditions remain at the time of renewal.

Postponement or suspension of removal based on medical reasons can be renewed up to a maximum of two years: after 2 years, if the medical condition persists, an authorization of stay for medical reasons may be granted and a

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residence permit on medical grounds may be issued. This residence permit is not granted automatically and if the applicant does not file their application after expiration of the postponement of removal for medical reasons after two years, they will be precluded and the return decision will be executed, except if they prove that they cannot be returned for medical reasons. In this case, the entire procedure will have to start again. The residence permit for medical reasons is issued for a maximum duration of one year and it is renewed for a maximum duration of one year. It is of temporary nature if the appointed medical examiner considers that the beneficiary is no longer fulfilling the conditions. It is important to stress in this context that the third-country national needs to file an application for this authorization of stay as no automatic issuance of a residence permit is foreseen by law.

If the conditions for the residence permit for private reasons based on exceptional grounds or humanitarian considerations are no longer met, the residence permit will not be renewed. The amended Immigration Law also foresees that the authorization of stay can be withdrawn if the conditions are not met anymore during the period it was granted.

Generally, all applications for a renewal of the protection are accepted in Luxembourg. In the rare scenario of a refusal of the renewal, the consequences are the same as for withdrawal.

Pursuant to Article 111, paragraphs (1) and (2) of the amended Immigration Law, the person concerned is obliged to leave the territory within 30 days after the notification of the withdrawal, either to his/her country of origin, or to a country in which the person concerned is authorized to stay.

Failing to voluntarily leave the territory, the order to leave will be automatically executed and the person concerned will be forcibly removed. The person concerned is requested to present himself with the decision of withdrawal to the Ministry, to hand over the refugee travel document as well as the residence permit. The decision of withdrawal is subject to an action for annulment before the Administrative Tribunal within 3 months from the notification of the withdrawal.

Content of protection

Overview

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Relevant legal provisions of the amended Asylum Law are in Chapter 4 (Content of International protection), article 53 to 66. This Chapter applies to both refugees and beneficiaries of subsidiary protection, unless otherwise specified.

Provision of information on the content of protection

According to article 55 of the amended Asylum Law, the beneficiaries of international protection receive information regarding their rights and obligations as soon as possible after their written decision and in a language which they understand, or may reasonably be presumed to understand.

In fact, the decision itself will include information regarding the rights and obligations of beneficiaries of protection. Further information is also provided in the informational leaflet provided to the applicant at the time of lodging the application and is also accessible on the dedicated website (this website is accessible only from within the Luxembourgish territory due to geo-blocking measures).

The information encompasses essential details regarding the necessary steps beneficiaries must take to obtain relevant documentation, as well as guidelines on permitted travel with these documents, the validity of protection and associated documents, and their social rights, which include access to healthcare, welfare services, housing, general education services, and other forms of vocational training. Furthermore, it addresses family reunification, the principle of non-refoulement, and the conditions under which a beneficiary may lose their protection status.

Residence permits

Refugees:

The Ministry of Home Affairs- General Department of immigration- Department for Foreigners is the authority responsible for issuing the residence permit for refugees.

Individuals granted refugee status receive a residence permit valid for 5 years, and renewable.

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As soon as possible after international protection has been granted, beneficiaries shall be granted a residence permit. An appointment must be made with the General Department of immigration so that the biometric data can be taken. This appointment can be made over the network (website). A date will be given at the appointment when the residence permit can be collected. During this appointment, the biometric data for the refugee travel document are also taken (see point 3.4).

Beneficiaries of subsidiary protection:

The Ministry of Home Affairs- General Department of immigration- Department for Foreigners is the authority responsible for issuing the residence permit for beneficiaries of subsidiary protection.

Length of first and subsequent residence permits: Individuals granted subsidiary protection status receive a residence permit valid for a period of 5 years and renewable.

As soon as possible after international protection has been granted, beneficiaries shall be granted a residence permit. An appointment must be made with the General Department of immigration so that the biometric data can be taken. This appointment can be made over the network. A date will be given at the appointment when the residence permit can be collected.

Travel documents

Refugees:

The Ministry of Home Affairs is the authority responsible for issuing travel documents for refugees.

According to article 58 of the amended Asylum Law, refugee obtain a Geneva travel document drawn up in accordance with the annex to the Geneva Convention and intended to allow them to travel outside Luxembourg territory, unless imperative reasons of national security or public order preclude it.

The document that has the same validity of their residence permit (5 years). The application for a renewal should be done in person at the General Department of immigration and within 2 months before the expiry date of the travel document.

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The procedure for delivering the travel document is free of charge. After a person is granted refugee status, the national passport that was originally surrendered is still seized by the authorities. Is it not possible for beneficiaries of refugee status to have their passport back upon request.

Beneficiaries of subsidiary protection:

Beneficiaries of subsidiary protection status may use their valid passport from the beneficiary's home country. After a person is granted subsidiary protection, the national passport that was originally surrendered to the authorities is returned to the third country national. Individuals unable to obtain a national passport from his/her Embassy or Consulate, are issued documents that allow them to travel, unless there are compelling reasons of national security or public order to the contrary. The Department of Foreigners can provide a travel document for foreigners (if the needed conditions are fulfilled with a maximum validity of 5 years and a cost of 50 Euros (30 Euros for children under the age of 4). The document allows to travel outside the country.

If the person is recognised as stateless person, the travel document issues will be a travel document for stateless person according to the New York Convention 1954 and will have a cost of 50 Euros ((30 Euros for children under the age of 4).

Freedom of movement

According to article 65 of the amended Asylum Law, beneficiaries of international protection are allowed to move freely within Luxembourg territory, as well as within the Schengen area.

Access to employment and employment-related education

Refugees and beneficiaries of subsidiary protection:

According to article 59 of the amended Asylum Law, beneficiaries of international protection may work immediately after their protection is granted, with the same conditions as nationals. Beneficiaries are also offered employment-related training, vocational training, and workplace experience under the same conditions as Luxembourg nationals. They are entitled to the same remuneration and access to social security benefits as nationals.

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Activities such as job-related training opportunities for adults, training actions including skills training, practical experiences at the workplace, labour and counselling services are provided by the Agency for the Development of Employment (*Agence pour le développement de l'emploi* - ADEM) are available to beneficiaries of international protection under conditions equivalent to those applicable to Luxembourg nationals. More information about adult education and training can be found here.

ADEM has a specialised unit for beneficiaries of international protection within its "*Employer Service*" which is at their disposal for any questions, evaluation or hiring requests. ADEM will assess the situation of the household and guide adult household members – both men and women – to the right courses or potential employers.

If the household is benefitting from the minimum income scheme REVIS, the services from ONIS, available for REVIS recipients with obstacles to employment, are also at the disposal.

Access to education

Refugees and beneficiaries of subsidiary protection:

According to article 60 of the amended Asylum Law, minors granted international protection are given full access to the education system on the same terms as Luxembourg nationals. Adults granted protection have access to general education and professional retraining under the same conditions as third-country nationals legally residing in Luxembourg.

Beneficiaries of international protection may benefit from the same training opportunities for adults, special training programs and internships at the workplace as Luxembourgers.

Since 2021, the House of Guidance is open to every individual, regardless of age, who is seeking guidance in educational and career orientation. As a one-stop shop, it regroups in one place different departments providing counselling, guidance and information to everyone seeking educational, initial and continuing, vocational or professional guidance, to help individuals identify their skills, interests, inform about training opportunities and make informed choices.

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Language courses are offered by the National Institute for languages (*Institut National des Langues Luxembourg INLL*) and by the Adult Education Service (Service de la formation des adultes, SFA). Luxembourgish online courses are also offered on an e-platform called LLO.lu which is opened to all individuals, not only to refugees.

The Adult Education Service (SFA) has developed basic instructions and language integration courses in French. These courses are tailored to applicants for and beneficiaries of international protection who do not speak the official languages.

All the contents of the courses, online exercises, videos and audios are available, for free, on the website: sfadocs.lu

Access to procedures for recognition of qualifications and validation of skills

Refugees and beneficiaries of subsidiary protection:

According to article 60 of the amended Asylum Law, beneficiaries of international protection are treated equally to Luxembourgish citizens with regards to recognition procedures of diplomas, certificates and other qualifications, with the exception of the academic recognition at the baccalaureate level, under which the Diploma Recognition Service (SRD) of the Directorate-General for Accreditation and Recognition of the MENJE (DGAR) applies the law of 20 May 1953 approving the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951, so that applications for baccalaureate equivalence from beneficiaries of international protection (BPI) are treated in the same way as applications for recognition of equivalence of secondary school diplomas obtained in a country that is a signatory to the Paris, Lisbon or World Conventions, subject to the submission of a complete file.

The access for those lacking documentary evidence of qualifications to accreditation procedures of prior learning is facilitated. Applications for formal recognition of qualifications are subject to the payment of a fee and can be submitted online by using an online form, by email and by post.

Further information is available on the following websites:

- recognition of secondary education qualifications

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- recognition of higher education qualifications
- recognition of professional qualifications to access regulated professions

  - on secondary education level

  - on post-secondary education level

- accreditation of prior learning

  - towards secondary education qualifications

  - Towards higher education qualifications: no centralised procedure. Applicants need to contact the higher education institutions directly.

Social security and social assistance

Refugees and beneficiaries of subsidiary protection:

According to article 61 of the amended Asylum Law, beneficiaries of international protection receive social assistance under conditions equivalent to those of Luxembourg nationals. This includes financial aid for low-income households, such as “social inclusion income” (REVIS), “cost of living benefit and energy allowance” or “rent subsidy”.

“Social welfare Aid”, provided by social welfare office, is available to all beneficiaries of international protection.

Healthcare

Refugees and beneficiaries of subsidiary protection:

According to article 62 of the amended Asylum Law, beneficiaries of international protection have access to healthcare under the same conditions as Luxembourg nationals. Special healthcare needs, including mental health services for individuals with vulnerabilities are provided on the same terms as nationals.

All dependent family members are covered by family members who contribute into the insurance system. Children and students until 29 are covered

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under their parents. Children and young people aged below 18 or students who do not otherwise have access to public healthcare insurance are covered by the state. More information can be found at Health & Social security.

Access to accommodation

Refugees and beneficiaries of subsidiary protection:

According to article 64 of the amended Asylum Law, beneficiaries of international protection are entitled to accommodation under conditions equivalent to those of other legally residing third-country nationals in Luxembourg.

As soon as the applicant is granted international protection, they are required to find individual housing. However, they might stay in the reception centre, but they must pay an occupancy allowance for their housing to the National Reception Office (ONA). Generally, the amount of the allowance is 1/3 of all their income, whether it comes from employment or from social inclusion income (REVIS), which they may be entitled to as beneficiaries of international protection.

Access to integration measures

Refugees and beneficiaries of subsidiary protection:

According to article 66 of the amended Asylum Law, the Luxembourgish government ensures access to integration programs for beneficiaries of international protection to help them integrate into society, tailored to their specific needs as refugees or beneficiaries of subsidiary protection.

With the Law of 23 August 2023 on intercultural living together, the notion of ”intercultural living together” replaced the term ”integration” from the Law of 16 December 2008 on the integration of foreigners in Luxembourg to broaden the objectives and the scope of people at whom the policy is aimed: every adult living or working in the Grand-Duchy (nationals, foreigners, applicants, beneficiaries of international protection, as well as cross-border workers).

With this law, the citizens' pact (*Biergerpakt*) is being implemented. The *Biergerpakt* is available, free of charge, to all adults who live or work in Luxembourg. By signing up to the *Biergerpakt*, beneficiaries of international protection gain access to the intercultural living together programme, which

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provides information about the Grand Duchy of Luxembourg, guides them and encourages civic participation. The intercultural living together programme comprise three introductory modules:

- access to an orientation day to help them to find their way around daily life in Luxembourg.
- A language module to learn Luxembourgish, German or French, on an online platform.
- A module “Discovering the Grand Duchy of Luxembourg”, with an insight into the country’s history, geography, heritage, values, intercultural and multilingual context, political, economic, social and educational system, etc.

The programme also provides a catalogue of advanced modules on key topics of the intercultural living together, such as, learning and practicing languages, understanding administrative procedures, deepening the knowledge of Luxembourg, committing to diversity and against racism and discrimination, participating actively as a citizen, and much more!

For more information: https://biergerpakt.zesummeliewen.lu/

Family reunification for beneficiaries of international protection

Refugees:

The right to family reunification for refugees is regulated by Articles 68 to 75 of the amended Immigration Law.

The time frame to apply for family reunification is within 6 months from being granted refugee status in order to benefit from the more favourable conditions of article 69 (3). The refugee must notify the authorities that he/she wishes to be reunited with a close family member.

If the application is submitted after the 6-months specific conditions should be met (see below section on ‘Conditions for family reunification’).

Eligible Family members are:

- Spouses or registered partners;

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Polygamous marriages are prohibited in Luxembourg; thus, a second spouse would not be recognised. Family reunification of a spouse is not allowed in case of polygamous marriage when the sponsor already has a spouse with him/her in Luxembourg. However, the person is not excluded to request international protection individually. If so, he/she would not be considered to be in the same family unit.

- Minor unmarried children of him/her, or his/her spouse/legal partner
- first-degree relatives in the direct ascending line of an unaccompanied minor enjoying international protection. In this case the conditions of dependency are not applied.
- legal guardian or any other member of the family of an unaccompanied minor enjoying international protection, if the minor has no relatives in a direct ascending line or no such relatives can be traced.

Beside these cases, the law grants the Minister a discretionary power to authorize a family reunification of:

- first-degree relatives in the direct ascending line of the sponsor or of his/her spouse or legal partner, if they are dependent on them and do not enjoy proper family support in their country of origin
- unmarried adult children of the sponsor and/or of his/her spouse or legal partner, provided that they are objectively incapable to provide for themselves due to their health condition.

Conditions for family reunification: If the beneficiary of international protection (refugee status and subsidiary protection status) lodges the application for family reunification:

- within the six months following the granting of the status, the sponsor does not have to fulfil any of the requirements relating to stable, regular and sufficient resources, appropriate accommodation and health insurance established in article 69 (1) of the amended Immigration Law.

- If the application is made after the six-month period, the applicant must fulfil these conditions, as any other third-country national:

  - provide proof that s/he has stable, regular and sufficient resources (salary, wages, income from assets) to support him/herself and the family members under his or her care, without having to resort to social welfare;

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- have appropriate accommodation to host the family member(s);

- have health insurance cover for him/herself and the family member(s) (health insurance certificate covering their stay in Luxembourg issued by a Luxembourg or foreign social security authority and/or by a private insurance company).

Rights deriving from family reunification: In accordance with the articles 69 and 74 (1) of the amended Immigration Law a family member of a beneficiary of international protection can be granted a residence permit.

If a family member applies for international protection after arrival, they will be considered an applicant for international protection and cannot hold the residence permit for a family member.

Family members of third-country nationals applying for family reunification do not have to provide certified copies of travel documents, what will facilitate the procedure (amended Immigration Law). A complete copy of the valid passport will be sufficient.

Decisions on family reunification are taken in a maximum of 9 months from the date the completed files are lodged. In exceptional circumstances and taken into consideration the complexity of the case, the deadline can be extended (article 73 (6) paragraph 1 of the amended Immigration Law). The decisions will be notified in written to the physical address that the applicant indicated in the file and in the case of a request submitted by a lawyer also to the latter. In case of annulment of a previous negative decision, a new decision should be taken within 9 months.

Beneficiaries of subsidiary protection:

Same as for refugees.

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