



**The Regularisation of Unauthorized Migrants:  
Literature Survey and Country Case Studies**

**Regularisation programmes in Luxembourg**

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## IX. Regularisation in Luxembourg

### **Background**

As a small country with a small population (440,000), migration has been an important factor in the social and economic development of Luxembourg. Since unemployment was virtually non-existent during the last 25 years, Luxembourg has never had an explicit immigration policy, although that is starting to change due to issues of funding the pension system, a slowdown in the economic development of the country, and the arrival of refugees to the country during the 1990s. In the early 1990s the country received several thousand refugees from Bosnia, and since there was no legislation on asylum, they were allowed to stay as long as they could find housing and a job. After refugees from Kosovo also began arriving, the country introduced implemented strict laws on asylum and implemented its first regularisation programme (Kollwelter 2003).

### **Legal channels of admission into Luxembourg**

There are currently no quotas on the numbers of immigrants allowed into the country. There is also no specific legislation dealing with family reunification, nor is there long-term resident status.

- **Work permits:** there are three types of work permits. Type A is valid for one year and one employer; type B is valid for four years and one sector of activity, and type C is valid for five years and for all sectors of activity.
- **Residence permits:** are valid for five years.

**Table 14: Foreign Population in Luxembourg, 1990-2000**

Year	Foreign Population	Total Population	Foreign population as percentage of total population
1990	113,100	378,000	29.9
1995	138,000	405,000	34
2000	162,000	437,000	37

Source: UNPD (2002); SOPEMI (1999)

### **Demographic context and the undocumented population**

Foreigners account for 37 percent of the population in Luxembourg, with most coming from EU member states. Most of this population are people who cross the border every day from France, Belgium and Germany (Kollwelter 2003). In 2001, there were 12,100 new arrivals, mostly from France, Portugal, Belgium and Germany. This is up slightly from 11,765 in 2000 (SOPEMI 2003). Luxembourg is the country with the lowest percentage of third country nationals (about 6 percent in 2003) in the EU (Waringo 2003). There are no reliable figures of the number of undocumented migrants currently in the country—the European Industrial Relations Observatory on-line places an unofficial estimate of 5,000 in 1999 (EIRO 1999a).

### **Luxembourg's Regularisation Programme**

As a reaction to the increasing numbers of refugees the country was receiving was in the 1990s, and because the government was receiving pressure from NGOs and some trade unions, the country decided to establish a "one-shot" regularisation programme in the Spring of 2001 directed at undocumented immigrants and rejected asylum seekers (EIRO 1999a, 1999b). Applicants needed to prove either that they were in the country before July 1, 1998; had been working illegally since January 1, 2000; or, in the case of refugees from Kosovo, that they had arrived before January 1, 2000. The regularisation programme ran from May 15 to July 31 2001. 1554 applications were accepted concerning 2,894 people, three-fourths of whom were from the Former Yugoslavia. As of December 31 2002, 1,839 people had received a positive response, and of those 64 percent received work and residence permits (Le Gouvernement de Luxembourg 2003).

The OECD considers this regularisation programme to be particularly innovative, as it was implemented in close consultation with sectors most affected by labour shortages, who wanted to place the regularized persons in vacancies in their industries. These included the Craftsmen's Federation, the Chamber of Agriculture and the federation of hotel, restaurant and café owners. In addition, the government stated that it would not punish employers who had hired unauthorized immigrants as long as they declared them and paid any outstanding social contributions (SOPEMI 2003).

Still, there have been criticisms of the programme. First, the number of applications to the programme was quite low, given that the number of asylum seekers alone probably amounts to several thousand people. Second, the programme has been criticized for excluding a number of refugees from the Yugoslav Republic Montenegro, since the arrival date was set before a bombing campaign in the FRY had led to more refugees arriving (Waringo 2003). Furthermore, regularisation through securing employment was more difficult than anticipated, and the labour market in general only accepted small numbers of people with out documents (EIRO 2001). In addition, the difficulties of some nationalities to present a passport was cause for concern among employers' associations, since if an immigrants lacked a passport, s/he would not be able to work legally.

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