



"I don't care about these people. It is not my problem," says Minister Jean Asselborn. 'These people' are newly arrived asylum-seekers who have already been granted protection in Greece. The Grand Duchy has taken a hard line against individuals who have already been granted asylum: they have no place in Luxembourg, their applications are systematically declared "inadmissible".

However, a report to be published by Passerell in a few days' time, reveals that the conditions of beneficiaries of international protection in Greece amount to degrading treatment. Indeed, a considerable proportion of beneficiaries of international protection find themselves in a situation of extreme material deprivation: even families with children are deprived of housing and consequently, due to a lack of address, deprived of access to the labour market, health care and social assistance.

This explains part of the increase in the number of asylum applications ruled inadmissible by the Grand Duchy of Luxembourg: 22 in 2017, 33 in 2018, 88 in 2019. These asylum-seekers do not come from France, Germany or Sweden. No, they come mainly from Greece and also from Italy. Countries where the refugee status is meaningless as it only grants the right to profoundly undignified living conditions.

Until around June 2020, these individuals (once they had succeeded in lodging an asylum application in Luxembourg) had access to reception measures (access to a shelter + first aid) until an administrative decision had been taken and all possible appeals exhausted.

Since July 2020, the administration has systematically tried to refuse reception measures for these individuals. They explain this as follows: "Luxembourg is increasingly confronted with asylum-seekers who already have international protection in another Member State. In response, it was decided that these applications would be treated as a priority in order to avoid the overcrowding of the ONA shelters.

It is true that one of the effects of the serious housing problem in Luxembourg is that refugees stay in the reception facilities even after they have obtained refugee status (approximately 42,8% of the occupants in the shelters for asylum-seekers have already been granted asylum). Integration is severely hampered and as a result, social fragmentation is increasing. In spite of this, since the last government reshuffle, the Minister for Foreign Affairs has been responsible for Reception in addition to the asylum procedure. The consequences are terrible: the Ministry, tackling the problem of overcrowding in the shelters, has every interest in seeing the number of asylum applications decrease.

For example, in July, a woman and her two children found themselves on the streets after having applied for international protection in Luxembourg at the Immigration Directorate.

The woman described how she and her children had been subjected to daily beatings by an Islamic extremist husband. She recounts daily physical violence, rape, a prohibition to speak in front of other men, a prohibition to go out unaccompanied.

She describes her visits to the Immigration Directorate as follows: "The first time I went to the Ministry, they told me I didn't even have the right to speak as I already had refugee status elsewhere, so they ignored me. The second time, I asked the translator if I could address the authorities, but they refused. The third time, they listened to me and on the same day, they issued a decision ordering me to return to Greece." She adds: "In my country of origin, in Greece, and in Luxembourg, the response was always the same – that this is a marital issue that I ought to solve with my husband."

Passerell also had the opportunity to listen to the 7-year-old child's account of the events of the evening following the asylum claim at the Immigration Directorate: "We were on the streets. We were crying. I could see that mum wanted to kill herself by cutting her arms. I begged her to stop."

In the end, the family went to the police who then escorted the family to the First Reception Centre for asylum-seekers, contrary to the initial advice of the Immigration Directorate. The mother and her children were put back on the streets the next day. It was then that Passerell, a non-profit micro-association, had to seek an emergency housing solution for this female victim of violence and her two children. After two nights of temporary private accommodation, it was another public body that decided to offer shelter to these three victims of violence and crime.

The woman was able to appeal the decision with the help of a lawyer. In the judgment, the Administrative Tribunal concludes that refugees in Greece would not be *"systematically exposed to a situation of extreme material deprivation, which would not allow them to meet their most basic needs, (...) and which would harm their physical or mental health or put them in a state of degradation incompatible with human dignity"*. On this point, we urge you to read our report on the matter.

As regards the violence experienced by the woman and the children, the tribunal reproached the woman for not having filed a complaint in Greece (decision of the Administrative Tribunal, judgement n°44751). However, she explained that she had witnessed other women doing so only to have their husbands return 48 hours later, all the more violent as a result of the complaint. After three years of the Me Too debate, even in Europe, women who are victims of domestic violence encounter obstacles at all institutional levels of the judicial process. Can we then reproach a victim fleeing the control of a sectarian Islamist man for not having sought protection where she felt most at risk?

Refusal to register an asylum application or intimidation intended to discourage an individual from lodging one is a grave violation of the right to asylum. This is why we took a stand, together with the LFR, against this specific issue.

It appears that this was all for nothing: last week, a new family arrived at our premises with the same issue. The Ministry again denies having refused to register their asylum claim: it must have been them who changed their minds on the spot. The family was, however, able to register their application the next day – but only because we insisted. They must have changed their minds again! Once again, the Directorate of

Immigration immediately issued an inadmissibility decision, thus depriving a family with children of reception measures.

The family returned to the premises of Passerell. We urgently contacted the shelter mentioned on a paper provided by the Immigration Directorate. The employees of this shelter told us that it was not them we should have contacted but rather the 'service du Premier Appel' (a service for homeless people), who in turn informed us that they could not take in minors and that we ought to contact the police instead. Again, after 4 hours of trying to find a solution, the police escorted the family to...the shelter for asylum-seekers...

We feel it is essential to remind both the Ministry and the courts that putting vulnerable and distressed individuals (including children and victims of rape) on the streets puts them in a situation of grave and intolerable danger, and that European legislation and national laws must be applied in full compliance with fundamental rights.

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