

# Report relating to the functioning of the Administrative court

**during the judicial year 2014-2015**

During the year 2014-2015, the Administrative court received 300 cases newly added to the cause list (as compared to 348 cases during the previous judicial year).

<b>Breakdown by subjects:</b>	<b>2013-2014</b>	<b>2014-2015</b>
Fiscal matters	30	59
Exchange of information:	14	13
Town-planning:	15	22
Classified establishments	1	6
Permanent residence permit	6	3
Foreign nationals	206 int. protection: 175 adm. detention: 8 residence permit: 19 other: 4	120 int. protection: 76 adm. detention: 16 residence permit: 21 other: 7
Public service	21	34
Work	5	5
Public contracts	-	4
Higher education – financial aid	-	7
Environment and Nature Conservation	9	3
Other subjects	29	24

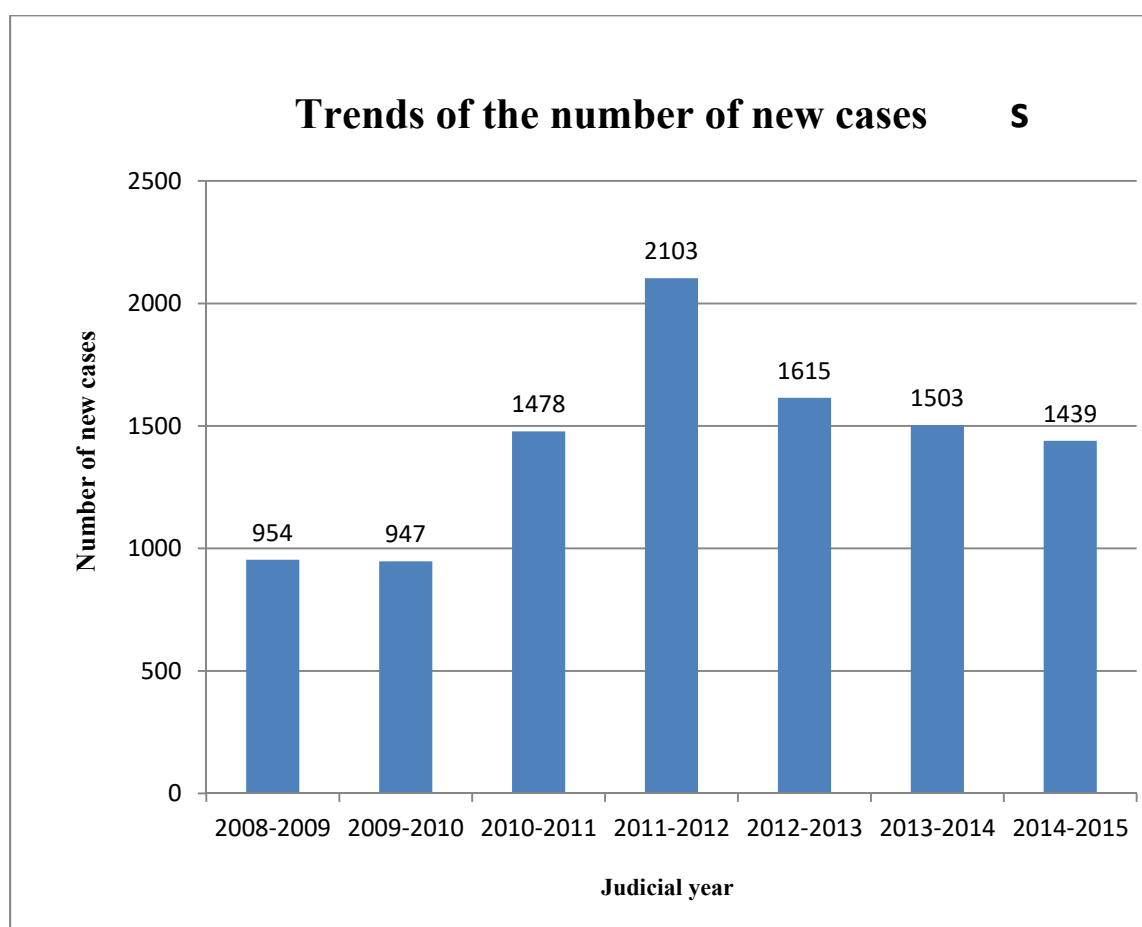
The “other subjects” heading includes cases relating to telecommunications, housing aids, agricultural aids and various other subjects.

The decided cases for the judicial year 2014/2015 come to 288 cases, (350 rulings in 2013/2014), of which 4 were deleted and 5 cases were declared inadmissible, while the pending cases come to 116 units, with 38 cases in the general list.

**Report**  
**relating to the functioning of the administrative tribunal**  
**of the Grand Duchy of Luxembourg from 16 September 2014 to 15 September 2015**

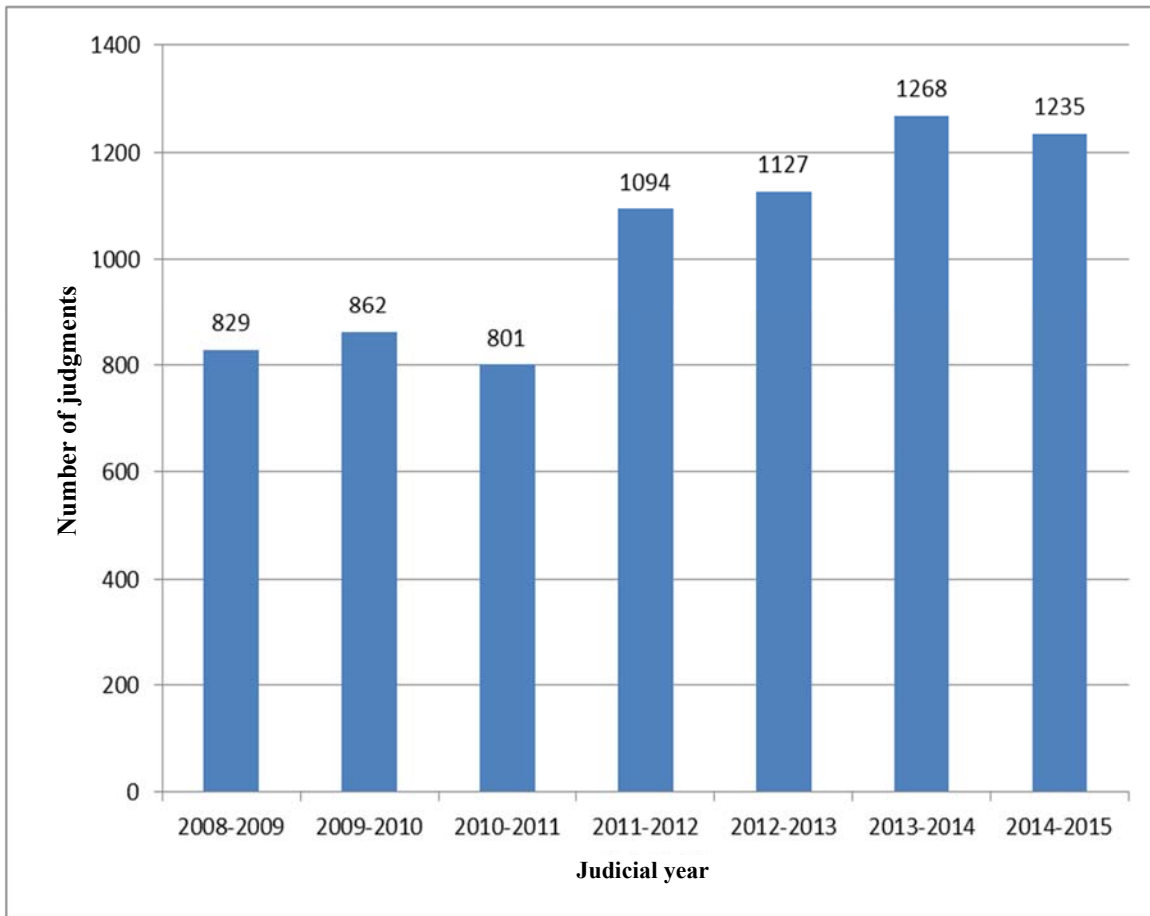
During the period between 16 September 2014 and 15 September 2015, the administrative tribunal received 1439 new cases (judicial year 2013-2014: 1503 cases; 2012-2013: 1615 cases; 2011-2012: 2103 cases; year 2010-2011: 1478 cases; year 2009-2010: 947 cases; year 2008-2009: 954 cases). The first graph illustrates the trends of these figures over recent years.

**Graph 1.** Trends of the number of new cases

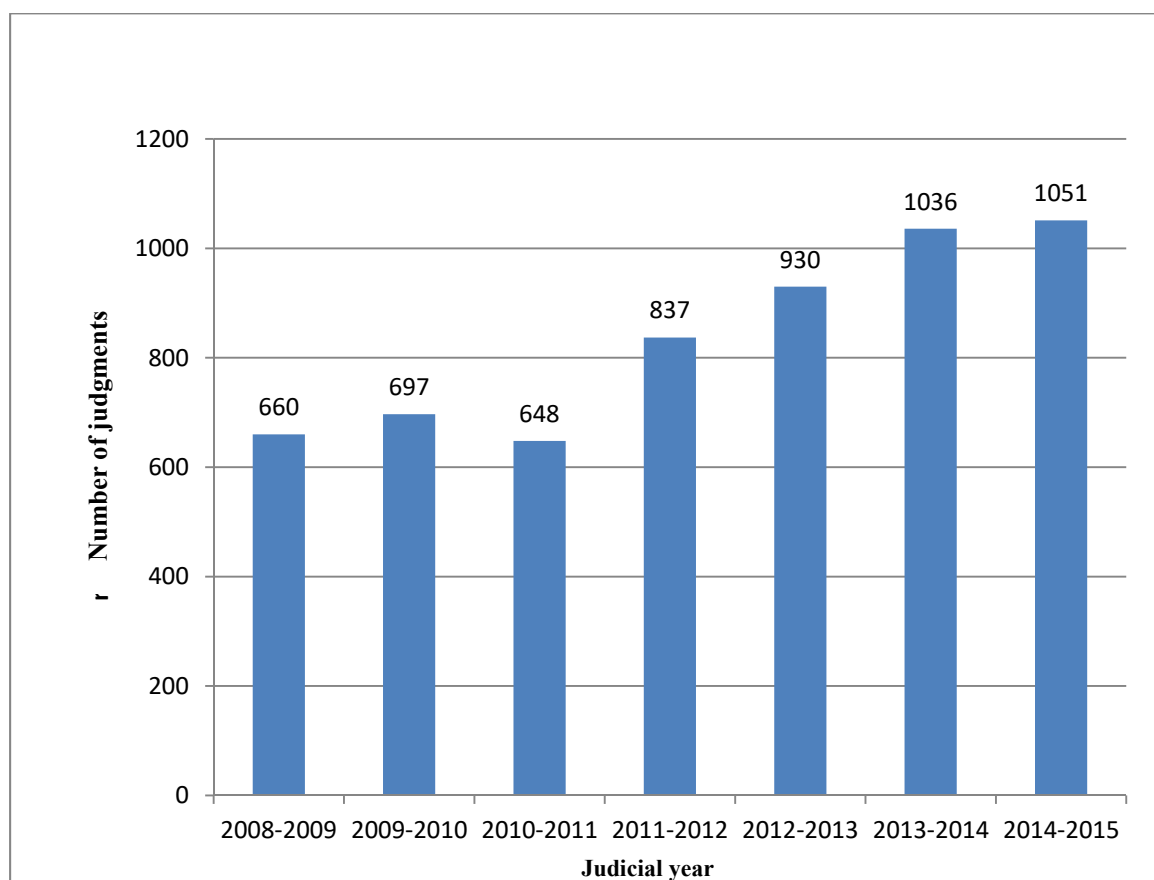


During this period, the different chambers of the tribunal delivered a total of 1235 judgments (year 2013-2014: 1268 judgments, 2012-2013: 1127; 2011-2012: 1,094; 2010-2011: 801; 2009-2010: 862; 2008-2009: 829), of which 184 were struck out (year 2013-2014: 232; 2012-2013: 197; 2011-2012: 257; 2010-2011: 155; 2009-2010: 165; 2008-2009: 169).

**Graph 2.** Trends of the number of judgments pronounced (including those struck out)



**Graph 3.** Trends of the number of judgments pronounced (apart from those struck out)



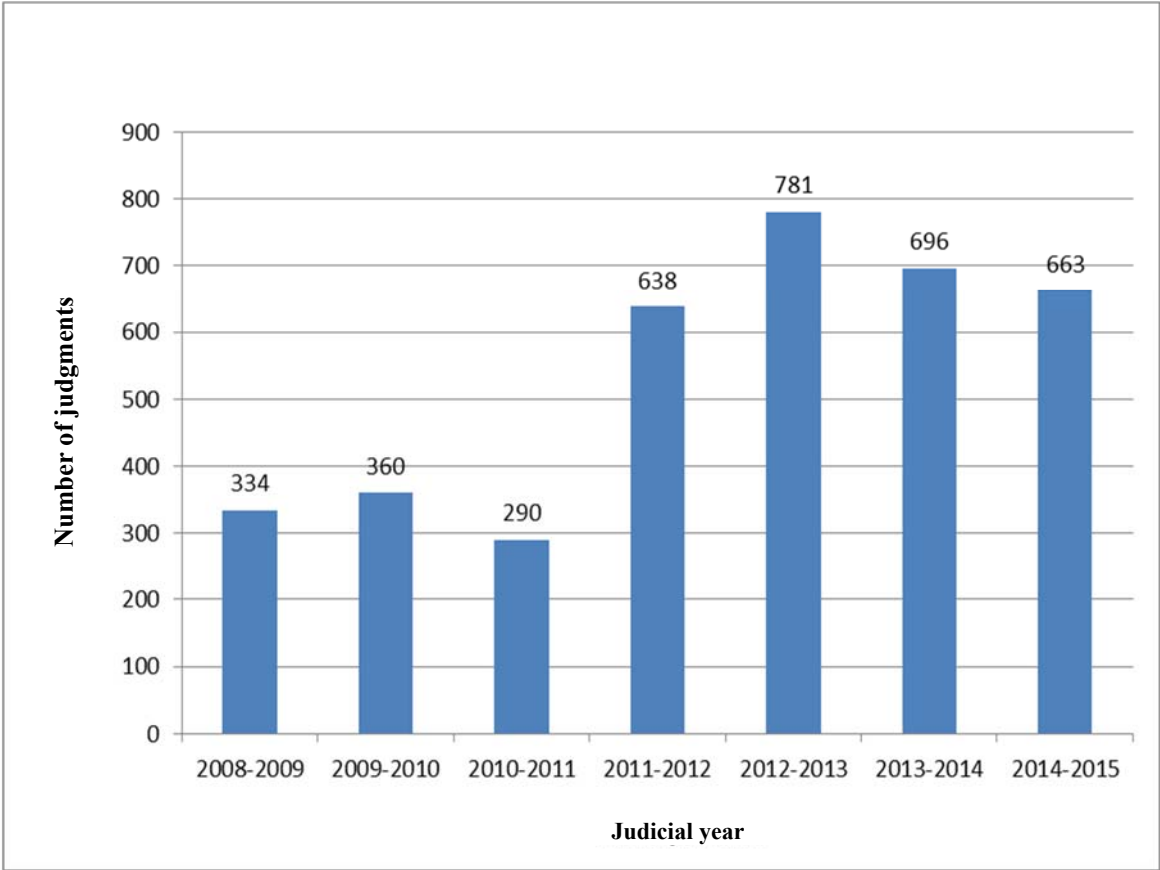
In the total figure of the judgments delivered during the judicial year 2014-2015, there are 663 decisions regarding the aliens department in the broader sense (year 2013-2014: 696; 2012-213: 781; 2011-2012: 638; 2010-2011: 290; 2009-2010: 360; 2008-2009: 334), of which 346 decisions that had to be cleared in accordance with the “accelerated” procedure (184 cases related to procedures based on articles 15, 16, 20 and 23 of the amended law of 5 May 2006 and 162 cases relating to administrative detention).

The court continues its efforts to ensure that the cases are cleared quickly. It can be stated that the current average duration to clear appeals relating to asylum, i.e. the time between lodging the appeal and the delivery of judgment) is 6 to 8 weeks, regarding appeals that involve ministerial decisions taken in the context of article 20 of the law of 5 May 2006 (decisions taken in “accelerated procedure”), and 10 months as regards the appeals involving ministerial decisions taken in the context of article 19 of the law of 2006 (decisions taken in “normal procedure”).

In this context, it is important to note that the migratory wave that Europe, in general, and Luxembourg, in particular, are likely to experience, risks leading to a certain increase in the number of cases to be settled relating to international protection and the aliens department. The government seems to be aware about the problems that this state of affairs can create with respect to the functioning of the administrative courts. One must hope that its steps taken to adapt the applicable laws to mainly enable the administrative tribunal to successfully face the same will ensure quick clearance of this type of litigation, which is quite urgent in nature,

without necessarily delaying the clearance of the other types of administrative litigation, where the parties involved also seek quick responses. Apart from that, an increase in the workforce of the administrative tribunal, at least on a temporary basis, by a substantial allocation of justice attachés is likely to become essential.

**Graph 4.** Trends in the number of decisions relating to the aliens department (including those struck out)



The number of administrative proceedings for “interim measures” (essentially appeals for a stay of execution and institution of safeguard measures) remains at the high level it had reached last year. Thus, 130 cases have been processed during the year 2014-2015 (of which 115 ended with a reasoned order and 15 were struck off). Graph 5. illustrates the trends of the figures during the last six years.

**Graph 5.** Trends of the number of administrative “interim” orders (apart from those struck out)

