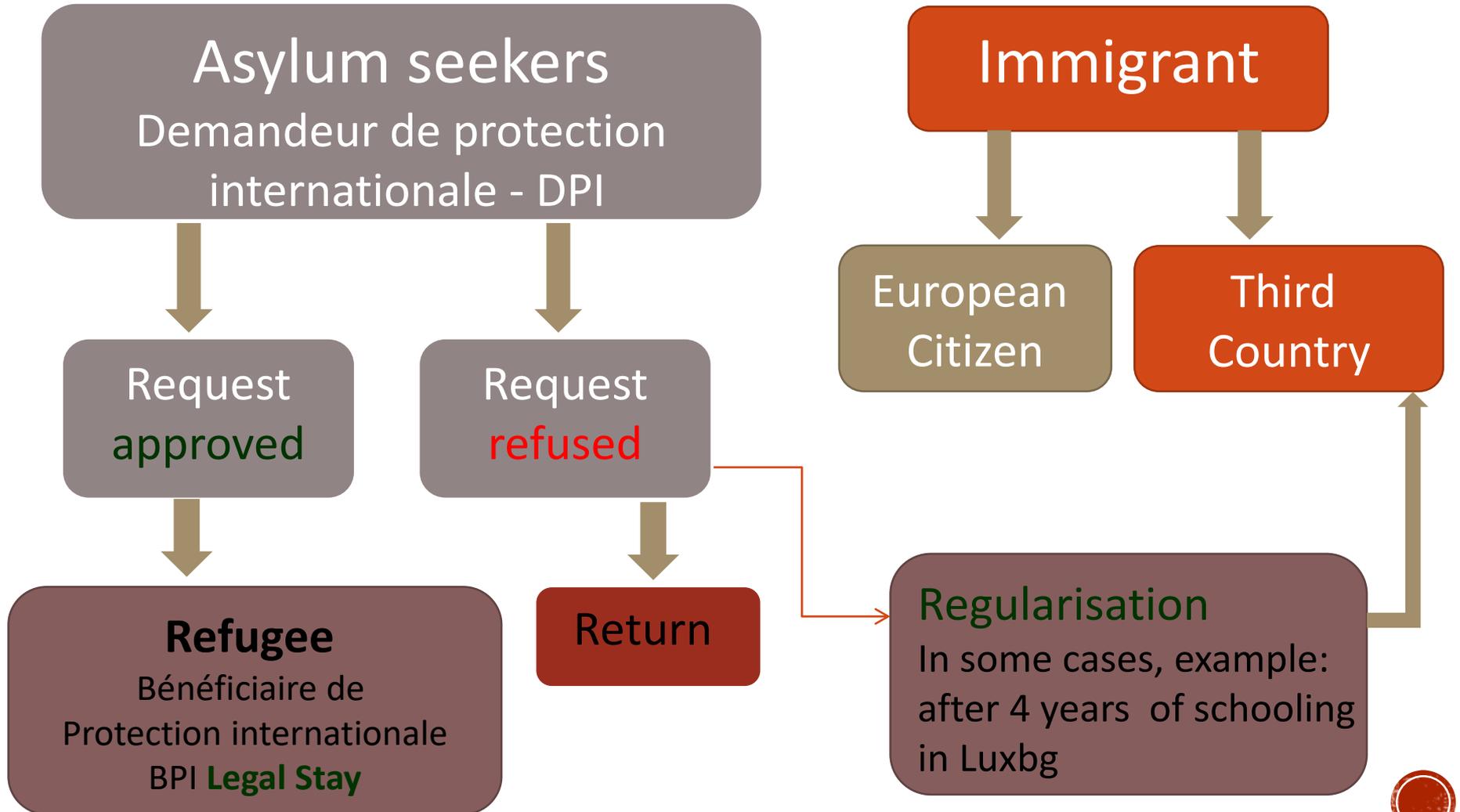




# THE FOREIGNERS IN LUXEMBOURG



# REASONS FOR AN ASYLUM REQUEST

A person who fled his country because he fears to be personally persecuted for his

- race
- religion,
- nationality
- membership of a particular social group
- political opinions or religious beliefs

 **Convention of 28 July 1951 relating to the Refugees Status, known as the Geneva Convention**

The “subsidiary protection” can also be granted.

Other dangers beside those that Geneva Convention allows, are not considered (for example: economic problems, domestic violence, etc...)



# THE PROCEDURE

The person makes **his asylum request** (*application for international protection*) at the Ministry of Foreign Affairs (Direction de l'Immigration).

The « DPI » enters the procedure – pink paper



## Normal procedure

1st answer in 6 months after the registration of the application.

⇒ possible extensions to 15 months, 18 months and maximum duration of 21 months

⇒ After 6 months, you receive a letter reporting the delay – **you can ask the reasons!!!!**

**If you receive negative answer , two possible suspensive appeals:**

⇒ To the Administrative Court

⇒ Appeal of this decision to the Court of Appeal



# HOW YOUR ASYLUM DEMAND IS TREATED

- Each request is treated **individually** - local authorities analyse individually your testimony (why you fled) and the facts you indicated at the written deposition of your request
- they **verify your identity**
  - finger print
  - passport
  - the way to Luxembourg ...

The Verification of your identity documents (passport) can last few months ( 4-5) – and it all happens before fixing your interview dates.

- **They treat the request chronologically** – they analyse the content of your 1<sup>st</sup> written request - **if you belong to a risk group then your demand is treated in priority**
- Luxembourgish authorities don't ask the authorities of your country of origin information about you



# HOW YOUR ASYLUM DEMAND IS TREATED

- All statements are confidential
- The ministry will use reliable information about your country of origin
- They have **guidelines for risk groups:**
  - Religious minorities
  - Political activists/ political opponents : journalists, human right defenders, activist of NGO's...
  - Women who are single, divorced , single mother, or widowed
  - LGBT
  - unaccompanied minors
  - Family reunification



# INTERVIEW

- The objective of the interview is to **identify if you meet the conditions** for obtaining the international protection
- You have to highlight your individual story not only the situation in your country.
- If you tried to **live somewhere else**, either in another city or in another region before coming to Luxembourg, it's important to explain why you couldn't stay.
- When you had problems, you have to explain whether you filed a claim to **local authorities**. If you didn't, you have to explain why.
- During the interview, **you can complete** the questions and add information to complete your story. It is recommended to give all the information and details during the interview.



# INTERVIEW

## Doubt

- Sometimes, you want to cooperate and you try to remember things during the interview. Please make sure that your answer is genuine. If you are not sure, **you can say that you don't remember.** It is normal not to remember everything.

## Lies

- Some asylum seekers believe modifying their story will increase their chance of success. Be careful! It's very **easy to identify contradictions** and lies during the interview. Any lie will be used against the person.
- If you **lied regarding your identity** because you were advised to do so, please be aware that this is **a criminal offence.** You have to correct your identity information before the interview **with the support of your lawyer.**



# INTERVIEW

## Evidence

- You can prepare your interview gathering **any written document** (even copies) and/or testimonies supporting your story.
- **Details provide credibility** to your story.
- If you have experienced **any intimate problems** or events you can hardly share, be sure that the translator and the Ministry agent will keep confidentiality of your story. It will be too late to deliver secrets once you will have a negative answer.

## Behaviour

- In some cases, you **might feel assaulted** by some questions. We advise you not to take a defensive position. The people you are facing try to do their job underlying some incoherence in your story. Please **stay calm** and simply explain why this is unclear at this moment of the story.



# IMPORTANT

- The **efforts for integration** are not considered for your application for international protection!!!! ONLY persecution elements will be considered!
- The Ministry **can consult your social media accounts (Facebook ... )**
- The **decision will be taken** by another agent of the Ministry – not the agent who interviewed you - based on the written report of your interview!



# THE INTERVIEW – YOUR RIGHTS

- Ask the reasons of a **question** that seems strange to you , not appropriated,...Every officer has his personal style of conducting an interview
- You can contest the bad **translation** and ask another translator if you feel that he/she is not competent
- The decision will be taken based on your testimony



# THE INTERVIEW – YOUR RIGHTS

- The final reading of your testimony is very important. We advise you to listen carefully. You must understand the (*verbatim*) **written report** of the interview that you sign.
- The **decision will be taken considering your statement** – it must contain the facts proving that you are PERSONALLY persecuted!
- **You have the right to modify the written report** by adding information or giving more details **before you sign it**. You can also refuse to sign it if you don't agree about what was written.



# THE ROLE OF THE LAWYER

- Being represented by a lawyer is a right not an obligation
- You can change the lawyer, if you are not satisfied and this second lawyer will still be free of charges for you. But if you want to change a second time, for any reasons, you will you have to pay yourself for this third lawyer
- It is important to establish a good cooperation with the lawyer
- Your presence during the interview is mandatory even without a lawyer
- He can ask for a copy of your file
- Send a reminder to the ministry
- Ask the ministry for explanations if any delay in processing your file
- Preparation for the interview with the possibility of translating your documents
- The lawyer can ask to accelerate your file arguing on your personal situation, he can ask this for psychological or medical reason.



# THE ROLE OF THE LAWYER

- Make sure to avoid any misunderstanding, during the interview, between the ministry agent and the beneficiary.
- Ask questions to clarify his beneficiary declarations
- The **lawyer** can interfere during the interview however, the ministry prefers that they only do at the end of the interview
- Once the interview is over, the lawyer keep the right to complete his beneficiary testimonies, on writing.
- He can ask a second interview if necessary ( if for example he got new documents ....) or ask to add documents to your file



# THE ROLE OF THE LAWYER

- Appeal the ministry decision (in this particular step having a lawyer is mandatory)
- If you got a problem with the police, for example for domestic violence, this will not have any direct influence on your asylum request
- As long as you have no income in Luxembourg (salary or other), you can also provide the services of a lawyer without charges for other legal problems, besides your asylum case





**THANK YOU !**

