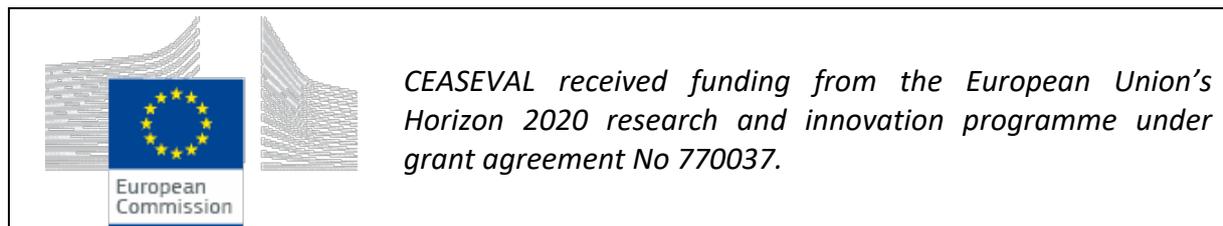# CEASEVAL

National report on the governance of the asylum reception system in Luxembourg

Lorenzo Vianelli, Lucas Oesch and Birte Nienaber

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National report on the governance of the asylum reception system in Luxembourg

Abstract

The national report on the governance of the reception system in Luxembourg is one of the seven country reports that are produced within Work Package 3 of the H2020 project CEASEVAL. The report provides an overview of the Luxembourgish reception system. More specifically, it focuses on recent transformations that have affected the system, processes of implementation at the national and local levels, and sources of heterogeneity within the national system. It is based on document analysis as well as on 19 semi-structured interviews with a range of different stakeholders who are directly or indirectly involved in the Luxembourgish reception system. The report first provides some historical background on the reception of asylum seekers in Luxembourg by paying specific attention to the main legislative instruments that shaped the initial design of the national reception system. Then, the main revisions that affected the system in the period 2009-2018 are explored alongside their related decision-making processes. This paves the way for an overview of the formal structure of the Luxembourgish reception system. After the discussion of the formal organisation of reception policies in the country, the report moves on to explore the actual functioning of the reception system by investigating implementation practices at the national and local levels. Finally, some examples of heterogeneity in the current provision of reception are discussed, in an attempt to identify drivers of convergence and divergence in the implementation of reception policies.

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Glossary

ABP	*Administration des bâtiments publics* (Public Building Administration)
AIS	*Agence immobilière sociale* (social housing agency)
AOT	*Autorisation d'occupation temporaire* (authorisation for temporary employment)
AREL	*Association d'aide aux réfugiés vietnamiens au Luxembourg* (Association for the support of Vietnamese refugees in Luxembourg)
ASS	*Administration des services de secours* (Rescue Services Administration)
ASTI	*Association de soutien aux travailleurs Immigrés asbl* (Support Association for Migrant Workers)
CCDH	*Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg* (Human Rights Consultative Committee of the Grand Duchy of Luxembourg)
CEAS	Common European Asylum System
CGE	*Commissariat du gouvernement aux étrangers* (Governmental Commission on Foreigners)
CNE	*Conseil national pour étrangers* (National Council for Foreigners)
CSV	*Chrëschtlech-Sozial Vollekspartei* (Christian Social People's Party)
DP	*Demokratesch Partei* (Democratic Party)
EU	European Union
FIERI	*Forum Internazionale ed Europeo di Ricerca sull'Immigrazione* (International and European Forum on Migration Research)
HCPN	*Haut-Commissariat à la protection nationale* (High Commission for National Protection)
LFR	*Lëtzebuerger Flüchtlingsrot/Collectif Réfugiés Luxembourg* (Luxembourgish Refugee Council)
LISKO	*Lëtzebuerger Integratiouns- a Sozialkohäsiounszenter* (Luxembourgish Centre for Integration and Social Cohesion)
LSAP	*Lëtzebuerger Sozialistesch Aarbechterpartei* (Luxembourg Socialist Workers' Party)
MFIGR	*Ministère de la Famille, de l'Intégration et à la Grande Région* (Ministry of Family, Integration and the Greater Region)
OLAI	*Office luxembourgeois de l'accueil et de l'intégration* (Luxembourg Reception and Integration Agency)
PAN	*Plan d'action national d'intégration* (National Integration Plan)
PIA	*Parcours d'intégration accompagné* (guided integration programmes)
REVIS	*Revenue d'inclusion sociale* (social inclusion income)

SHUK   *Structure d'hébergement d'urgence Kirchberg* (Kirchberg emergency accommodation centre)

SYVICOL   *Syndicat des Villes et Communes Luxembourgeoises* (Union of Luxembourgish Cities and Municipalities)

Introduction

The national report on the governance of the reception system in Luxembourg is one of the seven country reports that are produced within Work Package 3. Together, these seven country reports form the basis of a comparative report on the multilevel governance of national reception systems, which will be published by the leader of Work Package 3 (FIERI - *Forum Internazionale ed Europeo di Ricerche sull'Immigrazione*). This report on Luxembourg aims to provide an overview of the national reception system by focusing specifically on recent transformations that have affected the system, processes of implementation at the national and local levels, and sources of heterogeneity within the national system. The research is based on qualitative fieldwork, the features of which are detailed below. This report is therefore particularly important for the Luxembourgish context as it addresses a shortage of empirical studies on reception policies and practices in the country. Indeed, the only sources of information on the Luxembourgish reception system, especially in the post-2015 period, are primarily reports from national institutions (OLAI 2016; MFIGR 2017, 2018a) and from networks and international organisations (EMN 2015, 2016, 2017; OECD 2017).

The study draws on 19 semi-structured interviews with a range of actors who are directly or indirectly involved in the Luxembourgish reception system. These actors include: state actors (3); local politicians (4); municipal employees (4); and NGO workers (8). The total length of recorded material amounts to nearly 13 hours. All interviews were conducted between October and November 2018. The temporal scope of research therefore extends until the end of November 2018. Interviews were conducted following the guidelines provided by FIERI, which distinguished between two types of actors: national actors and local ones. In the Luxembourgish case, national actors involved state actors and NGO representatives with roles of national relevance. Local actors included local politicians, municipal employees (e.g. from social care offices and registration offices), and NGO workers involved in the provision of reception services. Given their twofold role, mayors who were members of SYVICOL (*Syndicat des Villes et Communes Luxembourgeoises* – Union of Luxembourgish Cities and Municipalities) were interviewed by combining the interview guidelines for national actors and those for local actors. The interview template for national actors focused on the changes in the governance of reception in the last decade, the decision-making processes that governed such changes, implementation processes, and the impact of recent transformations in terms of convergence or divergence within the country. On the other hand, the template for local actors was based on perceived changes at the local level, local decision-making and implementation processes, and sources of heterogeneity or homogeneity at the local level.

Fieldwork therefore focused on recent developments in the national reception system, institutional processes of governance, implementation of reception policies, interactions between stakeholders, and drivers of convergence or divergence at the national and local levels. Other issues that emerged from fieldwork were not developed further because they go beyond the scope of this study. As an example, these issues concern the identification of vulnerability during the asylum process, the bureaucratisation of social work due to the increasing centrality of administrative procedures (e.g. food vouchers, reimbursement of healthcare expenses), the difficulties that asylum seekers face in obtaining *autorisation d'occupation temporaire* (AOT - authorisation for temporary employment) despite the formal right to work after 6 months from the introduction of the asylum application, the negative effects of waiting as a key feature of life in reception facilities, and the mechanisms of reproduction of dependence that are promoted by reception practices.

With respect to the selection of the two local case studies, the criteria suggested by FIERI were followed as much as possible, but they nonetheless had to be adapted to the specificities of the Luxembourgish context. Such criteria necessitated finding localities that present similar features in terms of socioeconomic conditions and the ratio of asylum seekers to the resident population, but are different with regard to political profile. Options available were quite limited because of the small size of the country as well as the small size of most urban centres. Indeed, the capital, Luxembourg City, has around 115,000 inhabitants, while only three other towns exceed 20,000 inhabitants (Differdange, Dudelange, and Esch-sur-Alzette). Hence, as explained in Chapter 3, two small towns with populations of around 7,000 inhabitants were chosen. The first is situated in the north of the country and is governed by Socialists. The second is in the south and is governed by the Christian Democrats.

However, the limited number of cities and towns from which to choose was not the only difficulty encountered during fieldwork, as researching the implementation of reception at the local level turned out to be quite difficult in the Luxembourgish context. The reason for this lay primarily in the state-centred character of the reception system and the corresponding limited role played by municipalities, the main consequence of which was a narrow range of local actors involved in reception. This translated into the practical difficulty of locating local actors who could be interviewed. Such a difficulty was due not only to the abovementioned small size of towns, which resulted in a small number of facilities and thus social workers in absolute terms. It was also due to the lack of municipal employees involved in the reception process. The range of local actors was further reduced by the lack of delocalised territorial branches of the Ministry of Family, Integration and the Greater Region (MFIGR) and the *Office luxembourgeois de l'accueil et de l'intégration* (OLAI – Luxembourg Reception and Integration Agency). Furthermore, it needs to be stressed that there is no intermediate level of government between state and municipalities in Luxembourg. This also reduced the possibilities with respect to the identification of potential local actors to be contacted.

In other words, when it comes to the reception of asylum seekers in Luxembourg, the main stakeholders at the local level are the same ones that can be found the national level. These stakeholders are OLAI and its partner organisations, Caritas and Croix-Rouge Luxembourgeoise (Luxembourgish Red Cross). Given this situation, most interviews at the local level were carried out with mayors, municipal employees, and representatives of *Commissions Communales Consultatives d'Intégration* (Municipal Advisory Committees on Integration). However, most of them had no direct knowledge of issues concerning the reception of asylum seekers in their municipality. As a mitigation strategy, it was decided to modify some of the interviews with national actors in order to gather information on local issues as well. In this way, it was possible to overcome a straightforward distinction between national and local actors that appeared quite blurred in the field. However, as Chapter 3 further clarifies, the abovementioned difficulties, which stem from the specific geographical and institutional features of Luxembourg, were treated as research findings in themselves, requiring specific analytical attention.

The report is organised into 4 chapters. Chapter 1 provides some historical background on the reception of asylum seekers in Luxembourg. In particular, it pays specific attention to the main legislative instruments that shaped the initial design of the Luxembourgish reception system. It covers approximately the period between 1990 and 2008, even if some examples of groups of refugees who moved to Luxembourg in the past are also discussed. The last decade (2009-2018) is addressed by Chapter 2, in which the recent processes of reconfiguration of the national reception

system are examined. After an analysis of the main revisions of the system and the related decision-making processes, the chapter provides an overview of the formal structure of the Luxembourgish reception system. Chapter 3 moves the analytical focus to the actual functioning of the reception system, thus investigating implementation practices at the national and local levels. The relations between state actors and NGOs in the provision of reception as well as the interaction between state institutions and local authorities are explored in the chapter. Finally, Chapter 4 seeks an understanding of what drives towards convergence and divergence in the implementation of reception policies. Convergence and divergence are understood in terms of trends towards greater homogeneity and greater heterogeneity respectively. The chapter thus examines some examples of heterogeneity in the current provision of reception and discusses the impact that recent transformations in the system have had on such forms of heterogeneity.

1. The background: the initial design of the national governance of asylum seekers' reception and the main reforms

The Grand Duchy of Luxembourg has a long history in the hosting of people fleeing for political reasons.[1] This long history dates back to the reception of some French political figures who left their country after the coup d'état of 1851 by Louis-Napoléon Bonaparte (Hoffmann 2003, p. 37). A few years later, Luxembourg was a temporary sanctuary for another well-known French refugee, Victor Hugo. The writer moved to Luxembourg City on 1st June 1871, after he was expelled from Belgium because of his attempt to give refuge to the communards. The latter were fleeing from Bloody Week, which brought to an end the experience of the Paris Commune. In the first half of the twentieth century, more specifically between the First and the Second World Wars, Luxembourg hosted three other groups of refugees, yet with significant differences in authorities' attitudes towards them (Hoffmann 2003, pp. 38-39). The first, and most welcomed ones due to their employment in iron and steel industry, were the "White Russians". They were soldiers belonging to the counterrevolutionary forces fighting against Leon Trotsky's Red Army between 1918 and 1921. White Russians were followed by Italian anti-fascists, who accounted for an increasing share of Italian immigration after the seizure of power by Benito Mussolini in 1922. Then in the 1930s there were people fleeing from the Nazi regime in Germany. These refugees were primarily Jewish people, but also artists, intellectuals, left-wing politicians and trade unionists arrived at that time. Unlike the Russians, refugees from Italy and Germany found a less welcoming environment in Luxembourg. The former were treated as suspects and monitored for their political activism, while the latter had to face an overall climate of xenophobia and anti-Semitism.

At the end of the Second World War, a number of displaced Polish nationals stayed in Luxembourg in order to avoid returning to the newly established Communist regime in their country of origin. Scattered arrivals of Polish asylum seekers continued in the following decades until the fall of Soviet Union. Another group of refugees who left the Eastern Bloc to relocate to Luxembourg was formed by those fleeing Czechoslovakia in the wake of the repression of the Prague Spring in 1968. Shortly after, Luxembourg hosted some Chileans who were fleeing from the coup d'état against Salvador Allende in Chile in 1973. Chileans were then followed by two other groups from outside Europe. These were the Vietnamese, in the period 1979-1982, and the Iranians between 1982 and 1986. It is precisely with the arrival of the Vietnamese that the first forms of support, which would be now defined as reception, are reported. Indeed, Vietnamese "boat people" struck a chord in the Luxembourgish population, and this resulted in the creation of a private initiative called *Association d'aide aux réfugiés vietnamiens au Luxembourg* (AREL – Association for the support of Vietnamese refugees in Luxembourg). The aim of this initiative was to help the newcomers. Moreover, Vietnamese refugees were immediately granted refugee status by Luxembourgish authorities, and were thus entitled to permanent leave to remain and the right to work.

As in several other European countries, asylum definitely entered Luxembourgish political debate and the policy arena in the 1990s (Besch 2010). This was a result of the arrival of unprecedented numbers of people fleeing from the war in the former Republic of Yugoslavia. In particular, arrivals reached historical peaks in 1992/1993, with people predominantly arriving from Bosnia-Herzegovina, and in 1998/1999 from Kosovo (see table 1). To tackle this situation, on 20th March 1992 the Luxembourgish government introduced an "ad-hoc status" (*statut ad hoc*) through which it

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[1]   The historical overview in this chapter is mainly based on Hoffmann (2003) and Besch (2010).

regularised the legal position of the newcomers, most of whom could not fall within the scope of the 1951 Geneva Convention. The "ad-hoc status" consisted of a temporary yet renewable permit of stay, which allowed its holders to work legally. While such a humanitarian form of protection was initially granted to all those arriving from the former Yugoslavia, it was soon limited to the Bosnians. The latter benefitted from such protection until its abolition following the Dayton Agreement in December 1995 (Besch 2010, p. 111).

Table 1: Asylum applications in Luxembourg (1991-2001)

Year	Number of applications	Number of "ad-hoc statuses"
1991	238	/
1992	120	1660
1993	225	630
1994	165	306
1995	155	204
1996	291	/
1997	431	/
1998	1707	/
1999	2920	/
2000	627	/
2001	690	/

Source: CEFIS (http://www.cefis.lu/resources/1-Evolution-demandes-asile.pdf)

The significant arrivals from the Balkans in the 1990s posed several challenges to the Luxembourgish authorities and pushed the national government to legislate for the reception of asylum seekers. A law on the integration of foreigners was adopted on 27th July 1993. This law established the *Commissariat du Gouvernement aux étrangers* (CGE – Governmental Commission on Foreigners), under the supervision of the Ministry of Family and Solidarity. The mission of the CGE was to promote the inclusion of newly-arrived migrants through several actions, including the management of reception facilities, the provision of material and psycho-social support and the promotion of intercultural exchange.

The 1993 law represents the first formalisation of reception measures in Luxembourg. In fact, it gives the CGE responsibilities with respect to the accommodation of foreigners, including asylum seekers. More specifically, the CGE was required to support foreigners in finding accommodation, as well as to establish and manage reception facilities for both foreign workers and asylum seekers. These tasks could be either carried out independently by the CGE or through collaboration with other actors, which were not specified by the law. The eligibility of contractors, as well as the safety, habitability and hygiene conditions of the buildings had to be ensured. The costs of personnel, management, rent and maintenance of reception facilities were to be covered by the state, while the CGE was also in charge of making sure that public funds were spent appropriately.

The significant arrivals of asylum seekers in the early 1990s persuaded the Luxembourgish government to define a clear asylum procedure. This was introduced in the national legal system by the law of 3rd April 1996. Besides outlining the asylum procedure, this law entitled asylum seekers to the right to receive social support during the asylum process. It also called for the adoption of a *règlement grand-ducal* (Grand Ducal regulation) to define the type of support. However, the regulation defining the conditions and the terms for the provision of social assistance to asylum seekers was only approved on 4th July 2002. This regulation defined the notion of social assistance by specifying the list of benefits that it included. These benefits were only available for those lacking the means required for subsistence, and they were established on a case-by-case basis according to each applicant's family composition, age, and income. Possible types of benefits included accommodation and full board, monthly allowance, urgent healthcare, coverage of social security contributions, social orientation, public transport, and tailored help in the event of need. The amount of the monthly allowance available to different types of beneficiaries was also defined.

A few years later, when the first set of directives[2] from the CEAS had to be transposed into national legislation, Luxembourgish authorities adopted a new asylum law on 5th May 2006. This legislative act represented the first comprehensive law on the matter (Besch 2010, pp. 118-119). With respect to reception, the law of 5th May 2006 transposed the directive on reception conditions and confirmed the right of asylum seekers to social assistance. The terms of social assistance for asylum seekers had to be defined by a new *règlement grand-ducal*, which was then adopted on 1st September 2006. Moreover, the new asylum law entitled asylum seekers to work after nine months from the submission of the application, provided that the decision had not yet been taken, and that such a delay was not due to the applicant. In order to work, asylum seekers had to apply for an authorisation for temporary employment. This authorisation lasted for 6 months and was renewable, yet only valid for a specific employer and a specific profession. In practice, notwithstanding the possibility of obtaining such authorisation, access to employment remained quite difficult for asylum seekers because of the existence of a priority clause that privileged the recruitment of other categories of jobseekers over asylum seekers (e.g. citizens from the European Union and the European Economic Area, third-country nationals from countries with agreements with Luxembourg, and third-country nationals who were receiving unemployment benefits and had a regular residence permit).

As mentioned above, the new Grand Ducal regulation on the conditions and terms for the provision of social assistance to people seeking international protection was adopted in September 2006. This regulation did not bring any substantial changes compared to the previous one. It mainly updated the notion of social assistance by including within its scope measures such as help for unaccompanied minors, free psychological support for those in need, and counselling on sexual and reproductive matters. It also stressed the necessity to take into account the specific needs of vulnerable people in the definition of the amount and type of social assistance. Vulnerable people were defined as minors, unaccompanied minors, disabled people, the elderly, pregnant women, single parents with children, and victims of torture, rape or serious forms of psychological, physical or sexual violence (article 4, Grand Ducal regulation of 1st September 2006). Furthermore, the

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[2]   Council Directive (2003/9/EC) of 27th January 2003 laying down minimum standards for the reception of asylum seekers; Council Directive (2005/85/EC) of 1st December 2005 on minimum standards for procedures in member states for granting and withdrawing refugee status; Council Directive (2004/83/EC) of 29th April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection, and the content of the protection granted.

regulation introduced some clarifications on reception facilities by specifying that asylum seekers can be accommodated in three types of facilities. These were public accommodation centres, private accommodation centres, and hotels and other types of facilities that are adapted to host asylum seekers. The possibility of placing asylum seekers in emergency reception facilities, if necessitated by an exceptional situation, was also mentioned. Finally, the regulation established the obligation to provide for dedicated types of facilities for unaccompanied minors who are below 16 years of age.

The initial setting-up of the Luxembourgish reception system drew to a close on 1st June 2009 when the law of 16th December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg entered into force. This law replaced the CGE with a new state agency, which was called OLAI (*Office luxembourgeois de l'accueil et de l'intégration* – Luxembourg Reception and Integration Agency). OLAI was placed under the responsibility of the Ministry of Family and Integration, and was made responsible for the coordination and implementation of reception and integration policies in the country. More specifically, OLAI is assigned the following tasks:

- organising the reception of newly-arrived foreigners;
- facilitating their inclusion through the coordination and implementation of reception, integration and non-discrimination policies, in collaboration with municipalities and actors from civil society; and
- organising social assistance for asylum seekers as well as for other foreigners who are not entitled to existing forms of social benefits.

Since 2009, OLAI has thus become the key actor in the field of the reception of asylum seekers in Luxembourg, as it is the agency in charge of accommodating and assisting asylum seekers during the asylum procedure. This duty can be accomplished either by managing reception facilities directly, or by cooperating with other actors, such as municipalities and civil society organisations, in the establishment and management of reception centres. Besides that, OLAI can promote the construction and arrangement (*aménagement*) of accommodation facilities. The law also states that the government can support local authorities or other public bodies in the construction or arrangement of reception facilities for asylum seekers. This could be done by covering expenses for construction and initial equipment, as well as by covering the costs of acquisition, arrangement and initial equipment.

With the publication of the first annual report by OLAI (2010), an overview of the national reception system was finally made available. At the end of 2009, the Luxembourgish reception system was formed by 31 centres, situated all over the country, in which around 1581 people were hosted. However, it is important to stress that this figure pertained not only to asylum seekers, as it also included a minority proportion of other groups.[3] The types of facilities were multiple, including for example reception centres for families, centres for single men, hotels and hostels rented by OLAI. In 2009, OLAI also rented out, on favourable terms, 26 houses and 52 apartments to refugee and migrant families, thus providing accommodation to a further 220 people. Most reception facilities were directly managed by OLAI, with the exception of 5 of them, which were run either by Caritas or by Croix-Rouge Luxembourgeoise. In this respect, the first report by OLAI showed that it maintained ongoing collaboration agreements with these two NGOs, thus confirming financial support for their

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[3]   These include beneficiaries of international protection who were still looking for independent accommodation, rejected asylum seekers who were given temporary leave to remain (*tolérance provisoire*) because they could not be returned or whose return was suspended (*sursis à l'éloignement*), migrant workers and people with temporary permits to stay.

activities in the field of reception (OLAI 2010, p. 2). As further discussed in sub-section 3.1.1, the involvement of Caritas and Croix-Rouge Luxembourgeoise in the provision of reception is long-established and dates back to the 1990s.

Hence, in the first decade of 2000, the process of organisation of the national reception system that started in the early 1990s was completed. This was achieved through the creation of a national reception agency (OLAI) and the clear definition of responsibilities in the domain of the reception of asylum seekers. What could be described as the initial design of the Luxembourgish reception system was therefore defined. It was based on a centralised structure in which most facilities were funded and managed by the state, through OLAI. Only in a few cases, OLAI relied on the support of two civil society actors, Caritas and Croix-Rouge Luxembourgeoise, in the management of facilities. In this chapter, the analysis of laws and policy documents revealed a rather limited involvement of municipalities in the implementation of reception policies, even if accommodation centres were distributed throughout the country. Yet no mechanisms for distributing asylum seekers across the national territory was formalised by law. In the next chapter, the analysis moves on to the main changes experienced by the Luxembourgish reception system between the creation of OLAI and late 2018.

2. Recent processes of reconfiguration of the governance of the reception system

The initial design of the Luxembourgish reception system was immediately put to the test by two substantial increases of asylum applications in 2011 and 2015. Such increases in the number of applicants persuaded Luxembourgish authorities to introduce some adjustments to the organisation of reception measures, in both legislative and operational terms. The focus of this chapter is precisely on such adjustments, as its overall objective is to examine the processes of reconfiguration that characterised the national reception system in the last decade (2009-2018). The chapter is organised into three sections. The first focuses on the processes of decision-making that governed the reconfiguration of the system (section 2.1). The second section discusses four main revisions that modified the Luxembourgish reception system in recent years (section 2.2). The third section provides an overview of the formal structure of the national reception system (section 2.3).

Table 2: Asylum applications in Luxembourg (2008-2017)

Year	Asylum applications
2008	463
2009	505
2010	791
2011	2171
2012	2057
2013	1071
2014	1091
2015	2447
2016	2035
2017	2322

Source: CEFIS (http://www.cefis.lu/resources/1-Evolution-demandes-asile.pdf)

2.1 The process of decision-making

This section explores the decision-making processes that characterised the reconfiguration of the governance of the Luxembourgish reception system in the last decade. More specifically, decision-making is discussed in relation to three events which provoked significant changes in the Luxembourgish reception system after the creation of OLAI. These events are an increase in the number of asylum applications that took place in 2011, a fresh increase in asylum applications in 2015, and the adoption of the new law of 18th December 2015 on the reception of asylum seekers. This section focuses on the character of the decision-making that accompanied such events, while the revisions of the reception system that followed them form the subject of section 2.2.

As observed by most interviewees, the first main event that affected the Luxembourgish reception system in the last decade was a significant rise in the number of applications in 2011 and 2012. In those years, asylum applications were almost triple the amount received in 2010, and four times the figures for 2008 and 2009 (see table 2). Such an increase was characterised by a substantial proportion of applicants from the Western Balkans (EMN 2013, pp. 109-110). However, these asylum

seekers were not normally considered "real" refugees by authorities (Europaforum.lu 2012). According to several NGO workers interviewed, this encouraged a narrative about a supposed "abuse" of the Luxembourgish reception system, which was portrayed as too generous. To tackle such a situation, the government adopted the Grand Ducal regulation of 8th June 2012 on the conditions and terms for the provision of social assistance to people seeking international protection.

As the next section discusses in greater detail, this regulation significantly reduced the amount of the monthly allowance to be provided to asylum seekers. Part of the sum that was previously supplied in cash was replaced by vouchers. The process of decision-making that led to such reform seems quite straightforward from the insights gathered during fieldwork. The adoption of the regulation was not preceded by a consultation with relevant stakeholders, notably civil society actors. Moreover, being proposed as a regulation, it did not have to go through to gain the approval of the parliament. For these reasons, several interviewees, in particular NGOs representatives, described the regulation as a solely governmental decision intended to make Luxembourg and its reception system less attractive. From their point of view, the regulation was a way of responding to the perceived abuse of the national reception system. As underlined by an interviewee:

> "We had the impression the regulation was a sort of response to the influx of people who were not eligible for international protection because they came from countries that were considered as safe by the government. Hence, it was a decision that was clearly intended to reduce the number of asylum seekers in Luxembourg." (Interview no. 6, 25th October 2018)[4]

A second major increase in arrivals occurred in 2015 and was followed by a much more concerted and comprehensive response. In fact, a special national coordination body was put in place to deal with the situation. On 24th July 2015, following a request from MFIGR, the government appointed the *Haut-commissariat à la protection nationale* (HCPN – High Commission for National Protection) to implement an emergency plan for the reception of asylum seekers.[5] The emergency plan aimed to accommodate all incoming asylum seekers and provide the necessary assistance. A coordination group under the joint supervision of HCPN and a representative of the Ministry was established to design and implement the plan. The coordination group included several ministries and state agencies,[6] as well as the army and the police. Croix-Rouge Luxembourgeoise and Caritas participated in the group as external experts.

Even if OLAI remained the institution in charge of the provision of reception, especially accommodation and social assistance, the emergency plan extended the group of stakeholders involved in this policy field. Existing cooperation with other state bodies was strengthened and formalised (interview no. 17, 20th November 2018). For example, OLAI joined HCPN and the Directorate of Immigration of the Ministry of Foreign and European Affairs to form a task force for monitoring arrivals. Similarly, a logistics unit was created and placed under the direction of *Administration des services de secours* (ASS – Rescue Services Administration). This unit also included the army, OLAI, HCPN and the *Administration des bâtiments publics* (ABP – Public Building Administration). Its main task was to organise the setting up and equipment of new reception

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[4]   Our own translations from interviews as well as documents that are not available in English. All interviews were carried out in French, expect for interview no. 5, which was carried out in English.

[5]   More details of the emergency plan are available at: https://gouvernement.lu/fr/dossiers/2015/dpi.html.

[6]   These were the Ministry of Foreign and European Affairs, Ministry of Finance, Ministry of Sustainable Development and Infrastructure, Ministry of Internal Security, Ministry of the Interior, Ministry of National Education, Childhood and Youth, and Ministry of Health.

facilities. Moreover, OLAI strengthened cooperation with the Ministry of National Education, Childhood and Youth. This ministry set up a specific task force in charge of the coordination of all the initiatives that were launched to support the schooling and education of asylum seekers.

However, while the emergency plan fostered cooperation between various state actors, it overlooked local authorities. These were not part of the coordination group and thus not involved in the design of the emergency plan. As discussed further in section 3.2, this created some friction between the government and some municipalities during the implementation phase. In this phase, the importance of local authorities' support for the creation of new reception facilities turned out to be essential. In several cases (EMN 2018, pp. 41-43), the opposition of citizens' self-organised groups to state attempts to build containers for residential use showed that the support of municipalities could not be taken for granted by state institutions. The implementation of the emergency plan made clear that fruitful cooperation between levels of government was needed in order to deal effectively with a significant expansion of the reception system.

The third event that had an important impact on the Luxembourgish reception system concerns the adoption of a new law on reception on 18th December 2015. This law transposed the recast reception conditions directive[7] into national legislation. The law of 18th December 2015 is the first national law that deals specifically with reception. Indeed, the provisions of the previous reception conditions directive were either included in the broader law on the right of asylum (5th May 2006), or in Grand Ducal regulations on social assistance for asylum seekers (the most recent one being that of 8th June 2012). Even if the legislative process partly overlapped with the design and implementation of the emergency plan of 2015, no explicit connection between the two decision-making processes emerged from interviews. Yet the adoption of the law on reception, whose main features are discussed in the following section, proved quite interesting in terms of decision-making. Indeed, NGO representatives emphasised the remarkable degree of consultation, both formal and informal, with stakeholders from civil society which characterised the preparation and writing of the law. However, according to the same stakeholders, this cooperation did not produce the expected outcomes (EMN 2016, p. 38).

More specifically, civil society was represented in the consultation process by *Lëtzebuerger Flüchtlingsrot/Collectif Réfugiés Luxembourg* (LFR – Luxembourgish Refugee Council). LFR is a network of NGOs created in 1990 to promote the right of asylum through advocacy and awareness-raising activities. Members of the network were invited by the parliament to discuss the law on reception. More specifically, they participated in a joint session of the two parliamentary committees that were responsible for the transposition of the recast EU directives on procedures and reception. On this occasion, LFR representatives stimulated the debate and proposed recommendations.

While for the transposition of the directive on procedure,[8] LFR was officially involved by the government for an opinion, this was not the case for the transposition of the directive on reception conditions. Nonetheless, once the bill for transposing the latter was lodged, LFR published its recommendations and it also had the opportunity to discuss them with a minister as well as with OLAI's directorate. As several NGO workers underlined, such an informal consultation initially seemed to bear fruit, given that some of the proposals made by LFR were included in subsequent

[7] Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

[8] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

amendments of the text. However, these changes got lost in the legislative process, notably after the remarks from the *Conseil d'Etat* (Council of State), which opposed some provisions (EMN 2016, pp. 24-26). The following quote from an NGO representative explains very well the feeling of civil society actors after the adoption of the law. It also draws attention to the main reason behind such an outcome:

> "We were quite involved in the legislative process. However, what we normally say between ourselves is that we were listened to (*écouté*) but not heard (*entendu*). In other words, we were involved in the discussion. We need to acknowledge that the government even included some of our propositions, but then the parliament did not show the will to accept the changes. We also need to say – and this is important – that Luxembourg waited until the very last moment available to transpose the asylum package. The same parliamentary reports that accompanied the adoption of the bill admit that there was not enough time to do better. Hence, even the legislator confesses that they could have worked better if they have had more time available." (Interview no. 6, 25th October 2018)

Several NGO workers encountered during fieldwork confirmed the interpretation that emerges from the quote above. On the one hand, they acknowledged some degree of consultation and showed appreciation for it. On the other hand, however, they emphasised the modest effectiveness of such consultation. Furthermore, they blamed the government for hastily transposing the recast directive on reception conditions, given that the deadline for its transposition was July 2015. The analysis now moves on to explore the reforms that followed the decision-making processes discussed in this section.

2.2 The main revisions of the current reception system

The Luxembourgish reception system has undergone four main revisions in the last decade. Two of them were already mentioned in the previous section and are further developed in this section. These are the introduction of Grand Ducal regulation of 8th June 2012 and the transposition of the recast EU directive on reception conditions in 2015. The other two changes that are discussed in this section concern the organisation of the reception system into three phases and the creation of a return centre for "Dublin cases", called *Structure d'hébergement d'urgence Kirchberg* (SHUK – Kirchberg emergency accommodation centre). These latter changes were not introduced by legislative acts, as they have a more operational character and relate to the overall restructuring of the system in the wake of the emergency plan of 2015. The objective of this section is to introduce these revisions by stressing the changes they produced on the national reception system. Possible drawbacks of these reforms will also be briefly discussed.

2.2.1 Grand Ducal regulation of 8th June 2012 on the conditions and terms for the provision of social assistance to people seeking international protection

The regulation drastically reduced the monthly allowance for asylum seekers (see table 3). It replaced around 80% of the sum that was previously provided in cash with vouchers to be used for several common expenses, such as medical examinations, medicines, schooling expenses, toiletries, clothes, and so on. During fieldwork, several civil society actors criticised the new regulation by emphasising its negative effects in relation to two issues: asylum seekers' living conditions and the quality of the social work targeting them. This is also confirmed by a survey that was carried out among asylum seekers one year after the introduction of the regulation (LFR & Croix-Rouge Luxembourgeoise 2013).

Drawing on the findings of the survey, LFR and Croix-Rouge argued that the reduction of the amount of cash given to asylum seekers made them even more dependent on the help of social workers (LFR & Croix-Rouge Luxembourgeoise 2013). Far from promoting the autonomy of those seeking asylum, it is observed, the reform increased their dependence on the reception system. The new regulation obliged asylum seekers to turn to social workers for almost any kind of expense they had to deal with in their daily life. According to the authors of the study, this also translated in a multiplication of bureaucratic procedures, thus having a twofold effect. First, it reduced the time available to social workers to carry out actual social work. Second, the heightened relevance of procedures increased the bearing of case-by-case decisions, thus potentially paving the way to differentiated treatment.

Table 3: Monthly allowance for asylum seekers according to the Grand Ducal regulations of 2006 and 2012

Type of beneficiary	Monthly allowance before new regulation (food provided and self-catering)	Monthly allowance after new regulation (food provided and self-catering)
Adults	107.90€ - 294€	25€ - 225€
Children between 2 and 11 years old	26.90€ - /	12.50€ - 140€
Teenagers between 12 and 18 years old	48.45€ - 174.45€	12.50€ - 173€
Children under 2 years old	133.50€ - 133.50€	12.50€ -140€
Unaccompanied minors between 16 and 18 years old	86.32€ - 294€	25€ - 225€
Family unit (two people)	/ - 534,15€	/ - 300€
Additional members of family (adults)	/ - 214.30€	/ - 200€

Source: Grand Ducal regulation of 1st September 2006 defining the conditions and the terms for the provision of social assistance to asylum seekers and Grand Ducal regulation of 8th June 2012 on the conditions and terms for the provision of social assistance to people seeking international protection.

2.2.2 Law of 18th December 2015 on the reception of applicants for international protection

The law on the reception of applicants for international protection and temporary protection (hereafter: "reception law") was adopted alongside the law on international protection and temporary protection (hereafter: "procedure law") to transpose the recast EU directives 2013/33/EU and 2013/32/EU respectively. Combining these two legislative instruments, the law of 18th December 2015 now forms the main legal act upon which the Luxembourgish asylum system is based. As regards reception, the new law incorporates most of the instructions on the social assistance for asylum seekers that were previously defined by the Grand Ducal regulation of 8th June 2012.[9] It also

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[9]　The new law does not change the amount of monthly allowances. Moreover, while it maintains the distinction between public and private reception facilities, it does not mention hotels, hostels and other

introduces specific arrangements on the identification of vulnerable applicants, access to education and vocational training, as required by the EU directive. Notably, it is possible to identify four changes that deserve a specific mention.

Firstly, the "reception law" places more emphasis on the identification and protection of vulnerable people, by dedicating a specific chapter to the issue. In particular, the law provides for an individual case-by-case evaluation to identify vulnerable applicants and determine their specific needs with respect to reception. Secondly, the law obliges asylum seekers to undergo a medical examination within six weeks from their arrival. The main reason for this is to protect public health, but the law also states that the examination *might* include the identification of signs of persecution or harm that were suffered by applicants in the past. Thirdly, the law reduces the time that asylum seekers have to wait before they are allowed to work. This period has been shortened from nine months to six months, and this is the only aspect of the new law that was welcomed by NGOs (EMN 2016, p. 38). However, several interviewees emphasised the difficulties encountered in practice by applicants for international protection in accessing the labour market. These result from the rigidity of bureaucratic procedures required to obtain an authorisation for temporary employment, as well as the maintenance of a priority for the employment of EU citizens. Fourthly, in compliance with Regulation 439/2010,[10] the law explicitly requires those working in the field of reception to have appropriate training. Training also needs to be tailored to those in charge of unaccompanied minors.

2.2.3 Three phases of reception

The most evident effect of the increase in applications in 2015 was certainly a substantial extension of the overall capacity of the Luxembourgish reception system, with a resulting proliferation of reception facilities throughout the country. The number of places available doubled during 2015, going from 2000 places at the beginning of the year to around 4000 places after the implementation of the abovementioned emergency plan (OLAI 2016, p. 1). This also resulted in a significant growth of OLAI, in terms of personnel and activities, as well as in an increased involvement of its two main partners with respect to reception, Caritas and Croix-Rouge Luxembourgeoise. The number of facilities managed by these NGOs expanded significantly, as discussed in Chapter 4. The rapid extension of the reception system was also accompanied by an overall restructuring of its organisation, based on the introduction of three phases of reception. Such restructuring was not introduced by any legal act and it is not mentioned by the new "reception law" of December 2015. As several interviewees observed, the introduction of three phases of reception has rather been an operational adjustment that followed the emergency plan of 2015.

The new organisation of the reception system is based on three phases of reception (MFIGR 2018a, pp. 153-154). Each of them has a different purpose and covers a different stage in the asylum process, as discussed further in section 3.1. The first phase consists in a single facility, where applicants are accommodated upon arrival, for the time that is needed to lodge their asylum claim. According to MFIGR (2018a, p. 154), the stay in this centre should not last longer than 24 hours, after which asylum seekers are transferred to the second-phase reception centre. Here, people normally stay for a few weeks, during which their needs in terms of healthcare, psychological support and schooling are assessed. Finally, applicants are moved to a third-phase facility, which could be

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"adapted facilities", which were instead explicitly included in the regulation of 2012. Nonetheless, the law confirms the possibility of hosting asylum seekers in emergency facilities if necessary.

[10] Regulation (EU) No. 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office.

anywhere in the country. In third-phase facilities, asylum seekers stay until the end of the asylum procedure and sometimes even once the status has been granted, as the next chapter explains.

2.2.4 SHUK

The fourth and last revision that the Luxembourgish reception system underwent in recent years concerns the creation of a return centre for people who are affected by the Dublin procedure: the so-called "Dublin cases" or "Dubliners". This category concerns those asylum seekers whose fingerprints were registered in the EURODAC[11] system by another member state through which they transited before reaching Luxembourg. According to the Dublin regulation,[12] the member state that first registers an incoming asylum seeker is the one responsible for the asylum claim as well as for the provision of reception throughout the asylum process. Such a responsibility is assessed by Luxembourgish authorities during the registration of the asylum application. After registration, applicants for whom Luxembourgish authorities do not consider themselves responsible are immediately transferred to the *Structure d'hébergement d'urgence Kirchberg* (Kirchberg emergency accommodation centre), commonly known as SHUK. Families with children are not transferred to SHUK (MAEE 2018a, p. 36); instead, they stay at the first-phase reception centre even if they fall within the Dublin procedure.

SHUK was created on 1ˢᵗ April 2017, in one of the halls of the LuxExpo exhibition centre in the Kirchberg quarter of Luxembourg City. SHUK has a twofold objective. On the one hand, it intends to create space in reception facilities by temporarily accommodating people who have very little chance of having their asylum claim assessed in Luxembourg. The relevance of this decision is particularly evident if one considers that 38.4% of all asylum applications received by Luxembourgish authorities in 2017 were considered "Dublin cases" (MAEE 2018a, p. 5). This means that out of 3186 applications, the Luxembourgish authorities decided they were not competent to consider 1225 cases. This represents a significant increase compared to 2016, when 617 decisions of lack of competence (26.6%) were made (MAEE 2017, p. 80), as well as to 2015, when there were 284 decisions of lack of competence, corresponding to 22.8% (MAEE 2016, p. 95).

On the other hand, the creation of SHUK aims to strengthen the control and monitoring of "Dubliners" so as to increase the number of Dublin transfers. Indeed, SHUK is considered to be an alternative to detention, given that those staying there are subject to a measure of *assignation à residence* (house arrest). This means that asylum seekers are only allowed to leave the centre between 8.00 AM and 8.00 PM. For this reason, SHUK is placed under the responsibility of the Ministry of Foreign and European Affairs and it is managed by the staff of the detention centre (*centre de rétention*). A well-known multinational security company also operates in the facility by monitoring the premises 24/7. Security guards also control the entry to and exit from the building for each asylum seeker, through body scan and metal detector, in a way that resembles airport controls.

However, while SHUK might have had some positive results as regards the objective of making spaces available in reception facilities, the same does not prove true for the second objective. Indeed, data

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[11]   EURODAC is a database that gathers fingerprints of all asylum seekers and third-country nationals who are apprehended while crossing an external EU border irregularly. The database therefore allows the comparison of fingerprints that is required for implementing the Dublin regulation.

[12]   Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

from 2017 reveal that a substantial majority of "Dublin cases" either ran away from the centre or never moved there after the first registration interview with the Directorate of Immigration. More specifically, out of 606 people who were assigned to SHUK during its first year of operation, only 54 people were actually returned to another member state (9%), while 392 people disappeared. This means 64% of all those who should have been monitored until their transfer to another EU country (MAEE 2018b, p. 113). Such an outcome radically calls into question the main *raison d'être* of SHUK, which is an increase in Dublin returns, as an interviewee expressed it:

> "The objective of *assignation à residence* (house arrest) should be to achieve greater surveillance, which could in turn increase the actual rate of transfers. Well, considering the rate of disappearance, it is evident that this is rather counterproductive. Hence, isn't the goal then that people actually leave? [...] One of the solutions to tackling the 2015 crisis has been to encourage people to leave, this is certain." (Interview no. 12, 8th November 2018)

This is certainly an important criticism aimed at SHUK. A similar issue was also raised by another interviewee, who emphasised how the centre does not function as an alternative to detention, but rather as an alternative to reception (interview no. 6, 25th October 2018). Besides this, SHUK has been strongly criticised by civil society organisations for the living conditions and how people are treated (Le Quotidien 2018). They are accommodated in big tents within the four big breeze-block structures that were set up in the hall, with a maximum capacity of 216 places (EMN 2018, p. 48). This opinion is opposed by the government, which argues that guests are treated well and receive the same material help provided to those in ordinary reception facilities (MAEE 2018c). According to the government, the maximum capacity of 216 places is not reached and people are thus given enough space to live with dignity (MAEE 2018c). However, NGOs also draw attention to problems concerning the identification of vulnerabilities as well as to possible issues concerning healthcare, given that those who stay in SHUK are not registered with the ordinary healthcare system, on account of their uncertain legal status. For these reasons, the automatic placement of "Dubliners" in SHUK is also widely condemned on the basis that individual evaluation of each case is lacking, thus leading to neglect of potential vulnerable cases (EMN 2018, p. 49).

2.3 The formal governance structure today

After an analysis of the main transformations experienced by the Luxembourgish reception system in recent years, it is now helpful to summarise the main features of such a reception system in order to provide a general overview of its formal organisation. The following pages thus focus on the key actors involved in the reception of asylum seekers in Luxembourg, the main levels of government involved, the sharing of responsibilities, the structure of the system, the mechanisms of distribution and the types and features of facilities.

The main legal acts that formally define the Luxembourgish reception system are the law of 16th December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg and the law of 18th December 2015 on the reception of applicants for international protection. Moreover, annual reports published by MFIGR also provide important insights concerning the organisation and implementation of reception policies. The key actor in the system is OLAI, and consequently MFIGR, which is responsible for the reception agency. As stressed by an interviewee:

> "When I refer to the state, I refer to OLAI, but behind them there is always the Ministry of Family [...]. It's not just OLAI. OLAI is rather the partner on the ground but all discussions take place at the Ministry level." (interview no. 1, 8th October 2018)

Another interviewee confirmed the state-centred character of the Luxembourgish reception system by observing: "It's the Ministry of Family […] There is only one actor" (interview no. 12, 8th November 2018).

OLAI was inaugurated on 12th October 2009 by the then Minister of Family and Integration, Ms. Marie-Josée Jacobs (OLAI 2010, p. 1). Its main objectives are the coordination and implementation of the reception of asylum seekers, as well as the promotion of the integration of all foreigners into Luxembourgish society. Almost ten years after its creation, the agency has grown considerably in terms of responsibilities and staff, while simultaneously experiencing a significant expansion of reception among its key activities. Such growth has obliged the agency to undergo a process of internal reorganisation that started in 2015 (OLAI 2016, pp. 1-2).

This reorganisation led to the creation of several divisions, such as Directorate and Communication, Human Resources, Reception, Integration and Diversity, and Administration and Finance. Moreover, a coordination board (*comité de coordination*) and a management board (*comité de direction*) were established. The former gathers the heads and deputy managers of each division, while the latter involves the director of the agency, the head of the reception division and the head of the administration and finance division (MFIGR 2017, p. 145). These two bodies meet on a regular basis to deal with ordinary management issues and to discuss future strategies. To cope with increasing external exposure as well as with growing requests of information from municipalities and general public, a dedicated office (*cellule direction*) was also created within the directorate (OLAI 2016, p. 2). The task of this new office is precisely to take care of public relations and internal communications.

The law of 16th December 2008 entitles OLAI to manage reception facilities directly as well as to cooperate with other actors, such as NGOs, in the establishment and management of reception facilities. Besides this, the law also gives OLAI the power to cooperate with competent authorities to construct or set up reception facilities. Hence, OLAI is the responsible institution for everything concerning reception, but it can nonetheless involve other actors in the management of accommodation facilities. This is the case with Caritas and Croix-Rouge Luxembourgeoise, as the next chapter will discuss in greater depth. Besides cooperating with NGOs in the everyday management of facilities, OLAI also has regular interaction with other ministries. For instance, it cooperates with the Ministry of National Education, Childhood and Youth with regard to the schooling of children. In addition, it collaborates with the Ministry of Health, in particular the Health Inspectorate, which carries out the initial medical screening that each asylum seeker needs to undergo upon arrival.

As mentioned in sub-section 2.2.3, the Luxembourgish reception system has been structured around three phases in the wake of the emergency plan of 2015. These phases correspond to different stages of the procedure and thus have specific objectives. The organisation in terms of phases is not defined by law, but it can nonetheless be considered as official, as it is described in the annual reports published by MFIGR (2017; 2018a). Moreover, the organisation in phases of the reception system is also assumed in the collaboration agreements signed by OLAI with Caritas and Croix-Rouge Luxembourgeoise. The three phases of reception can therefore be considered as the formal structure of the system today.

The first phase takes place in a reception centre, which is called *Logopédie* (Speech Therapy Centre) because it is situated in the building of a former speech therapy centre.[13] *Logopédie* is run by Croix-

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[13]   The description of the three phases of reception is drawn from an institutional source (MFIGR 2018a, pp. 153-154) as well as first-hand information gathered through fieldwork.

Rouge Luxembourgeoise and can host 308 people. All asylum seekers are accommodated in this centre once they declare their wish to apply for asylum. At *Logopédie*, they receive first aid, begin administrative procedures and stay for the time that is needed to register their asylum application. This could take up to two or three days, but it can even take longer if the Directorate of Immigration needs more time to consider whether Luxembourg is the state responsible for the asylum application according to the Dublin regulation. Those applicants for whom a positive hit in the EURODAC database is found upon registration of the asylum claim are transferred directly to SHUK. This happens unless asylum seekers are considered too vulnerable to be placed at SHUK, in which case they stay at *Logopédie*. Applicants who fall under accelerated or ultra-accelerated procedures are also kept in the first phase, where their asylum interview takes place. These types of procedures concern those coming from countries that are considered safe.

All the other applicants are transferred to the second phase reception centre, the CREOS facility in Mersch, which is named after the company that used to be in the building. The only exception concerns minors, who are moved directly to appropriate third-phase facilities. This centre is also managed by Croix-Rouge Luxembourgeoise and has a capacity of 120 places. Asylum seekers should stay at CREOS reception centre for a couple of weeks, but their stay normally lasts longer. This is because they cannot be moved to a third-phase facility before they have completed a specific linguistic and civic training course, the so-called PIA 1, as explained below. Once this training course has been completed, asylum seekers are transferred to the third phase.

The third phase comprises all the so-called "lasting" (*durable*) reception centres, in which applicants stay for the entire duration of their asylum procedure. At the end of 2017, there were 65 third-phase facilities with a total capacity of 3704 places (EMN 2018, p. 41). These centres are spread across the country and some of them are designed for specific categories of people, such as families, single men, and single women. Besides depending on the availability of places, allocation to such facilities is also contingent on the profile of asylum seekers. In particular, OLAI attempts to provide greater assistance to vulnerable people, to maintain family units, and to facilitate the schooling of children. The assignment of asylum seekers to third-phase facilities is undertaken by OLAI.

The existence of third-phase reception centres all over the national territory is not the outcome of a compulsory distribution mechanism, but is rather the result of the historical evolution of the system. Such an evolution might have been facilitated by the small size of the country as well as by the state-centred character of the system, in which the role of municipalities in the reception system is extremely limited. The introduction of a compulsory quota system was taken into consideration by the government in charge between 2009 and 2013. This proposal even received the support of the most relevant parliamentary committees, but it was firmly rejected by municipalities in 2012, as reported by several interviewees as well as by the press (Luxemburger Wort 2012; Woxx 2012).

Due to the impossibility of imposing quotas on municipalities, state institutions have basically three options for locating new reception facilities. The first involves obtaining the support of municipalities through financial incentives. These might include the full coverage of expenses for construction and initial equipment, as well as coverage of the costs for acquisition, arrangement and initial equipment (article 16, Law of 16th December 2008). The second consists in finding state-owned or privately-owned buildings that can be converted into reception facilities. The third option concerns the construction of new facilities, but this implies important negotiations with local authorities as well as requiring a whole set of authorisations, as section 3.1 discusses at greater length. Notably, the lack of means on the part of state institutions to force municipalities to accept asylum seekers led to some

problems in 2015, when the substantial number of applicants put reception capacity under strain (see sub-section 3.1.2).

Such a situation is to some extent the result of the limited role of the municipalities in the Luxembourgish reception system, as they participate in the system only indirectly. Indeed, reception facilities are either run directly by OLAI or by its partners, Caritas and Croix-Rouge Luxembourgeoise. Municipalities are not involved in the everyday management of centres, and consequently are not involved in the provision of material reception conditions. As the next chapter will discuss further, municipalities have a say when a new reception facility needs to be opened. However, after the opening, their involvement primarily concerns those activities that are ordinarily under the supervision of local authorities. These activities include, for instance, schooling of children and school transport. The involvement of municipalities also concerns social care offices, which beneficiaries of international protection can visit in order to apply for general social welfare benefits and support (e.g. unemployment, social housing, healthcare). Asylum seekers are not entitled to mainstream welfare measures because they are under the responsibility of OLAI and benefit from the specific assistance measures that are defined by the law on reception.

Besides this, municipalities can play a key role in mobilising local associations and volunteers who are willing to implement projects with asylum seekers and beneficiaries of international protection. This mainly takes place through the work of *Commissions Communales Consultatives d'Intégration* (Municipal Advisory Committee on Integration), which each municipality must set up as required by the law of 16th December 2008. These committees have a consultative function and are assigned the task of promoting good social cohesion between the inhabitants of the town. Hence, *Commissions d'Intégration* do not directly target asylum seekers and beneficiaries of international protection. However, the work of these committees has increasingly shifted towards these groups of people in recent years, given their increasing proportion in the composition of local populations. It is precisely in the field of integration that municipalities play a bigger part and indeed cooperation between them, and OLAI has historically been much stronger in this domain.

Before moving on to the next chapter on the implementation of reception policies at the national and local levels, it is necessary to mention another policy document that relates to some extent to the governance of reception. This policy document is the *Plan d'action national d'intégration* (PAN - National Integration Plan) (MFIGR 2018b). PAN is a strategic document that provides orientation for measures and projects in the fields of integration, anti-discrimination, diversity, and social cohesion. The plan was introduced by the law of 16th December 2008 and its preparation was assigned to OLAI and the *Comité Interministériel à l'intégration* (Interministerial Committee for Integration). PAN 2018 was adopted by the government on 13th July 2018, after a consultation that involved civil society, municipalities and the *Conseil national pour étrangers* (CNE – National Council for Foreigners). CNE is a consultative body, predominantly formed by civil society representatives,[14] which was introduced by the law of 16th December 2008. Its main tasks are "to study […] issues concerning foreigners and their integration", as well as to prepare "an annual report on the integration of foreigners in Luxembourg" (article 18, Law of 16th December 2008).

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[14]   CNE is formed by twenty-two representatives of foreigners (either from migrant associations or independent citizens), one refugee, one representative of SYVICOL, four representatives of employer associations, four representatives of trade unions, and two members of the civil society.

Unlike the previous plan (2010-2014),[15] PAN 2018 places a specific emphasis on the issue of reception. In particular, one of the two key actions identified by the document specifically concerns the reception of and assistance for asylum seekers, while the other one relates to the integration of all foreigners. Notably, three objectives are defined in the framework of the strategic action on reception (MFIGR 2018b, pp. 11-12). These are:

1. The development of reception and assistance for asylum seekers, with particular attention paid to vulnerable people;
2. The provision of accommodation for asylum seekers. Specific measures in this regard concern an improvement of existing reception facilities as well as an improvement of the reception capacity for vulnerable people, including unaccompanied minors;
3. The promotion of the autonomy of asylum seekers through the implementation of *parcours d'intégration accompagné* (PIA – Guided integration programmes).

PIA is particularly relevant as it intersects with the reception system. This integration programme was started in September 2017 and is aimed specifically at asylum seekers and beneficiaries of international protection who are between 18 and 65 years old. PIA is based on the acknowledgement of the close connection existing between reception and integration. For this reason, its main objective is to promote the integration of asylum seekers in Luxembourgish society from the time of their arrival. In the framework of PIA, integration is believed to be contingent upon knowledge of one of the national languages (Luxembourgish, French or German) and an understanding of the functioning of everyday life in Luxembourg.

The programme is organised into three phases and is the result of the collaboration between OLAI and the Ministry of National Education, Childhood and Youth, which is involved in part of the training modules. PIA 1 was launched in September 2017 and is compulsory. It consists of a 16-hour training course on the linguistic situation in Luxembourg, as well as on basic information about living in the country. As already mentioned, PIA 1 is implemented in the second-phase facility in Mersch. Only the successful completion of the 16-hour training course allows asylum seekers to be transferred to the third phase of the reception system. PIA 2 should have started in January 2018 but it was still under development at the time of fieldwork. It will consist of 80 to 120 compulsory hours of French classes, while further training modules on civic orientation will be provided by NGOs on a voluntary basis. PIA 3 is not in place yet, even though its launch was scheduled for March 2018. It will target beneficiaries of international protection by providing training sessions on employability, looking for work and looking for accommodation.

PIA 3 will thus address an increasingly important issue in the Luxembourgish reception system, which is the integration of beneficiaries of international protection. Indeed, even if asylum applicants are supposed to leave reception facilities once they have been granted protection, this is often not possible because of the difficulties that they face in finding a job and accommodation for themselves. The search for affordable housing, in particular, represents a big challenge for most beneficiaries of international protection, as discussed in sub-section 3.1.1. As a result, they stay in reception centres, thus limiting the spaces available for newcomers. This is one of the critical aspects of the Luxembourgish reception system that are explored in the next chapter, the subject of which is the national and local implementation of reception policies.

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[15]   No plan was adopted in the period 2014-2018.

3. Concrete functioning of the governance of the reception system today

While the previous chapter focused on the formal organisation of the Luxembourgish reception system and on the changes that it has undergone in the last decade, this chapter is concerned with the actual functioning of the reception system at the end of 2018. It thus focuses on the implementation of reception policies, both at national and local levels, while also paying specific attention to formal and informal forms of consultation, negotiation and cooperation characterising the relationships between stakeholders. Possible situations of conflict and disagreement are also discussed. The chapter is organised into two sections. The first deals with processes of national governance, by focusing in particular on the interactions between OLAI, NGOs and municipalities in the provision of reception (section 3.1). The second section discusses local implementation processes through the analysis of two localities chosen as case studies (section 3.2).

3.1 National governance

This section primarily draws on fieldwork material to examine the national governance of the Luxembourgish reception system. This is done by focusing on three aspects that combined provide a comprehensive overview of the current functioning of the reception system in the country. The first concerns the cooperation between OLAI and its partners in the field of reception, which are Caritas and Croix-Rouge Luxembourgeoise. The second relates to the involvement of municipalities in the reception system. Finally, the third aspect refers to an issue that emerged quite evidently during fieldwork as an important challenge that the Luxembourgish reception system will increasingly have to face in the near future. This challenge concerns the situation of beneficiaries of international protection who are unable to leave reception facilities due to the difficulty of finding affordable accommodation on the private market or finding a place in social housing.

3.1.1 Cooperation between OLAI and its partners in the field of reception

Luxembourgish institutions have a long-standing cooperation with Caritas and Croix-Rouge Luxembourgeoise in the support of asylum seekers and refugees. Collaboration agreements with these two NGOs were already reported in the 1990s (LFR 1996, p. 54). In 1991, Caritas established a dedicated service for assisting refugees by providing information, orientation, legal advice, and support in the search for employment and housing (LFR 1996, p. 61). Similarly, Croix-Rouge Luxembourgeoise cooperated with state institutions in the provision of monthly allowances (LFR 1996, p. 61). Moreover, it helped refugees to maintain contacts with their country of origin, as well as to find relatives who had been displaced elsewhere in Europe (LFR 1996, p. 61). Thus when OLAI was created in 2009, partnership with these NGOs was already in place, and it was maintained by the new reception agency (OLAI 2010, p. 2).

The cooperation between OLAI and its two partner organisations is defined through bilateral agreements that are signed every year in order to adapt to the new situation on the ground. These agreements deal with the number of employees needed as well as the definition of responsibilities and services that have to be provided. OLAI is ultimately responsible for all reception centres, even for those whose everyday management is outsourced to NGOs. In these cases, OLAI finances maintenance, activities, as well as the staff employed by NGOs. Unlike other EU countries, the involvement of NGOs in the management of reception facilities in Luxembourg does not ensue from calls for tenders. Rather, NGOs are contacted directly by OLAI, which asks for support when it deems it necessary. For the time being, these partners are solely Caritas and Croix-Rouge Luxembourgeoise,

with which ongoing cooperation is already in place. However, between 2015 and 2016, ASTI (*Association de Soutien aux Travailleurs Immigrés asbl* – Support Association for Migrant Workers) was also involved in the management of a reception centre in Mersch.[16] According to some interviewees, only Caritas and Croix-Rouge Luxembourgeoise participate in the provision of reception, because of a lack of actors who are interested in, or capable of, managing reception centres.

The two NGOs run a similar share of reception facilities and manage a similar number of places. More specifically, Caritas takes care of the everyday management of 12 reception centres, all of them in the third phase, for a maximum capacity of 1100 places. Croix-Rouge Luxembourgeoise manages 11 third-phase centres with a maximum capacity of 989 places. It also operates in the first-phase centre (*Logopédie*, 308 places) and in the second-phase centre (CREOS Mersch, 120 places), as already mentioned in the previous chapter. Together, Caritas and Croix-Rouge Luxembourgeoise run 25 out of the 67 reception facilities existing in Luxembourg, thus managing 2517 out of the 4132 places which constitute the overall capacity of the Luxembourgish reception system.[17]

These two NGOs are normally involved by OLAI for the management of large facilities as well as for those centres that require more social workers on site, such as facilities that host people with special needs. This happens because Caritas and Croix-Rouge Luxembourgeoise can ensure more comprehensive assistance to asylum seekers as their employees work directly in the facilities. This is not the case for centres run by OLAI, in which social workers only go and meet asylum seekers every now and then. State actors explained that one reason for this situation is that state institutions do not have the flexibility to hire people as quickly as NGOs do (interview no. 17, 20th November 2018). As discussed further in Chapter 4, this represents an important aspect of heterogeneity in the system, which was criticised by several NGO representatives. However, it needs to be stressed that OLAI has made significant efforts to increase the ratio of employees to asylum seekers, in order to approach the standards of NGOs (MFIGR 2018a, p. 153). These efforts are expected to lead towards greater homogeneity in the provision of reception.

In general terms, the collaboration between OLAI and its two partners in the provision of reception seems quite smooth and effective, according to the information and impressions gathered during fieldwork. Besides everyday exchanges at operational level, there are regular meetings between OLAI and coordinators from Caritas and Croix-Rouge Luxembourgeoise. The objectives of these meetings are to monitor activities and to understand how to improve the situation if something does not work or needs to be modified. Interviews pointed to a good degree of autonomy for Caritas and Croix-Rouge Luxembourgeoise in the everyday management of facilities. Nonetheless, these NGOs have to constantly report to OLAI with respect to numbers (people per facility, people per room, and so on) and the overall management of the centre. In this regard, issues of control and trust were raised by some NGOs workers during interviews, notwithstanding an overall appreciation of the collaboration with OLAI and an acknowledgement of the improvements achieved over time. In particular, some NGO workers observed that they would expect greater trust, given the long duration of the

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[16]   For a couple of years, ASTI ran a reception facility in Mersch. This was part of a broader project aimed at involving volunteers in the management of the centre. The project drew to a close at the end of 2016. Since then, ASTI has not participated in the management of other facilities.

[17]   Data might be slightly different as the number of places in third-phase facilities that are run by NGOs is updated at the end of November 2018, while the total capacity of the reception system is updated as of February 2018 (EMN 2018, p. 41).

collaboration and the experience acquired in the field. According to an interviewee, the collaboration with OLAI works, but it cannot be really considered as a partnership:

> "It is a collaboration. Partnership is a little bit too much because we ask them to trust us more, to give us more autonomy in the management of centres, to let us do because we are in the location and we think we know things better." (Interview no. 5, 15th October 2018)

The picture thus emerging from fieldwork depicts a collaboration that is very much in progress, despite its long-standing character. The rapid extension of the reception capacity that occurred in the last few years to some extent obliged OLAI to strengthen the cooperation with Caritas and Croix-Rouge Luxembourgeoise. They have increasingly become key actors in the Luxembourgish reception system. The relationship between OLAI and the two NGOs seems to be evolving within an overall process of consolidation of procedures and management practices. Some NGO workers envisage a further involvement of Caritas and Croix-Rouge Luxembourgeoise in the future, through the management of more facilities or the allocation of more duties. For the time being, however, negotiation still plays a central role in the collaboration between OLAI and its partners, as stressed by an NGO worker: "I would say we are involved, but it is also something that we have to remind them [of] all the time: do not forget us, ask us, involve us, ask our people" (Interview no. 5, 15th October 2018).

3.1.2 Involvement of municipalities in the reception system

As the previous chapter pointed out, the Luxembourgish reception system can be defined as state-centred, given that municipalities are involved only indirectly in the reception of asylum seekers. However, reception can hardly be implemented without the support of municipalities, for the very simple reason that the facilities in which asylum seekers have to be hosted are physically located in the territory of municipalities. Notably, this has become increasingly clear in recent years and specifically after 2015, when the urgent need to set up new reception facilities led to some friction between the government and parts of the local population of some municipalities. Such friction is in some ways a result of the lack of a compulsory quota system, which was proposed by the government in late 2011 but never accepted by local authorities. Due to this situation, MFIGR is periodically obliged to call for the support of municipalities when dealing with situations of high influx. This happened for instance on 1st February 2012, when the Ministry together with SYVICOL sent a letter to 106 municipalities asking for support in the quest for accommodation facilities for asylum seekers. At the end of the year, only 8 agreements concerning the provision of facilities for asylum seekers had been signed between MFIGR and municipalities (OLAI 2013, p. 4).

In 2015, a similar situation occurred and the Minister of Family, Integration and the Greater Region, Corinne Cahen, visited several municipalities to ask for support with respect to the reception of asylum seekers. However, her attempt produced quite poor results. As a consequence, the national reception system reached its capacity limit around September of the same year, thus forcing the government to adopt an emergency plan under the coordination of HCPN (see section 2.1). The emergency plan was organised into two phases, both involving the establishment of *centres de primo-accueil* (CPA – first reception centres). The first phase concerned the arrangement and immediate opening of five collective centres. These were the former *Logopédie* in Strassen, the former *Maternité* (Maternity Hospital) in Luxembourg City, a former building of the neuropsychiatric hospital (CHNP) in Ettelbruck, the former CREOS centre in Mersch, and the former EDIFF school in Mondercange. The second phase extended over the medium term and concerned the construction

by mid-2016 of so-called "*villages containers*" (container villages) in several locations that were identified by HCPN, OLAI and ABP.

It is precisely the attempt to build these modular housing units that showed the complexity of the situation and the fine institutional balance upon which the enlargement of the national reception capacity is contingent. Indeed, only one out of the four container villages that were initially scheduled was opened in the town of Diekirch, despite the target date of mid-2016 for the inauguration of all the facilities. Such poor implementation was caused by the appeals that groups of citizens in the municipalities involved lodged before the First Instance Administrative Court to impede government's land-use plans (*plans d'occupation du sol* - POS). In three cases, the court granted the appeals and thus annulled land-use plans for either procedural reasons (Junglister and Mamer) or environmental reasons (Steinfort) (EMN 2018, pp. 41-43).

Hence, the government could not implement most of the second phase of its 2015 emergency plan, despite local councils' favourable opinions on its land-use plans. Notably, these opinions also included specific conditions and amendments proposed by municipalities to initial projects. As a consequence, new locations were identified, such as Esch-sur-Alzette, where the project to create a temporary reception facility is still in progress (L'essentiel 2018).[18] Here, the original governmental plan has been modified to take into account some requests made by the municipality, thus showing some degree of negotiation between the government and municipalities. These requests concern issues such as the number of asylum seekers to be hosted, which should be reduced from 300 to 150, and their profile, as priority will be given to families. Furthermore, since 2016, other new reception facilities, ranging from 60 to nearly 100 places, have been successfully built and opened throughout the country, such as in Dudelange, Sanem and Bettembourg. In a newspaper article, the director of OLAI explained that these middle-sized modular structures, referred to as "durable", are the "new generation" of reception facilities (Luxembourg Wort 2017). They are planned for a minimum of 15 years (as against 5 years for larger container villages, which can accommodate up to 300 people) and should ideally be situated in the centres of villages and towns.

Despite these improvements, the situation is still complex, as it is unclear how the current reception system would cope with a significant influx of asylum seekers like the one that occurred in 2015. It remains to be seen whether the new planning law of 17th April 2018 would prove to have effectively clarified responsibilities and procedures in relation to the use of land for the construction of temporary reception facilities. Indeed, among other things, the new planning law reforms the matter of land-use plans, which delimit local areas that fall under national competence. It thus clarifies the procedure and terms that ministries have to follow when they wish to use such land. For the time being, it is possible to propose some general observations about the involvement of municipalities in the Luxembourgish reception system, based on research findings. In particular, fieldwork drew attention to a quite widespread underlying assumption that characterises many reflections on the Luxembourgish reception system. This assumption concerns the idea that reception solely involves OLAI. This is exemplified by the following words of an NGO worker:

"Everything that concerns reception […] is left to OLAI, in such a way that it is perhaps OLAI's business. In fact, […] only when asylum seekers become beneficiaries of international protection,

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[18]   The creation of a new reception centre was opposed by groups of citizens in Esch-sur-Alzette too. An association of citizens lodged an appeal against the opening of the facility, but it was dismissed by the First Instance Administrative Court.

and are simply part of the local population [...], at that moment, I think there is contact with the municipality." (Interview no. 9, 26th October 2018)

While such a clear partition of responsibilities is the outcome of a governance structure that is certainly conceived in very centralised terms, this does not necessarily imply that there is no room for municipalities to play a more active role in the field of reception. Where some might see excessive unilateralism on the part of OLAI, others might argue that municipalities rarely proved to be willing to be further involved in the system. As another NGO worker observed: "it is also a matter of mentality – in Luxembourg we like municipal autonomy […] but at the same time we prefer that the state takes care of everything like a father" (interview no. 6, 25th October 2018). The failure of the negotiations for the introduction of a compulsory quota system stands as an example in this regard. However, this issue is long-standing, as the following quote from the European Refugee Fund (ERF) Multiannual work programme 2008-2013 demonstrates:

> "When drafting the first ERF programme in 2000, the Responsible Authority [*MFIGR*] formulated its strategy as follows: 'In terms of overall strategy, Luxembourg intends to move from a "state-only" model (*modèle tout état*) to a plurality of partners involved in the three domains of activities identified by ERF. These partners will be: a) in the public sector – municipalities; and b) in the private sector – all non-profit organisations operating in the field of migration'. After seven years of Community co-funding, it has to be noted that actors from the private sectors and NGOs have acquired an important role in the provision of services aimed at ERF's target population. On the other hand, the local public sector could not be convinced to engage beyond its legal obligations." (CGE 2008, p. 15)

This excerpt from a policy document that dates back to 2008 gives some indications of the dynamics between state and municipalities in the management of reception. The current situation can therefore be described as the result of the combination of a state-centred type of governance and a lack of will on the part of municipalities to call into question such a centralised structure.

However, the assumption that reception only affects OLAI, while municipalities are merely partially concerned with the integration of beneficiaries of international protection, proves untenable at the very micro-level of the implementation of reception policies on the ground. The reason for this is that reception facilities and asylum seekers are materially in the territory of a municipality. This presence therefore needs to be accepted and supported. The multiple overlaps between reception and integration are even acknowledged in a policy document like PAN, which was discussed in section 2.3. The drawbacks of such a dichotomous understanding of reception and integration become particularly evident at the very moment that connects the two, and consequently the responsibilities of the state and those of municipalities. This moment is the one in which a positive decision on an asylum claim is taken. Indeed, it is precisely when an asylum seeker becomes a beneficiary of international protection that the lack of solid collaboration between state institutions and municipalities shows all its negative effects, as discussed in the next sub-section.

3.1.3 The fault in the system

The downsides of a limited involvement of municipalities in the reception system surface with particular strength when an asylum application is accepted, thus giving an asylum applicant the status of beneficiary of international protection. At this moment, those who are hosted in reception facilities are officially considered to be members of the local population. They are consequently expected to find a job and accommodation in order to live their lives autonomously. However, this

process is far from being smooth, as it can take quite some time before beneficiaries of international protection are able to earn their living. Notably, the search for accommodation is particularly complicated because of the shortage of affordable housing in the country. This was underlined by almost all interviewees.

According to Eurostat, house prices in Luxembourg rose 40% between 2010 and 2017 (Eurostat 2018). In June 2017, the average monthly rental cost for a 90m^2 apartment in Luxembourg was nearly 1800€, thus amounting to 20€/m^2 (Licheron, Darud, Dragut 2017, p. 10). These significant housing costs particularly affect beneficiaries of international protection, as they have recently arrived in the country and cannot count on the help of family or social networks. As a result, many of them have trouble finding a place to stay on their own, and are therefore obliged to stay in reception facilities beyond the end of their asylum procedure.

This issue is becoming increasingly important given that 47% of people hosted in reception facilities at the end of 2017 were beneficiaries of international protection (MFIGR 2018a, p. 154). Several interviewees observed that the percentage of beneficiaries of international protection in reception centres has now exceeded 50%. To understand the seriousness of the situation, it suffices to say that the proportion quoted for 2017 is double that of the year before, when it was 23% (MFIGR 2017, p. 147). Such a situation causes a bottleneck in the reception system, thus having negative repercussions on both OLAI and the municipalities. On the one hand, the continued stay of beneficiaries of international protection in reception facilities prevents OLAI from having new places available for incoming asylum seekers. This is particularly problematic given the difficulty in increasing the reception capacity that was mentioned above. On the other hand, municipalities are also affected by this for a very simple reason. Beneficiaries of international protection who are still in reception facilities are likely to be more dependent on the local social care office for the provision of mainstream welfare benefits. Hence, even if social care offices fall under the responsibility of MFIGR, their work is affected by the presence of beneficiaries of international protection in the town. This is due to the fact that these offices are managed at the local level and have to cover part of the management costs.

After a positive decision in the asylum process, beneficiaries of international protection cease to be under OLAI's responsibility. Those who cannot immediately find accommodation on their own are allowed to stay in reception centres. However, they are required to pay rent, which increases over time. They do not fall under the scope of the Law of 18th December 2015 on social assistance to asylum seekers, but they can nonetheless apply for mainstream welfare measures, like all the other eligible citizens. Besides general social assistance, including forms of individualised counselling and material forms of support, mainstream welfare measures include *revenue d'inclusion sociale* (REVIS – social inclusion income) for those aged over 25 years old,[19] housing benefit, social housing, allowances for healthcare expenses, and free public transport. However, the fact that social care offices are managed at the local level might lead to differentiated treatment. This was stressed by some interviewees as well as by a recent report from the *Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg* (CCDH – Human Rights Consultative Committee of the Grand Duchy of Luxembourg) (CCDH 2018, p. 25). The CCDH report also observed that some social

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[19]   Beneficiaries of international protection who are under 25 years old are therefore in a particularly vulnerable condition given that they are not entitled to REVIS. Each social care office has different measures in place for those under 25 years old, and this gives rise to differentiated treatment among this group of beneficiaries of international protection.

care offices have a hard time providing adequate support to recipients, and particularly beneficiaries of international protection (CCDH 2018, p. 25).

The lack of a dedicated programme for beneficiaries of international protection thus makes the transition from reception facilities to an independent life quite difficult for many of those in reception centres. For this reason, several initiatives have been started in recent years to promote the inclusion of beneficiaries of international protection, such as *Lëtzebuerger Integratiouns- a Sozialkohäsiounszenter* (LISKO – Luxembourgish Centre for Integration and Social Cohesion) and *Neien Ufank* (New Start). LISKO, which is managed by Croix-Rouge Luxembourgeoise and funded by MFIGR, aims specifically to support social care offices in addressing the specific needs of beneficiaries of international protection. LISKO's activities therefore include psychological support, orientation, linguistic and cultural mediation to facilitate the encounters between beneficiaries of international protection and local institutions and services. LISKO also liaises with the *Agence immobilière sociale* (AIS – Social housing agency), which looks for homeowners willing to rent their property to beneficiaries of international protection (EMN 2017, p. 34). *Neien Ufank* is a project that supports beneficiaries of international protection in their search for accommodation and employment. It is implemented by Caritas with funding from *Oeuvre Nationale de Secours Grande-Duchesse Charlotte*.[20] In particular, *Neien Ufank* provides guarantees to house owners to facilitate access to accommodation, while as regards employment, it offers language courses, skills assessment and job-search support.

3.2 Governance at the local level: two case studies

By exploring the national governance of the Luxembourgish reception system, the previous section already drew attention to some issues that relate to the relationship between central state actors, such as MFIGR and OLAI, and local authorities. Notably, the interaction between the state and municipalities was discussed in relation to the opening of emergency reception facilities, as well as the situation of beneficiaries of international protection who live in reception centres. This section further examines the role of local actors in the implementation of reception policies, by focusing on two case studies. Initially, the two case studies are introduced (sub-section 3.2.1). However, the names of the two towns that were examined are not revealed, in order to protect the anonymity of research participants. Indeed, the small size of the country and the towns would make it quite easy to identify interviewees directly. The two case studies will therefore be referred to as northern town and southern town. Subsequently, the role of the two municipalities in the provision of reception measures is explored with the aim of proposing some general observations on the involvement of local actors in the Luxembourgish reception system (sub-section 3.2.2). Before beginning the analysis, however, a preliminary clarification about the specificity of the research context of this study is necessary.

As mentioned in the introduction, the task of studying implementation processes at the local level turned out to be quite difficult because of the specific character of the Luxembourgish reception system. In fact, this system is marked by a high degree of centralisation. Consequently, it was not possible to carry out a real in-depth analysis of forms of governance at the local level. In the Luxembourgish context, the poor involvement of local actors in the provision of reception calls into

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[20]   *Oeuvre Nationale de Secours Grande-Duchesse Charlotte* is a public institution under the supervision of the Ministry of State. Its main activities include philanthropy and solidarity. In the wake of the substantial influx of asylum seekers in 2015, it launched "*mateneen*" (together), a call for projects dealing with the integration of newcomers (EMN 2017, p. 34).

question a clear-cut distinction between national governance and local governance. As stressed by a municipal employee, "refugee *[sic]* reception is managed by the state and the state either takes care of it itself, through a service like OLAI, or delegates to organisations like Caritas and Croix-Rouge." (Interview no. 10, 6th November 2018).

For these reasons, there are not many actors that can be defined as "local" involved in the Luxembourgish reception system. This is because the key players in this system – OLAI, Caritas and Croix-Rouge – all work at a national level and do not have local branches with some degree of organisational autonomy. However, far from undermining the overall success of the research, this specificity of the Luxembourgish reception system is considered as an extremely important research finding that the following analysis seeks to uncover. Accordingly, local case studies are not approached as objects of analysis in themselves, but they are rather considered as vantage points from which to investigate interactions between state, municipalities and NGOs in the provision of reception. The main features of these case studies are the object of the next sub-section.

3.2.1 Two case studies

The criteria described in the Introduction were followed to select two case studies. These criteria concerned the size of the town, political orientation, ratio of asylum seekers to the total population, and socioeconomic conditions. A northern town and a southern town were thus chosen as case studies. The northern town is located in the north of the country, which is characterised by hills, low mountains and forests. It is a sparsely populated area, in which there are no major urban centres. The northern town has around 7000 inhabitants, of which almost 50% are foreigners, mainly from EU countries. However, as an interviewee pointed out, if one considers people with dual nationality the percentage of those who have a migration background rises to 75%. In the northern town, the current mayor belongs to the *Lëtzebuerger Sozialistesch Aarbechterpartei* (LSAP – Luxembourg Socialist Workers' Party), thus confirming a long-standing progressive tradition in the town.

During fieldwork, it was possible to identify three types of reception solutions. The first was an old hotel in the centre of the town that was converted into a reception facility and was managed directly by OLAI. The number of asylum seekers hosted in this facility was 14 in November 2018, and they were all single men. The second was a small reception facility run by Caritas, which was about to be closed and therefore accommodated only 3 men. Finally, a third type of reception arrangement consisted of several apartments scattered across the town, in which 88 beneficiaries of international protection were living. Apparently, these apartments were run either by OLAI or by Croix-Rouge Luxembourgeoise, but the interviewees from this municipality did not know much about this type of accommodation. Hence, the total number of people hosted in the northern town was 105, thus corresponding to around 1.5% of the local population.

The second case study involved a town in the south of the country. The south of Luxembourg is more densely populated than the north, as well as being closer to the capital, which is the institutional and economic centre of the country. The southern region hosts an important industrial area in the south-west, near the border with France, where most towns are located. The southern town has a population close to 7000 residents, of which 75% are Luxembourgish nationals. It is therefore much more homogenous than the northern town, in terms of nationality of the local population. After the last elections in 2017, a candidate from the conservative *Chrëschtlech-Sozial Vollekspartei* (CSV – Christian Social People's Party) was elected, thus allowing CSV to govern the town again after two mandates under the socialists.

At the time of writing, the southern town hosted two reception facilities. The first one was a centre for families, in which 66 people were accommodated. It was created out of a hotel that was rented to OLAI, which transformed it into a reception centre. Initially, the facility was under the direct supervision of OLAI and thus was not managed permanently by social workers on site. Only recently was a collaboration agreement signed with Caritas, which could thus place a social worker in the centre. The second reception centre was in an old school, which was first shut down for safety reasons, then declared usable again and converted into a reception facility to deal with the influx of 2015. The building belongs to the state and hosted 81 single men in November 2018. Caritas is in charge of the management of this facility. There was also a third reception facility with a maximum capacity of around 17 people, in a building owned by the church. However, this was closed down in May 2018. Hence, the number of people accommodated in the southern town was 147, which represented around 2.2% of all the residents of the municipality.

Despite the different political leanings in the two municipalities, there do not seem to be significant differences regarding the reception of asylum seekers. Both municipalities confirmed that they were not involved in the management of reception facilities. In some respects, particularly in the case of the northern town, they also demonstrated to lack a solid knowledge of how reception was actually implemented in the local area. With respect to the southern town, the change in the lead party that took place after the last elections has not affected the implementation of reception policies at the local level. As the new mayor of the town declared: "continuity was maintained" (interview no. 13, 13th November 2018). In this regard, several interviewees observed that party politics does not seem to play a huge part in the local implementation of reception policies. Nobody really mentioned conflicts or lines of tension that are attributable to party dynamics. In most cases, the main source of juxtaposition was rather presented as the one between state and local interests, wherein the latter sometimes conflict with the state's attempts to set up new reception facilities. This is illustrated by the examples discussed in sub-section 3.1.2.

The only difference between the two case studies that actually emerges from interviews with local actors concerns the impact of the increase in arrivals in 2015 on the local context. Indeed, it seems that the southern town was much more affected by that increase, as it almost doubled its population of asylum seekers after the opening of the most recent reception centre (see above). At that time, the number of asylum seekers in town thus went from around 80 to around 160, which is considerable in relative terms. This had a notable impact on the local social care office. Indeed, many people who were hosted in the reception facilities in the southern town soon became beneficiaries of international protection, and thus fell under the responsibility of the social care office. The impact was felt both in terms of work and in terms of costs, as part of the benefits provided by the social care office are co-financed on a fifty-fifty basis by MFIGR and the municipality (e.g. contributions for social security expenses). The interviewees in the northern town did not mention a similar change and did not stress any specific effect on the work of municipal offices. However, they believe that OLAI has not attempted to create new facilities in town after 2015 because of the high percentage of foreign population, often from a disadvantaged background, that was already there.

3.2.2 The role of municipalities in the provision of reception

The limited involvement of municipalities in the provision of reception has already been underlined several times in this chapter. In this sub-section, the objective is to explore this involvement by drawing on the two case studies in this research and from interviews carried out with other mayors in their capacity as members of SYVICOL, the national association of municipalities. In particular, two

different aspects of the involvement of municipalities in reception should be taken into consideration. The first concerns the phase before the opening of a new facility. The second relates to the interaction between municipalities and reception centres, thus including both their staff and their guests, once the facility is operational.

With respect to the first aspect, the situation is not entirely clear, as the pieces of information gathered during fieldwork were sometimes divergent. Notably, these divergences concerned not only the declarations made by OLAI and those made by local authorities. Sometimes, different narratives also characterised the answers provided by representatives of different municipalities. This probably reflects a certain degree of ambiguity and flexibility characterising institutional relationships in this domain. Established procedures and a clear definition of responsibility seem to be lacking, thus paving the way for manifold practices in different local contexts. Despite this, it is possible nonetheless to identify some key issues that seem to characterise the interactions between OLAI and municipalities when a new facility needs to be opened.

Municipalities can certainly decide to rent out a building to OLAI, or to give it free of charge, either after being contacted by OLAI or taking the initiative themselves. Equally, they can give access to land on which modular housing units, like those discussed in sub-section 3.1.2, can be built. Certainly the state can hardly build temporary reception facilities without the support of the municipality involved. This was emphasised by state actors, who confirmed that it is not possible to open a new reception facility without the authorisation of local authorities (interview no. 18, 20th November 2018). The events in Junglister, Mamer and Steinfort that were discussed above show that sometimes even formal approval of governmental projects by the municipality might not be enough.

However, there seems to be greater autonomy for OLAI when it finds buildings that can be converted into reception facilities. These buildings may be owned either by the state or by private citizens. In these cases, OLAI needs to obtain all the necessary authorisations as regards habitability, safety, and so on. However, the impression is that it can to some extent take a final decision without actually involving the municipality. Some municipal actors complained that communication before the opening of a reception facility had been weak, or that it was only carried out at the very last minute. This left them with the feeling that "we were presented with a *fait accompli*" (interview no. 13, 13th November 2018). State actors, however, drew attention to the consultation process that is needed prior to the opening of a facility. This involves negotiations with municipalities as regards authorisations and responsibilities, as well as cooperation with the Ministry of National Education, Childhood and Youth to organise the schooling of children. As a public servant observed: "each reception facility is a project in itself!" (Interview no. 18, 20th November 2018). State actors also argued that this consultation process in turn facilitates citizens' acceptance of reception facilities in their towns (interview no. 17, 20th November 2018).

In another town, private owners of hospitality facilities contacted OLAI directly. They therefore bypassed the municipality in practice, as emphasised by a local politician: "The owners got directly in touch with OLAI to make their premises available for renting. It wasn't the municipality that tried to find accommodation for refugees *[sic]*. It was about private initiatives." (Interview no. 8, 26th October 2018). In cases like the one just mentioned, in which authorisations for hosting people are already in place, it seems that municipalities are informed by OLAI, with a greater or lesser length of notice, but have no say in the matter. This was underlined by the same interviewee quoted above: "OLAI informed us: 'we are going to accommodate asylum seekers.' We had no choice, that's absolutely certain." (Interview no. 8, 26th October 2018). In this respect, several interviewees, both from

municipalities and NGOs, acknowledged that this was due to the complexity and urgency of the situation in 2015. However, they stressed nonetheless that OLAI should improve communication and transparency prior to the opening of a new reception centre. This point is well explained by the following quote:

> "OLAI decides where to open a new reception centre. In my opinion, it is also a political decision and OLAI should raise awareness, ask for authorisations and all [those] things. They could do it better. I think they don't do it in a proactive way. They have a rather passive way and sometimes hope that it goes well. It seems like they think: 'we [will] do [it], and we will see what will happen.'" (Interview no. 5, 15th October 2018)

However, it needs to be mentioned that many interviewees observed that OLAI has changed its approach in the last few months, by adopting a more proactive communication strategy in the phase before the opening of a facility. This was also confirmed by state actors and it is exemplified by the creation of a specific communication office at OLAI, as discussed in section 2.3. Accordingly, several meetings and public events, also featuring the relevant ministers, were recently organised by OLAI in some localities affected by the opening of a new reception facility (MFIGR 2018a, p. 160). These meetings aimed to present OLAI's plans in the local area, to describe the functioning and management of the facility, and to listen and respond to the doubts and concerns of the local population. Moreover, in 2017, OLAI published a handbook including information for municipalities that host asylum seekers and beneficiaries of international protection (OLAI 2017). An updated version of the publication was then released in 2018 (OLAI 2018).

The second issue that deserves some attention here concerns the interaction between municipalities and the reception centres that are already active on their territory. In this respect, as has already been emphasised above, municipalities have no direct involvement in the everyday management of facilities. For that reason, there was nobody from either of the municipalities under analysis working in reception centres or dealing specifically with asylum seekers. As an NGO worker observed, "municipalities are absolutely not involved in the management of centres." (Interview no. 5, 15th October 2018). The interaction between asylum seekers and the municipality in which they live is usually based on those activities that constitute the ordinary responsibilities of a municipality. For instance, these activities include schooling, local transport, childcare, and registering at the registration office. As already mentioned, social care offices are also involved with respect to support for beneficiaries of international protection. Moreover, municipalities might deal with asylum seekers through integration measures that are run at the local level, such as summer activities for children or events, gatherings, and cultural exchange initiatives supported by *Commissions Communales Consultatives d'Intégration*.

Besides lacking any direct involvement in the management of reception centres, municipalities do not have an indirect role of supervision or coordination either. Indeed, in both case studies in this research, there were no regular meetings between the municipality, OLAI and NGOs to monitor the functioning of reception facilities and discuss related issues.[21] Interviewees only referred to possible operational exchanges between the employees of social care offices and the NGO staff involved in reception facilities, where the former assisted beneficiaries of international protection who were hosted in a reception centre. Conversely, some municipal employees emphasised the need for closer collaboration between OLAI personnel and the local registration office or social care office. In this

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[21]   However, meetings were reported to take place in other towns, thus revealing a multiplicity of implementation practices at the local level.

regard, an interesting description of the relations between state and municipalities with respect to the treatment of asylum seekers was provided by a local politician. She argued that: "We simply have to notice that in some ways there is a coexistence between two systems," (interview no. 13, 13th November 2018), one referring to the state and the other one to the municipality. In another town, however, the mayor underlined the positive and fruitful collaboration with OLAI in relation to the transfer of families of asylum seekers to allow effective placement of children in local schools (interview no. 8, 26th October 2018).

In general terms, NGOs maintained that their relations with municipalities were good. Most of them stressed that in some cases an initial diffidence was overcome by mutual acquaintance and the provision of information about the reception centre and their work. In this respect, fieldwork also made clear how the absence of direct responsibility on the part of municipalities in the provision of reception can grant them some autonomy as regards the type of involvement in supporting asylum seekers. An NGO worker captured a quite widespread point of view by stressing that: "it depends on the municipality how much they want to be involved." (Interview no. 5, 15th October 2018). As an employee of a municipality observed, "today, town administrations do not have a defined mission as regards the reception of refugees *[sic]*. However, what a town administration regularly does is play the role of facilitator." (Interview no. 10, 6th November 2018). This means that municipalities can create a supportive environment for asylum seekers and for those working with them. This can be achieved through several actions, such as making facilities available for accommodation or other activities, organising and supporting volunteers, and promoting the work of local grassroots associations that deal with migration issues.

4. Policy outcomes. Mechanisms of convergence and divergence in policy implementation

This chapter complements the analysis of the recent reconfiguration of the Luxembourgish reception system (Chapter 2) and of the implementation of reception policies at the national and local levels (Chapter 3). In order to do this, the chapter explores the impact of recent changes in the reception system in terms of convergence and divergence in the implementation of reception measures. The objectives of the following pages are therefore to point out examples of heterogeneity that characterise the national reception system as well as to identify elements that might produce convergence or divergence at the local level. Convergence and divergence are understood as processes leading toward greater or lesser homogeneity, with respect to the provision of reception measures, accessibility of assistance, and quality of the services provided. The chapter first discusses some examples of heterogeneity in reception measures, as these emerged from fieldwork. Then, it reflects on the impact of recent transformations on such forms of heterogeneity, in an attempt to trace trends towards convergence or divergence.

Before starting the analysis, however, a brief clarification is necessary. Indeed, it is certainly the case that a first important element of heterogeneity within the Luxembourgish reception system concerns the fact that some municipalities host reception facilities and others do not. This is due to the lack of a compulsory mechanism for distributing asylum seekers across the country. However, this chapter rather focuses on heterogeneous forms of implementation of reception measures. Empirical research drew attention to three main features of heterogeneity in the provision of reception in Luxembourg. Such heterogeneity concerns the type of reception facility, the location of facilities, and the extent of the assistance provided by social workers within the facilities.

With respect to the first example of heterogeneity, concerning the type of reception facility, several differences were observed during interviews, all of which certainly affect the material living conditions provided to asylum seekers. This diversity concerns very simply the quality of accommodation, as emphasised by a local politician:

> "There are surely many differences between the types of accommodation, because if I consider the quality of the facility in [*district X*], it is much better than the rooms at the café/restaurant here in town. The quality of living depends on each facility." (Interview no. 8, 26th October 2018)

Another interviewee further developed this point:

> "A negative feature of reception facilities is the disparity between different situations. There are facilities that are quite modern, recently built and with everything that is needed, while there are others in dilapidated conditions, as well as facilities that are privately owned, such as hotels that had closed down and were not operating anymore. It is in these facilities that major issues can be found, as the building itself is not in a good condition." (Interview no. 6, 25th October 2018)

The poor conditions characterising some old reception facilities were also stressed by CCDH in a recent report on reception conditions in the country (CCDH 2018, p. 9). The quality of facilities relates not only to the structural condition of buildings. It also refers to the space available for guests as well as the degree of privacy that is allowed by the architecture and internal organisation of the building. However, as mentioned in section 3.1.2, the government now seems to prioritise the construction of more standardised middle-sized modular facilites.

Along these lines, an issue that was raised in many interviews concerns the possibility to cook, which is not provided by all reception centres. Indeed, in most facilities, residents "are not free to choose

their diet" (CCDH 2018, p. 16) because meals are either delivered by a catering service or are prepared on site by staff in charge of it (CCDH 2018, p. 16). According to an NGO worker, the impossibility of cooking independently causes problems "not so much with respect to the quality of food." It is rather "a matter of habits as well as of the fact that people have absolutely nothing to do during the day, not even the possibility to cook." (Interview no. 3, 12th October 2018)

In this view, which was quite widespread among interviewees, giving asylum seekers the possibility to cook in reception facilities would produce two immediate advantages. First, it would counteract the boredom and solitude that often characterise life in reception centres, by giving asylum seekers something to do during the day. Second, it would allow asylum seekers to take back control of a fundamental aspect of their life, such as feeding themselves, thus promoting their autonomy. The government seems to be aware of these issues and willing to tackle them. Indeed, in its coalition agreement 2018-2023, signed on 3rd December 2018, the new government declared its intention to adopt measures to empower asylum seekers from the time of their arrival in Luxembourg.[22] In the document, it is also mentioned that efforts to install kitchens in all reception facilities would be continued (DP, LSAP, Déi Gréng 2018, p. 234).

Moreover, another aspect that needs to be mentioned is that in most cases, even in self-catering facilities, asylum seekers are not allowed to choose where to buy their own food. Indeed, food is provided by an external provider (*épicerie sur roues* – mobile grocery). As an alternative, it can be bought through vouchers that can only be used in specific shops. These procedures were criticised by many NGO workers. They argued that asylum seekers should be given not only the possibility to cook for themselves, but also to manage their money and to choose where to buy their food. Indeed, through vouchers and the mobile grocery, even those who live in self-catering facilities are not allowed to manage their food costs. This was presented by several interviewees as an element that fosters asylum seekers' dependence, rather than promoting their autonomy. Besides this, it was observed that the prices charged by mobile groceries are higher than average, while the rigidity of the distribution system sometimes has a negative effect on the availability of products (CCDH 2018, p. 17).

A second type of heterogeneity that emerged during interviews concerns the location of facilities, and is clearly described by this quote:

> "Living in a reception centre in [*town Y*], where the closest public transport is one hour away, or rather being in the city centre, this… *[smile]*. If you are unlucky, you can be accommodated in an extremely isolated place, in a holiday chalet in the woods, in comparison to an old hotel in the city centre. No, there is certainly no homogeneity. No. And people often complain about a transfer because they are lost in the countryside, or they are one and a half hours away from their French class, or they cannot meet their friends anymore, or they cannot go to their football training anymore." (Interview no. 2, 9th October 2018)

As this quote shows, geographical location is certainly an important factor that produces differentiated experiences of reception among asylum seekers. Small towns or villages offer fewer opportunities and services than bigger urban centres, in terms of language classes, other types of courses, social interaction, and even job opportunities. "Big municipalities have a larger offer, and

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[22]   The new government, resulting from the elections of 14th October 2018, was officially appointed on 5th December 2018. It is formed by the same coalition that was previously in power. This coalition includes *Demokratesch Partei* (DP – Democratic Party), *Lëtzebuerger Sozialistesch Aarbechterpartei* (LSAP – Luxembourg Socialist Workers' Party), and *Déi Gréng* (The Greens).

this is true for the existing local population as well as for the newcomers," observed a local politician (interview no. 1, 8th October 2018). However, it is important to stress that heterogeneity in the provision of reception is not only due to the distinction between urban centres and rural areas, as it also depends on the position of reception centres in the town. Indeed, some facilities are quite isolated from town centres (CCDH 2018, p. 13), and consequently remote from shops, means of transport, services, thus representing an obstacle for asylum seekers. As an NGO worker highlighted:

> "Geographical distribution is not bad in itself. The problem is rather that sometimes reception facilities are away from the town centre. It is the very geographical location of the facility in the local area that creates problems, and not so much the fact that it is in one town or another." (Interview no. 6, 25th October 2018)

However, as seen in section 3.1.2, the government now considers that new facilities should ideally be situated in the centres of villages and towns.

The third form of heterogeneity that needs to be discussed concerns the extent of the assistance provided by social workers within the facilities, as two different models of management exist at the moment. In reception facilities run by Caritas or Croix-Rouge Luxembourgeoise, there is a permanent presence of one or more social workers to assist guests. The reason for this is that these NGOs manage bigger facilities, as well as those in which people with special needs are accommodated. In reception centres that are directly managed by OLAI, on the contrary, social workers are not permanently on site.[23] Rather, they pay regular visits to the facility in order to talk with the guests, listen to their problems and deal with all administrative and financial procedures. The same happens in facilities that are situated in hotels or other hospitality facilities. In the Luxembourgish context, these two different models of management of reception facilities are commonly referred to as facilities *avec encadrement* (facilities with a daily presence of staff on site) and *sans encadrement* (facilities without a daily presence of staff on site).

For many interviewees, such a distinction in the management of facilities produces differentiated treatment that should not be overlooked. Notably, those who are in the centres managed by Caritas or Croix-Rouge Luxembourgeoise can refer to social workers on a daily basis. They are therefore offered immediate help or have at least someone who could listen to them in case of need. This is not the case in the facilities managed by OLAI. According to NGO representatives, asylum seekers in these centres have much more limited access to assistance and are therefore more liable to feel abandoned by institutions. However, another perspective needs to be considered. Indeed, some asylum seekers might feel more independent in these facilities precisely because of the absence of social workers who constantly follow them, and potentially control them. Nevertheless, while these two types of management might certainly give rise to unequal treatment, it needs to be stressed once again that OLAI has significantly increased the ratio of employees to asylum seekers (MFIGR 2018a, p. 153). There is therefore an attempt to move towards greater homogeneity in this respect.

It is quite a challenge to say whether the forms of heterogeneity discussed so far have increased in recent years, or rather the opposite. This is due to a lack of empirical analysis of reception practices in Luxembourg that could be used as a basis for comparison. Almost all research participants were unable to identify any distinctive trends towards convergence and divergence in the implementation of reception in Luxembourg. Most of them were pretty confident in stating that different political

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[23]   However, these facilities are controlled by private security guards, who check entrances and exits as well as taking care of security issues.

orientations at the local level are not a source of divergence. This might be explained by the limited involvement of municipalities in the reception system, as discussed in the previous chapter. Another element that could be added to the analysis is that the abovementioned examples of heterogeneity are not new, as they can be traced back to some years ago. For example, in a report published in 2013, some drawbacks concerning food distribution through mobile groceries were already discussed (LFR & Croix-Rouge Luxembourgeoise 2013, p. 2). These drawbacks concerned the lack of choice of fruit and vegetables, the high costs compared to other supermarkets, and the poor quality of some products. Furthermore, the report drew attention to the differences between the facilities with staff on site and those without (LFR & Croix-Rouge Luxembourgeoise 2013, p. 2).

Despite the lack of a basis of reference on which to ground the analysis, some general observations about the elements that might produce convergence or divergence can be proposed. These observations should thus be considered as analytical hypotheses. Firstly, several interviewees confirmed that differences as regards the quality of reception facilities already existed before the enlargement of the reception capacity. It is likely that such differences became more visible in recent years, due to the need to locate new reception facilities with a certain urgency between 2015 and 2016. This demand in turn obliged OLAI to resort to old facilities that had previously been dismissed or were about to be dismissed.

In this respect, one might argue that urgency is a factor in divergence, rather than the opposite. This was confirmed by state actors who emphasised that in 2015 they had to take any facility available in order not to leave people on the streets (interview no. 17, 20th November 2018). However, as the situation is more stable now, state representatives stressed that they are trying to make the system more homogeneous by implementing an overall process of renovation that will increase the quality of facilities (interview no. 17, 20th November 2018). This is reflected by Bill no. 7258, which was submitted to the parliament on 7th March 2018.[24] The bill intends to reform the law of 16th December 2008 by setting out specific sanitation, safety, hygiene and habitability standards that all reception facilities will have to satisfy.

Secondly, the significant enlargement of the reception capacity went hand in hand with an increased involvement of Caritas and Croix-Rouge Luxembourgeoise in the provision of reception. Potentially, the greater role of these two NGOs might foster divergence for two main reasons. The first consists in the widening of the gap between facilities with a daily presence of staff on site (*avec encadrement*) and facilities without such presence (*sans encadrement*). Indeed, insofar as an increased involvement of NGOs implies a higher proportion of facilities with social workers on site, this also intensifies the distinction between two ways of managing facilities (NGOs vs. OLAI). Paradoxically, the situation in 2009, when only 5 facilities out 31 were managed by Caritas and Croix-Rouge Luxembourgeoise (OLAI 2010, p. 6), was likely to offer less in terms of assistance to asylum seekers, while being nonetheless more homogeneous. At that time, around 80% of the reception capacity was run by OLAI without staff permanently on site, while 20% of the reception capacity had the daily presence of staff on site provided by NGOs. Today, by contrast, the reception system looks less homogeneous, given that 61% of the reception capacity is managed by NGOs and 39% of the reception capacity is directly managed

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24   The full text of the bill, as well as comments to each article, is available at:
https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=91AECFCAD03DF8C2AB3F409B
337AA4485B411675C8140352084042895ED276C8576FFBB4D1B5CFAE5CE31D66FD50A686$EB93EE371AFDCF
E8638A9A450E315A54

by OLAI. However, the steps taken by the reception agency to expand its staff should potentially undermine this source of divergence.

Increased involvement of Caritas and Croix-Rouge Luxembourgeoise in the reception system might result in greater divergence for a second reason. As underlined by an NGO representative, the work of these organisations is informed by different principles, and this might give rise to different working models and practices (interview no. 12, 8th November 2018). In other words, Caritas and Croix-Rouge Luxembourgeoise might interpret their social work with asylum seekers in different ways. The reasonable degree of autonomy that these NGOs seem to have in the everyday management of reception facilities might confirm this hypothesis. However, other interviewees proposed a different point of view, by observing that homogeneity is ensured by the fact that OLAI is responsible for all facilities, either directly or indirectly. From this perspective, the involvement of two NGOs in the management of facilities is not a driver of divergence because similar standards and practices are guaranteed by OLAI's supervision.

The tension between these two perspectives remains necessarily open, as its resolution would require a longer comparative study based on participant observation in the facilities. For this and for the other issues discussed in this chapter, the picture is complex and cannot be described in definitive terms. Furthermore, this report showed how this policy domain is very much in progress. As of now, it is not possible to clearly identify sources of convergence and divergence in the implementation of reception in Luxembourg without oversimplifying the analysis. It remains to be seen whether the consolidation of the reception system, combined with the lack of an urgent need to locate new facilities, will drive towards convergence. Equally, the success of the measures adopted or announced by state institutions to promote homogeneity will have to be tested on the ground. More time is also needed to see whether convergence or divergence will result from the increased involvement of NGOs in the management of reception centres. All these issues suggest possible directions for future research that would develop the findings of this study.

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List of interviews

Interview no. 1, 8th October 2018 (Municipality – politician)

Interview no. 2, 9th October 2018 (NGO)

Interview no. 3, 12th October 2018 (NGO)

Interview no. 4, 12th October 2018 (NGO)

Interview no. 5, 15th October 2018 (NGO)

Interview no. 6, 25th October 2018 (NGO)

Interview no. 7, 25th October 2018 (NGO)

Interview no. 8, 26th October 2018 (Municipality – politician)

Interview no. 9, 26th October 2018 (NGO)

Interview no. 10, 6th November 2018 (Municipality – employee)

Interview no. 11, 6th November 2018 (Municipality – politician)

Interview no. 12, 8th November 2018 (NGO)

Interview no. 13, 13th November 2018 (Municipality – politician)

Interview no. 14, 13th November 2018 (Municipality – employee)

Interview no. 15, 13th November 2018 (Municipality – employee)

Interview no. 16, 13th November 2018 (Municipality – employee)

Interview no. 17, 20th November 2018 (State – civil servant)

Interview no. 18, 20th November 2018 (State – civil servant)

Interview no. 19, 20th November 2018 (State – civil servant)

List of main official documents approved in the last decade

1. Law of 16th December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg

The law of 16th December 2008 was approved by the Ministry of Family and Integration and by the Ministry of National Education and Vocational Training. It legislates the integration of foreigners who are staying in Luxembourg in a regular manner. More specifically, it defines "integration" and identifies the state, municipalities, and civil society as the actors involved in the promotion of the inclusion of foreigners.

This legislative act establishes the *Office Luxembourgeois de l'accueil et de l'intégration* (OLAI – Luxembourg Reception and Integration Agency) under the responsibility of the Ministry of Family and Integration. OLAI is made responsible for the coordination and implementation of reception and integration policies in the country. OLAI is also entitled to manage reception facilities, to cooperate with other actors in the establishment and management of reception facilities, and to promote the construction and arrangement of reception centres.

This law states that the government can support local authorities or other public bodies in the construction or arrangement of reception facilities for asylum seekers. More specifically, this can be done by covering expenses for construction and initial equipment as well as costs for acquisition, arrangement and initial equipment. Moreover, each municipality is required to establish a *Commission Consultative d'Intégration* (Advisory Committee on Integration), whose goal is to promote the social cohesion of its community.

The law of 16th December 2008 repeals the law of 27th July 1993 on the integration of foreigners as well as on the social assistance for foreigners in the Grand Duchy of Luxembourg.

2. Grand Ducal regulation of 8th June 2012 on the conditions and terms for the provision of social assistance to people seeking international protection

The Grand Ducal regulation of 8th June 2012 was approved by the Ministry of Family and Integration. It defines the new monthly allowance for asylum seekers according to their profiles (i.e. single adults, children, unaccompanied minors, family units) and the type of reception facility in which they are accommodated (i.e. facilities with food provided or self-catering facilities).

This regulation outlines the measures and benefits included in the notion of social assistance. Notably, it identifies the types of accommodation facilities (public facilities, private facilities, and hotels or other facilities). Moreover, it defines the beneficiaries who are entitled to such social assistance, as well as the conditions for obtaining it. Specific provisions for unaccompanied minors are also introduced. Finally, the regulation provides for general cases in which assistance can be limited or withdrawn.

The Grand Ducal regulation of 8th June 2012 repeals the Grand Ducal regulation of 1st September 2006 defining conditions and terms for the provision of social assistance to asylum seekers.

3. Law of 18th December 2015 on the reception of applicants for international protection and temporary protection, which also modifies the amended law of 10th August 1991 on the profession of lawyer

This law was approved by the Ministry of Family and Integration. It defines the measures and rights that refer to the notion of reception conditions, and also identifies the beneficiaries of such measures. It transposes EU Directive 2013/33/EU into the Luxembourgish legal system.

The law of 18th December 2015 requires asylum seekers to undergo a medical examination within 6 weeks of their arrival in Luxembourg. The main reason for such a medical examination concerns public health, but the examination can also ascertain signs of persecution or serious harm that were suffered by applicants in the past.

Access to education is provided for minors who are seeking asylum. They are also subject to compulsory schooling on the same conditions as other minors. Furthermore, asylum seekers are entitled to work after six months from the filing of the application, if they are still waiting for a decision on their case and they are not responsible for any delay. Access to vocational training is also granted to asylum seekers.

This law also provides for material reception conditions, which include accommodation, monthly allowance, and material help in kind or vouchers. Material reception conditions are provided to those who lack the means of subsistence. The extent of material support is determined on the basis of the composition of the family unit, age of their members, economic condition, and specific needs of vulnerable people.

This legislative act places a specific emphasis on the identification and protection of vulnerable people. It also promotes the best interest of the child by introducing specific provisions for minors, both accompanied and unaccompanied. Cases in which material reception conditions can be limited or withdrawn are also outlined by this law. Furthermore, it requires those involved in the reception of asylum seekers to have appropriate training, which also needs to be tailored for those in charge of unaccompanied minors.

The law of 18th December 2015 repeals the law of 5th May 2006 on the right of asylum and complementary forms of protection.