



Fourth Study 2017

## **(Member) States' Approaches to Unaccompanied Minors Following Status Determination**

Luxembourg



Co-funded by the European Union's  
Asylum, Migration and Integration Fund



LE GOUVERNEMENT  
DU GRAND-DUCHÉ DE LUXEMBOURG  
Ministère de la Famille, de l'Intégration  
et à la Grande Région

Office luxembourgeois de l'accueil  
et de l'intégration



UNIVERSITÉ DU  
LUXEMBOURG

**University of Luxembourg  
EMN National Contact Point  
11, Porte des Sciences  
L-4366 Esch-Belval  
Luxembourg**

**[www.emnluxembourg.lu](http://www.emnluxembourg.lu)**

**E-mail: [emn@uni.lu](mailto:emn@uni.lu)**

The European Migration Network, created by Council Decision no. 2008/381/EC of 14 May 2008, has the objective of supplying up-to-date, objective, reliable and comparable information on migration and asylum in the Community institutions, to the authorities and institutions of the Member States and to the general public with a view to support policy- and decision-making with the European Union.

## Preface

The opinions expressed in this report are those of the authors. They do not necessarily reflect the positions of the Luxembourg Ministry for Family, Integration and the Greater Region or of the Ministry of Foreign and European Affairs.

The present report was drafted by Ralph Petry, Kelly Adao do Carmo and Adolfo Sommarribas, staff members of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Prof. Dr. Birte Nienaber. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Christiane Martin (Directorate of Immigration, Ministry of Foreign and European Affairs), François Peltier (STATEC) and Marc Hayot (OLAI, Ministry for Family, Integration and the Greater Region).

## Methodology

National reports are produced by the respective National Contact Points (NCPs) on the legal and policy situation in their Member State according to common specifications. Subsequently, a comparative synthesis report is generated by the European Commission with its service provider giving the key findings from each national report, highlighting the most important aspects and placing them as much as possible within an EU perspective. The various national accounts and the summary report are made publicly available.

The EMN engages primarily in desk research, i.e. it collects and analyses data and information already available or published at the Member State or international level. As documentary sources legal texts, official documents (such as parliamentary documents), reports and press articles have been used for this study. Furthermore, semi-structured interviews were conducted with different stakeholders: the Asylum Unit and the Return Unit of the Directorate of Immigration of the Ministry of Foreign and European Affairs, the Country Office for Belgium and Luxembourg of the International Organisation for Migration (IOM), the Migrants and Refugee Service of the Luxembourgish Red Cross, the Solidarity and Integration Service as well as the staff of the reception centre “Foyer St. Antoine” of Caritas Luxembourg, the staff of the reception centre “Foyer St. Martin Jeunes” of the Fondation Maison de la Porte Ouverte and the Ombuds-Committee for the Rights of the Child (ORK).

# EMN FOCUSSED STUDY 2017 (Member) States' Approaches to Unaccompanied Minors Following Status Determination

## Top-line factsheet

The legal framework in Luxembourg does not provide a specific legal status for unaccompanied minors (hereafter UAM), which is why the large majority of them apply for international protection. This allows them to stay in the country and to benefit from social and legal assistance, as well as from accommodation. Cases of UAMs presumed or identified victims of human trafficking are rare in Luxembourg. Overall, specific legal frameworks exist according to the status of the UAM: The Law on Asylum, the Law on Immigration and the Law on victims of trafficking in human beings. This framework is completed by general provisions of the Youth Protection Law, which applies to all minors independent of their immigration or legal status.

Until the influx of applicants for international protection in 2015 and 2016, the phenomenon of unaccompanied minors has been relatively small in Luxembourg.<sup>1</sup> Particularly 2015 was marked by a high number of UAMs applying for international protection, with 102 introductions of applications compared to 31 applications in 2014. Since, the number of applications has stabilised over the last two years, with 51 applications in 2016 and 50 applications in 2017.<sup>2</sup> In 2015, Afghanistan and Albania were the leading countries of origin of UAMs. In 2016, Afghanistan was still the leading country of origin, followed by Morocco. In 2017, the profiles of the UAMs changed again, with Albania and Morocco as leading countries of origin.<sup>3</sup>

In Luxembourg, UAMs are predominantly boys and a large majority is close to the age of majority, or have already reached the age of majority, when a final decision on their application for international protection is issued. However, the Directorate of Immigration reported that they were confronted with a new phenomenon in 2017, namely the arrival of very young UAMs aged between 12 and 14.

Every UAM, whether s/he files an application for international protection or not, will be assigned an ad-hoc administrator as soon as possible in order to assist him/her in all legal proceedings. In addition to the designation of an ad-hoc administrator, the organisations that accommodate the UAMs applying for international protection usually request the guardianship (either institutional or personal guardianship) of the UAM who has introduced his application. Different from the ad-hoc administrator, the guardian is assisting and supporting the UAM in all daily life affairs, such as social guidance, integration, education, medical care, acquisition of language skills, leisure activities, etc.

In regard to education, the overall aim in Luxembourg is to integrate migrant children, independent of their immigration status, into the general educational system as soon as possible. The latter has experienced a diversification of its offer with a number of specialised measures and services. Together with leisure and extracurricular activities, school is considered to be one of the main contributors to the overall well-being and integration of UAMs into the Luxembourgish society. There are no integration measures that specifically target UAMs.

There are no specific transition measures or procedures for UAMs who are approaching their majority, neither in regard to the accommodation and guardianship arrangements, nor in the general context of integration. The organisations responsible for the accommodation and care of the UAMs provide them with a supervision and support according to their specific individual needs. This is also true for the respective legal framework of the UAM, including eventual extensions of residence permits.

The return of UAMs is considered to be rare in the Luxembourgish context. As mentioned earlier, this is related to the fact that the large majority of UAMs applying for international protection are close to the age of majority or have already reached majority when a final decision on their application is issued. Furthermore, although foreseen by the Immigration Law, Luxembourg does not carry out forced returns of persons considered to be unaccompanied minors. The International Organisation for Migration (IOM), responsible for (assisted) voluntary returns, reported that they have approximately one voluntary return of an UAM every two years.

In 2017, following the recommendation of the evaluation of the Schengen acquis in the area of return in Luxembourg, the government adopted the creation of a new commission with the function of assessing the best interest of the child in the context of return of UAMs. This commission entered into force at the beginning of 2018 and is composed of members of the prosecution service, the National Childhood Office (ONE), the Luxembourg Reception and Integration Agency (OLAI), and finally the Directorate of Immigration, which is chairing the commission. In addition, the ad-hoc administrator is invited to attend the commission meeting for the minor s/he represents. Based on the elements of his/her application, an individual opinion assessing the best interest of the child, in the context of his/her return, will be given for each minor.

One of the major reported challenges is the appointment of legal representatives of UAMs (ad-hoc administrator and guardian), as well as the lack of precision of the legal provisions in this context.

In the context of return, the Directorate of Immigration reported that they are faced with challenges in regard to getting in contact with the respective countries of origin as well as in regard to cases of applicants not telling the truth.

One of the main good practices that has been identified by a number of stakeholders are the new care and accommodation arrangements, allowing to house UAMs in specifically dedicated reception facilities with a 24/7 supervision, depending on the availability of these facilities. In the same context, it was reported that it is of great importance to provide the minors with an environment of trust and support, to listen to them and to reassure them in order to be able to understand their current situation. Particularly the approach of supporting them in elaborating a life plan or life project ("*projet de vie*") is considered as being very important for the stability and general well-being as well as for the integration of the UAMs. In addition, it is also important to support them in other matters of integration, such as education, acquisition of language skills, extracurricular activities, etc.

In the context of return, Directorate of Immigration reported the newly concluded agreement with IOM in order to conduct family assessments of UAMs in the countries of origin as a good practice. On the one hand, this assessment is one element that will be taken into consideration in the examination of the application of the minor. On the other hand, it helps in assessing the best interest of the child in the event of a return if the application is rejected.

## Section 1: Overview of the situation of unaccompanied minors in the (Member) State

**Q1.** Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

In Luxembourg, the current public debate does not necessarily concentrate on unaccompanied minors who have received a final decision on their application for asylum or another status, but rather on a number of other topics in the context of UAMs in general.

The influx of applicants for international protection (AIP) of 2015 marked the arrival of 102 UAMs in Luxembourg who registered for the international protection procedure at the Directorate of Immigration.<sup>4</sup> Subsequently, one of the topics of discussion had been the disappearances of UAMs from reception facilities, particularly in 2016, when the Directorate of Immigration reported a high number of disappearances. Out of the 121 UAMs who filed an application for international protection in 2016, 51 UAMs have formally lodged their application and 54 UAMs absconded before having lodged their application.<sup>5</sup>

The methods to assess the age of minors in the context of international protection applications has also been a topic of discussion in Luxembourg in the past.<sup>6</sup> This is particularly relevant in the context of Luxembourg, as the majority of minors applying for international protection are between the ages of 16 and 18 years. As a consequence, a majority of the UAMs are close to the age of majority, or have already reached the age of majority, when a final decision on their application for international protection is issued (see also answer to Q5a).

In absence of a specific status for UAMs outside of the current legal provisions, the Ombuds-Committee for the Rights of the Child (ORK) has repeatedly recommended the authorities to reflect on a possible introduction of a special status for UAMs, which should establish an automatic

guardianship. This status should also entitle the young person to the same benefits as BIPs, namely an unlimited right of residence in the country.<sup>7</sup>

**Q2.** Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

In general, unaccompanied minors are considered a national policy priority, as a number of important changes have been introduced since the transpositions of the Directives 2013/32/EU and 2013/33/EU into national law in December 2015 (see answer to Q3a).

Furthermore, over the course of 2016, Luxembourg saw the opening of three reception facilities specifically for UAMs applying for international protection. These facilities provide a more child-adopted supervision and accompaniment of the UAMs. In the same context, the care arrangements in terms of placement in reception facilities and financial coverage of the costs ("*prise en charge*") of these facilities, are now under the responsibility of the Ministry of National Education, Children and the Youth (see answer to Q3). These changes indicate that there are developments that are implemented in order to provide the UAMs adequate care arrangements.

In 2017, following the recommendation of the evaluation of the Schengen acquis in the area of return in Luxembourg, the government adopted the creation of a new commission with the function of assessing the best interest of the child in the context of return of UAMs (see answer to Q3a).

**Q3. a.** Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

There were no recent changes to law in relation with unaccompanied minors after they have received a final decision on their application for asylum/ another status.

The Law of 18 December 2015 on international protection and temporary protection (hereafter "Asylum Law") and the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection (hereafter "Reception Law") entered into force on 1 January 2016. These laws transposed Directives 2013/32/EU and 2013/33/EU into national law.

The most important changes introduced by the Asylum Law and the Reception Law are that they take into consideration the specific needs and the vulnerability situation of the UAM in every decision in the international protection procedure<sup>8</sup> and in regard to the reception conditions.<sup>9</sup> Furthermore, there have been changes introduced by the new Asylum Law that are related to the international protection procedure itself. These changes regulate the rights and obligations of UAM in more detail.<sup>10</sup> The procedure starts when the UAM files the international protection application at the Directorate of Immigration.<sup>11</sup> The application can be filed by the UAM or by his/her representative (ad-hoc administrator).<sup>12</sup> The interview is conducted by an agent who has the knowledge and adequate training in order to treat the application according to the age and the vulnerability of the minor.<sup>13</sup>

Since 2014, there have been several changes to policy and practice in regard to unaccompanied minors in general, and not necessary only after they have received a final decision on their application for asylum/ another status.

After the adoption of the Reception Law in December 2015, three reception centres for UAMs applying for international protection were opened over the course of 2016 to better respond to the specific needs of these children and adolescents: 'Groupe MINA' of Anne asbl in Troisvierges (January 2016) offering 11 places, Foyer Saint-Martin-Jeunes of the Fondation Maison de la Porte Ouverte in Luxembourg City (September 2016) offering 10 places and Villa Nia Domo of the Luxembourgish Red Cross in Strassen (October 2016) offering 9 places.<sup>14</sup>

In this same context, the care arrangements for UAMs were changed in Luxembourg. The placement of UAMs in reception facilities, institutions or families as well as the financial coverage of the costs of these facilities for the care of UAMs ("*prise en charge*") are now under the responsibility, via the Emergency Service of the National Childhood Office (ONE), of the Ministry of National Education, Children and the Youth. These facilities are financed through the ONE and the Law of Childhood Support.<sup>15</sup> Prior to this change, this was implemented by the Luxembourg Reception and Integration Agency (OLAI) of the Ministry of Family, Integration and the Greater Region. The organisations

responsible for accommodating the UAMs during their application for international protection as well as the ORK reported that this change allowed for more child-specific care of UAMs in terms of more responsible staff and 24/7 care provisions in the reception facilities mentioned above.<sup>16</sup> The same is also true for the reception centre "Lily Uden" of the Luxembourgish Red Cross, which serves as a first reception centre for UAMs since 2016.<sup>17</sup>

Furthermore, it is necessary to underline the creation a new commission with the function of assessing the best interest of the child in the context of return of UAMs. In accordance with the Article 10 of the Directive 2008/115/EC (Return Directive), the Immigration Law<sup>18</sup> provides that a return decision for an unaccompanied minor can only be taken if it is in the best interest of the minor. However, the Law does not specify how the best interests of the child are determined. Following the recommendation of the evaluation of the Schengen acquis in the area of return in Luxembourg, the Council of government<sup>19</sup> adopted the creation of a new collegiate body ("*organe collégiale*") on 7 July 2017, with the function of assessing the best interest of the child in the context of return of UAMs. This commission entered into force at the beginning of 2018 and is composed of members of the the prosecution service, the National Childhood Office (ONE), the Luxembourg Reception and Integration Agency (OLAI), and finally the Directorate of Immigration, which is chairing the commission. In addition, the ad-hoc administrator is invited to attend the commission meeting for the minor s/he represents. Based on the elements of his/her application, an individual opinion assessing the best interest of the child, in the context of his return, will be given for each minor.<sup>20</sup> A first meeting of this commission will take place at the end of April 2018.<sup>21</sup>

In regard to family assessment<sup>22</sup>, and in the context of the aforementioned new commission, an agreement was concluded between the Directorate of Immigration of the Ministry of Foreign and European Affairs and the International Organisation for Migration (IOM).<sup>23</sup> Since 1 October 2017, IOM is in charge of tracing the family of UAMs applying for international protection and assessing the family situation of the minor in his/her country of origin. The resulting report of this assessment will be a key component of the evaluation of the best interest of the child in the context of a possible return, as well as constitute one element that will be taken into consideration in the examination of the application (see answer to Q29b for more information).<sup>24</sup>

**b.** Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

The Directorate of Immigration reported that it will introduce one additional child-based indicator to its statistical database in 2018 in order to make the statistics related to UAMs more accurate.<sup>25</sup>

On 6 December 2017, the Council of government approved a bill that establishes a defender of the rights of the child ("*Ombudsman/fra fir Kanner a Jugendlecher*"), and who is called to take over for the current Ombuds-Committee for the Rights of the Child (ORK). The purpose of the draft bill, introduced in Parliament on 25 January 2018, is to create an independent entity that will continue to ensure that the best interest of the child remains the first consideration in any legislative or administrative measure.<sup>26</sup>

A new transnational project financed by the European Commission and coordinated by the IOM Country Office for the United Kingdom was launched on 15 January 2018 with the overall aim to develop, reinforce or implement a system for foster families that accommodate UAMs. In Luxembourg, the project will be implemented by the IOM Country Office for Belgium and Luxembourg and Luxembourgish Red Cross in several steps: a complete assessment of the current state of play in Luxembourg regarding UAMs; development of a curriculum on migration, the related traumas and the particularities of the Luxembourgish context; providing vocation trainings for services of foster families, who in turn will provide these trainings to the foster families; publication of a report summarizing the activities of the project.<sup>27</sup>

**Q4.** What **statuses** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) they result in for unaccompanied minors.*

In Luxembourg, there is no specific status for unaccompanied minors. The legal status of the UAM depends on the respective specific legal framework.

Normally in Luxembourg, UAMs apply for international protection because there is no specific legal status for UAMs and no humanitarian protection (except for the residence permit for private reasons

granted based on humanitarian reasons of exceptional gravity<sup>28</sup>). Consequently, UAMs can receive the reception material conditions when they file the application, which are specifically adapted to their needs.<sup>29</sup> If their application is accepted, they receive either a refugee status<sup>30</sup> or a subsidiary protection status.<sup>31</sup>

There are some other possibilities under which an unaccompanied minor can stay in the country:

- residence permit for private reasons based on humanitarian reasons of exceptional gravity
- if the UAM is victim of human trafficking, s/he can be granted a residence permit with a duration of 6 months and that is renewable<sup>32</sup>;
- postponement of removal in case the UAM cannot be removed from the territory for external causes to the UAM<sup>33</sup> (even though Luxembourg does not carry out forced removals of minors)
- postponement of removal for medical reasons,<sup>34</sup> for a maximum duration of six months that can be extended up to two years.<sup>35</sup> During this period, the beneficiary is granted a postponement of removal certificate, which allows him/her to remain in the territory. After the period of two years, and if the medical conditions of the applicant do not improve, s/he can be granted a temporary residence permit for private reasons.<sup>36</sup>

**Q5. a.** Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

Yes. The large majority of the UAM in Luxembourg are close to the age of majority, or have already reached the age of majority, when a final decision on their application for international protection is issued. However, the Directorate of Immigration reported that they were confronted with a new phenomenon in 2017, namely the arrival of very young UAMs aged between 12 and 14.<sup>37</sup>

- Are they **boys or girls** predominantly?

Yes, they are predominantly boys. Applications for international protection by unaccompanied girls are very rare in Luxembourg (see also Annex 1).<sup>38</sup>

- Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?

The resettlement policy of Luxembourg generally focusses on families with children. No UAM has been resettled so far.

Concerning relocation, the Luxembourgish authorities usually relocate adults, families as well as separated minors travelling with at least one other family member. However, if there is a family member in Luxembourg, it is possible that the Luxembourgish authorities consider this element for the relocation of an UAM. Overall, Luxembourg has relocated 9 UAMs between 2015 and 2017.<sup>39</sup>

- Please provide any other qualitative information available *not covered above, for example*, unaccompanied minors not presenting themselves to the authorities, etc.:

As any international protection applicant, the UAM must present himself/herself to any convocation issued by the Directorate of Immigration<sup>40</sup> and the ad-hoc administrator is responsible for his/her presence at those convocation as well as his/her guardian. If the UAM has run away, they have to inform this situation to the Youth Court and to the Directorate of Immigration.

In the case of UAM who is a victim of human trafficking the same procedure will be followed because the Immigration Law foresees the appointment of an ad-hoc administrator.<sup>41</sup> This ad-hoc administrator will represent the UAM during all the procedure. In case that the UAM runs away, the ad-hoc administrator is obliged to inform the Police and the Youth Court.

When dealing with an UAM who benefits from a residence permit for private reasons (see above), in accordance with the Civil Code a guardian will be appointed,<sup>42</sup> and if the UAM runs away the guardian is obliged to report this fact.

Same situation will occur if the UAM benefits of a postponement of removal<sup>43</sup> in which case the ad-hoc administrator who was representing him/her will continue as such during the duration of the postponement. Similarly, as in the other cases, if the UAM runs away, s/he is obliged to report this event to the competent authorities (Police and the Youth Judge).

**b.** Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*
- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision, if possible disaggregated by age/ sex/ country of origin of the minor.

Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.

Please consider the following explanatory notes in regard to the specific integration outcomes for unaccompanied minors mentioned above (point 5 of Q5b):

- enrolled in primary/secondary education: It is not possible to report on the number of UAMs enrolled in primary/secondary education as this information is not statistically documented in regard to the specific status of the UAM. Every child under compulsory schooling is enrolled in the national school system (see also Q17a).<sup>44</sup>

- labour market programmes, traineeships/internships, trainings: It is not possible to report on the number of UAM enrolled in labour market programmes, traineeships/internships or trainings, as this information is not statistically documented. For the National Employment Agency ("Agence pour le développement de l'Emploi" – ADEM), the information if a person has come to Luxembourg as an UAM is not relevant and therefore not documented. Only the status as beneficiary of international protection is of relevance in regard to the access to the labour market and to the labour market programmes of the National Employment Agency.<sup>45</sup>

- successfully completed any (civic) integration courses: Currently no information available as a specific analysis remains to be done.<sup>46</sup>

- registration with leisure associations: This information is not statistically documented. Furthermore, the actual registrations of UAM can largely vary in relation to the number of UAM applying for international protection. UAMs are however encouraged to register with such associations because it is generally regarded as contributing to the wellbeing of the UAM and to the integration into the Luxembourgish society. UAM preferably register with football or mixed martial arts clubs.<sup>47</sup> UAMs applying for international protection who are under the age of 16 years are eligible for sporting licenses, thereby allowing them to part take in the official youth championships.<sup>48</sup>

- cases of successful family reunification involving unaccompanied minors: It is not possible to report on the number of successful family reunifications involving UAMs as it is not statistically documented if the applicant was an UAM or not.<sup>49</sup>

**Q6. a.** Please provide a general overview of what happens with unaccompanied minors in your (Member) State **when they turn 18 years of age**, including a brief description of the approach (e.g. transitional measures/ plans) of your (Member) State:

- when an unaccompanied minor has received a **final negative decision** on his/ her application for asylum/ another status as a minor (please elaborate below):

In Luxembourg, UAM are treated like adults when they turn 18 years of age.<sup>50</sup> At the moment there are no transitional measures foreseen in national legislation.

In principle, UAMs are oriented towards the international protection procedure. This is because in practice, there are no other authorisation of stay foreseen, neither by the Immigration Law nor by the Asylum Law, with the exceptions of victims of human trafficking<sup>51</sup> or the residence permit for private reasons based on humanitarian grounds of an exceptional gravity.<sup>52</sup> As mentioned above, in the case of a postponement of removal, the UAM who has received a return order can remain in the territory.

However, beside the exceptions mentioned above, there is no provision in the Asylum Law or the Immigration Law to grant any other status if the minor receives a final negative decision.

In Luxembourg, when the authorities have determined that the supposed unaccompanied minor is indeed a minor or if the doubt persists, the authorities will treat the case as an application of an UAM for the duration of the international protection procedure. In this case, the authorities will name as soon as possible an ad-hoc administrator to represent and assist him/her during the international protection procedure. In addition, a guardian will be appointed to assist him/her in daily life issues and transactions. However, if the age was determined and the minor turns 18 years old, if the international protection procedure is not finished, in principle the appointment of the ad-hoc administrator as well as the guardian<sup>53</sup> will be revoked and the procedure will continue treating the applicant as an adult.<sup>54</sup> In case the application gets rejected, the UAM will be issued a return decision.<sup>55</sup>

In case the UAM is still considered a minor when the final decision is notified, the UAM will continue benefiting of the guardian and the ad-hoc administrator even though the procedure for the examination of claims for international protection is finished. This is because the ad-hoc administrator is appointed by the Youth Court in order to assist the minor during all the administrative and judicial proceedings. This even allows the ad-hoc administrator to apply for a residence permit for private reasons (see above) or to assist the UAM during the postponement of removal procedure.<sup>56</sup>

In the other procedures, residence permit for private reasons and victim of human trafficking, if the UAM gets a negative decision when turning 18 years old, s/he will be treated as an adult. However, except if the individual was a minor at the time of issuing the negative decision, s/he will continue to benefit from the assistance of a guardian in the first case<sup>57</sup> and in the second case of an ad-hoc administrator<sup>58</sup> and a guardian.<sup>59</sup> The measures of assistance and protection of the UAM who is considered a presumed victim of human trafficking are guaranteed until s/he becomes of age<sup>60</sup> and if needed, these measures will remain until three months after there is a final decision in regards the criminal and/or the civil case.<sup>61</sup>

- when an unaccompanied minor is **granted a status as a minor** (please elaborate below):

There is no provision in the law that allows an automatic review of the international protection status because the minor becomes of age. The Asylum Law establishes that an examination in order to withdraw the international protection that was granted to an individual can be started by the Minister in charge of Immigration and Asylum when new facts are brought to his/her attention which indicate that there is a need to re-examine the validity of the international protection.<sup>62</sup> If the UAM was granted the status as a minor (refugee status or subsidiary protection) and there are no new elements to target a review of the international protection, the individual will continue to benefit from his/her status.

In the case of victims of human trafficking, once it is determined that the minor is a presumed victim of human trafficking, the individual is entitled to all the assistance and protection measures foreseen in the Immigration Law.<sup>63</sup> The law foresees the appointment of a guardian for the UAM<sup>64</sup> for all the duration of his/her stay and until it is taken under the responsibility of an authority of his/her country of origin which will be acting in the best interest of the child. The Immigration Law foresees the appointment of an ad-hoc administrator to represent the UAM during the administrative procedure and if needed it in the criminal procedure.<sup>65</sup>

If an UAM has obtained another status different from international protection, the law does not foresee any revision of the status per se on the only condition that the minor becomes of age. This situation applies to the beneficiary of a residence permit for private reasons and a presumed victim of human trafficking. As it was mentioned above, in the case of victim of human trafficking, the assistance measures are guaranteed until the minor becomes of age.<sup>66</sup> These measures can be extended until three months after there is a definitive judgement in the criminal/civil case, even if the minor became an adult.<sup>67</sup>

However, it is only when information comes to the attention of the authorities that the applicant has misled the authorities or provided them with false information or documentation that the residence permit can be withdrawn, independently if it is a minor or an adult. In addition, the authorities will evaluate if the conditions under which the authorisation of stay was granted are still being fulfilled by the applicant during the renewal of the residence permit.<sup>68</sup>

**b.** Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their care/ integration/ return. How often is this review being done, e.g. every month, etc.?

There is currently no specific monitoring system in place to identify UAM who are approaching 18 years of age. However, the social workers of the reception facilities and/or the guardian are usually aware of the UAMs' birthday and can provide information on the upcoming changes before and during the transition to the age of majority (see answer to Q9d).<sup>69</sup>

**c.** When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the unaccompanied minor reaches adulthood, e.g. is there any age threshold?

N/A.

## Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age

### *Overview of care provisions and organisational set-up in the (Member) State*

**Q7. a.** What **priority** is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination?

In Luxembourg, the care of UAMs begins before the status determination.

In the context of international protection, the care for UAMs begins from the moment they apply for international protection.<sup>70</sup> As soon as possible, the Directorate of Immigration will request the Youth

judge the appointment of an ad-hoc administrator in order to assist him/her during the procedure (administrative and judicial proceedings).<sup>71;72</sup> The moment the minor applies for international protection, s/he will benefit immediately of all the reception conditions. The Director of the Luxembourg Reception and Integration Agency (OLAI) will take into account the particular material reception needs of the UAM.<sup>73</sup> More specifically, the Director will grant a primordial attention to the best interest of the child and will guarantee adequate living standards for the UAM in order to guarantee his/her physical, mental, spiritual, moral and social development.<sup>74</sup> In order to do so, the Director takes into account the possibility of family reunification<sup>75</sup>, the well-being and social development of the minor in regard to his/her personal situation<sup>76</sup>, considerations of safety and security, particularly when the minor is likely to be a victim of human trafficking<sup>77</sup>, and the minor's opinion depending on his/her age and maturity. Furthermore, the UAM is accommodated taking into consideration the best interest of the child by placing them either, depending on the availability of places, in reception facilities specifically dedicated to their individual needs or in convenient accommodation in accordance with their age.<sup>78</sup>

In any case, a guardian is appointed by the Youth Court to deal with all the day-to-day affairs of the minor. The competent authorities try to find a prompt solution for the UAM not only in regard to the residence status of the UAM, but also in regard to the social support and assistance. Concerning UAMs who are presumed victims of human trafficking, a guardian is appointed to assist him/her during all the time it is necessary and until the minor is handled over to the authorities of his/her country of origin which must act in the best interest of the child<sup>79</sup>. In addition, an ad-hoc administrator will be appointed to represent the minor during the administrative and judicial proceedings.<sup>80</sup>

The Refugee Unit of the Directorate of Immigration treats the applications of UAM as priority cases. Furthermore, the Asylum Law establishes that the Minister in charge of Immigration and Asylum can grant priority to the decision of the international protection applications made by UAMs<sup>81</sup> and as a basic principle, the Directorate of Immigration tries to apply by this article.<sup>82</sup>

As it was mentioned above, in all the procedures where UAMs are involved (international protection procedure<sup>83</sup>, beneficiaries of international protection<sup>84</sup>, residence permit for private reasons<sup>85</sup>, victims of human trafficking<sup>86</sup> and postponement to removal<sup>87</sup>), the care of the UAM is guaranteed.

**b.** Please provide a summary overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, etc., indicating in particular how the legal status of the unaccompanied minor defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

In the context of an application for international protection, an ad-hoc administrator is appointed to deal with the administrative and judicial proceedings of the application of the UAM. In general, once the UAM receives a positive decision on his/her application, this appointment ends and the ad-hoc administrator will finish his/her duties. If the decision is negative, the ad-hoc administrator will continue to represent the interests of the minor until the last decision for return is final.<sup>88</sup>

The guardian appointed by the Youth Court will continue to accompany the UAM until s/he becomes of age<sup>89</sup> or longer, if needed for his/her well-being in case there is a risk of idleness.<sup>90</sup> In that case, the Guardianship Court can extend the appointment of the guardian: the judge will decide on the extension with the agreement of the person concerned and if the interest of the latter so requires. This extension can only last until the individual's 21<sup>st</sup> anniversary.<sup>91</sup>

In regard to the housing arrangements, the implications of being granted the international protection status depend on the age of the UAMs and on how they have been accommodated before. If the UAMs are under the age of 18 and if they had been accommodated in a reception facility specifically dedicated for minors, they can stay in the reception facility until their majority.<sup>92</sup> If they had been accommodated in a mixed reception facility, meaning with other young adults and families, they will likely stay in the reception facility until their majority. After turning 18 of age, they either stay in the reception facility or are transferred to another reception facility (for example for single men) until they are able to find affordable housing (see answer to Q9d for more information).<sup>93</sup>

Victims of human trafficking: The Immigration Law foresees that an ad-hoc administrator will be appointed as soon as the victim is detected<sup>94</sup> and s/he will begin receiving assistance and support measures immediately.<sup>95</sup> The ad-hoc administrator is appointed to assist the UAM in all the administrative and judicial proceedings, but the Youth Court can appoint a guardian for the daily affairs.<sup>96</sup> The assistance measures<sup>97</sup> start from the moment the person is determined as a presumed victim of human trafficking and they are guaranteed until the minor becomes of age.<sup>98</sup> These

measures can be extended until three months after there is a final judgement in the criminal/civil case, even if the minor becomes an adult.<sup>99</sup> In case of need, the social support can comprehend a material aid in cash or kind. This aid is determined by the Minister of Equal Opportunities taking into consideration the individual needs based on a motivated proposition of the certificated assistance service for human trafficking victims.<sup>100</sup> The amount of the financial aid cannot exceed the amounts for financial social aid granted to international protection applicants.<sup>101</sup>

Residence permit for private reasons granted based on humanitarian motives of exceptional gravity: In this case, the Immigration Law does not foresee the appointment of an ad-hoc administrator. Nevertheless, a guardian will be appointed by the Youth Court.<sup>102</sup>

Postponement of removal: In the case there is a postponement of removal<sup>103</sup>, the ad-hoc administrator will continue to act in his/her behalf until a final decision has been taken. However, as the UAM is authorised to stay, the guardian that s/he had already been appointed will remain in place.

Rejected international protection applicant: See postponement of removal.

c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?

In Luxembourg, there is no specific procedure in place to determine the best interests of the child with regard to the care of unaccompanied minors, neither before nor after a decision on their status.<sup>104</sup> The support provided by the guardian and the social workers of the reception facilities is adapted to each minor and his/her individual needs. In general, it needs to be noted that as long as they are under the age of 18, they are under the protection of the Youth Protection Law.<sup>105</sup>

**Q8. Which national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Luxembourg Reception and Integration Agency (OLAI)	Administrative agency under the auspice of the Ministry of Family, Integration and the Greater Region, responsible for the reception of applicants for international protection	Determine the specific reception needs of the minor and implement them accordingly in case the minor has to remain in one of its reception facilities.
Guardian <sup>106</sup>	Legal representative of the minor	Assists the minor in everyday life affairs. In case of human trafficking victims, s/he is responsible for the UAM's security and protection. <sup>107</sup>
Ad-hoc administrator	Legal representative of the minor	Assists the minor in all administrative and judicial proceedings.
Youth Court <sup>108</sup>	Judicial administrative body of the District Court	Appointment of the guardian and maintenance of the guardianship until the minor becomes of age.  Supervision of the actions of the guardian.

<p>Central Service of Social Assistance (SCAS)</p>	<p>Judicial administrative body, Service of the Public Prosecutor's office</p>	<p>In regard with minors, the SCAS collects all necessary information (through social investigation) in order to inform the Youth Court to take a protection measure based on the Law of Youth Protection in favour of a minor (normally when there are doubts of the stability of the environment of the minor<sup>109</sup>)</p>
<p>National Childhood Office (ONE)</p>	<p>Administrative body under the auspice of the Ministry of National Education, Childhood and the Youth</p>	<p>Provides and guarantees assistance and support to UAMs and their legal guardians</p> <p>Guarantee the financial costs of the reception facilities for the care of UAMs ("<i>prise en charge</i>")</p> <p>Placement of UAMs in specifically dedicated reception facilities, depending on the availability of free places</p>
<p>Caritas, Luxembourgish Red Cross, Fondation Maison de la Porte Ouverte</p>	<p>Non-governmental organisations (Caritas and Fondation Maison de la Porte Ouverte) or auxiliary to the public authorities (Luxembourgish Red Cross) accommodating and taking care of UAMs who are applicants and/or beneficiaries of international protection</p>	<p>Usually appointed as guardian of UAMs upon request to the Youth Court.</p> <ul style="list-style-type: none"> <li>- Caritas usually accommodates UAMs aged 16 years and a half or older</li> <li>- The Luxembourgish Red Cross guarantees the housing of UAMs under the age of 16 and a half</li> <li>- Fondation Maison de la Porte Ouverte usually accommodates the most vulnerable UAMs in their specifically dedicated accommodation for minors</li> </ul>
<p>Social Welfare Offices of the Municipalities</p>	<p>Local authorities, public-sector establishments</p>	<p>Can provide social aid to the UAM who has turned 18 years of age and who is beneficiary of international protection after a case-by-case analysis of the individual situation in accordance with the amended law of 18 December 2009 on social aid<sup>110</sup></p> <p>Can provide humanitarian aid to the UAM who has turned 18 years of age in the case of postponement of removal in accordance with the amended law of 18 December 2009 on social aid<sup>111</sup></p>

<p>Agreed assistance services for human trafficking victims:<sup>112</sup></p> <ol style="list-style-type: none"> <li>1. Service d'Assistance aux Victimes de la Traite des Êtres Humains (SAVTEH) by Femmes en Détresse asbl.;</li> <li>2. Centre Ozanam pour les victimes de la Traite des Êtres Humains (COTEH) by the Fondation Maison de la Porte Ouverte</li> </ol>	<p>Non-governmental organisations providing assistance to (presumed) victims of human trafficking</p>	<p>These institutions are certificated by the Ministry of Equal Opportunities and are contacted by the Police when they consider an individual as a presumed human trafficking victim in order to provide social, material, medical and psychological assistance. The first step is to lodge the UAM who is a presumed victim.</p>
---	---	--

### Accommodation arrangements

**Q9. a.** Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? Y/ N

Yes. In case the UAMs are still under the age of 18 and had been accommodated in a reception facility specifically for minors, they can stay in the same facility until they reach majority, except if the places are needed for other UAMs in need.<sup>113</sup>

- General accommodation with special provisions for minors? Y/ N

Yes.<sup>114</sup>

For more information, see answer to Q9d.

- Specialised accommodation for unaccompanied minors with specific identified needs? Y/ N

Although foreseen in national legislation<sup>115</sup>, there is currently no such structure in place in Luxembourg.<sup>116</sup>

- Specialised accommodation for (unaccompanied) minors victims of trafficking? Y/ N

No.

In Luxembourg, no specialised accommodation structures for (unaccompanied) minors who are victims of trafficking exist. However, the two authorized services by the Ministry of Equal Opportunities responsible for the assistance of victims of human trafficking (SAVTEH and COTEH) also coordinate the placement of the latter, in accordance with the victim's sex and age.<sup>117</sup> Both services provide refuge for young women aged between 12 and 21 who are in distress or are victims of domestic violence.<sup>118</sup>

- Accommodation with a foster family? Y/ N

Yes, foster families can accommodate UAMs following status determination.<sup>119</sup> The families need to file an application to the Ministry of National Education, Children and the Youth in order to obtain an agreement ("*agrément*").<sup>120</sup> Furthermore, a number of additional conditions, particularly in terms of child-specific training, have to be fulfilled.<sup>121</sup> In addition, a new vocational training of 19 hours has been introduced in the context of applicants for international protection, which focusses on the legal framework, the cultural aspect and particularly on the psycho-traumatological aspect of UAMs that might have lived traumatic experiences in their country of origin or on the way to Luxembourg. This training took place for the first time in September 2017 for 3 families currently hosting UAMs applying for international protection.<sup>122</sup>

In this context, a new transnational project financed by the European Commission and coordinated by the IOM Country Office for the United Kingdom was launched on 15 January 2018 with the overall

aim to develop, reinforce or implement a system for foster families that accommodate UAMs. In Luxembourg, the project will be implemented by the IOM Country Office for Belgium and Luxembourg and Luxembourgish Red Cross (see answer to Q3.b. for more information).<sup>123</sup>

- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if the unaccompanied minor is over 16 years of age, etc.? Y/ N

Yes.<sup>124</sup>

The Asylum Law establishes that UAMs who were granted international protection can be housed with adult relatives if they are present on the territory.<sup>125</sup>

Furthermore, if they were granted international protection and have been housed in a mixed reception facility up until that point (meaning with other young adults and families), they may stay in the same reception facility until they reach majority and another adequate solution can be found for them (see also answer to Q9d).<sup>126</sup>

In the case of rejected international applicants who are UAM, they will continue to be lodged in the reception facilities where they have been staying until they can be returned.

In case there are obstacles to return the UAM and they are granted a postponement of removal, the competent authorities will try to find adequate accommodation where to place them until the return decision can be executed.

- b.** Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

No information available.

- c.** Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

The staff responsible for the care of unaccompanied minors support them in virtually all areas in which assistance and guidance is needed. As it is often the NGO who accommodates the minor that also holds the guardianship, their staff ensure both the management of everyday life as well as the monitoring of the application for international protection in coordination with the ad-hoc administrator.<sup>127</sup>

Guidance in everyday life is mainly conducted by educators and/or social workers and comprises all daily affairs (such as education, learning languages, social integration, etc.), including administrative tasks such as enrolling them in schools and contacting various authorities (OLAI, Directorate of Immigration, ONE, Youth Court, etc.), depending on their needs.<sup>128</sup> Furthermore, the social workers of the different reception facilities are also in contact with interpreters, who can provide assistance in administrative and/or judicial procedures, or with volunteers who can support the minors in their homework or language acquisition or organise and participate in social activities.<sup>129</sup> As mentioned in Q3b, the supervision in the first reception centre for UAMs "Lily Uden" of the Luxembourgish Red Cross and in the three reception facilities specifically dedicated for UAMs is 24/7, thereby allowing a more child-specific care.

In regard to specific trainings, several stakeholders indicated a variety of vocational trainings that are very important in the context of UAMs, in particular trainings on topics such as inter- and/or transcultural education, national legislation, post-traumatic stress and suicidal crisis management, trafficking in human beings and conflict resolution. These trainings are either organised internally or by external institutions and organisations.<sup>130</sup>

The staff responsible for the social monitoring ("*suivi social*") of UAMs applying for international protection are also social workers who have received continuous trainings in awareness raising and detection of trafficking human beings, LGBTI, female genital mutilation and team supervision.<sup>131</sup>

If minors require additional support that exceeds standard supervision provided by the social workers of the reception facilities, the NGOs and/or other organisations can either refer to psychologists that work for their own organisation, or they can file an application with the National Childhood Office (ONE) so that specialised social workers may intervene.<sup>132</sup>

The staff of the agreed assistance services for human trafficking victims (SAVTEH and COTEH) includes social workers and psychologists, as well as a psychiatric nurse. In addition to the contact

with the various authorities mentioned about, SAVTEH and COTEH also have a close collaboration with the Police, as well as with the Ministry of Equal Opportunities and the Ministry of Justice.<sup>133</sup>

The Ombuds-Committee for the Rights of the Child (ORK) noted in its annual report 2017<sup>134</sup> as well as in its report on the current situation of the reception facilities dedicated for UAMs from 2017<sup>135</sup> that the staff responsible for the care of UAMs should have the right and the obligation to vocational training specifically dedicated to the situation of UAMs.

**d.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

The implications of UAMs transition from the age of minority to 18 years of age for their accommodation arrangements following status determination depend mainly on the way they have been accommodated up to that stage:

- In case the UAM has been accommodated in a specific accommodation for minors:
  - The social workers of the respective reception facilities either guide them towards other services within their own organisation responsible for finding affordable housing<sup>136</sup>, or they will get in contact with the authorities or other associations in order to try and find an adequate solution<sup>137</sup>
  - If there is no affordable housing available, the young adults will likely be transferred to other reception facilities until a suitable solution is found<sup>138</sup>
- In case the UAM has been accommodated in a mixed reception facility, they will either stay in the same reception facility or be transferred to another reception facility (for example for single men) until they are able to find affordable housing.<sup>139</sup>

In any case, the overall aim is to find a suitable solution for the young adults, to accompany them and to allow them to become more and more autonomous.

As for presumed victims of human trafficking who reach the age of majority, they may stay in the same facility until the age of 21 or they may be placed in an adequate facility for adults.

Furthermore, it has to be taken into consideration that the lack of affordable housing is a national problem in Luxembourg, which particularly affects young people.<sup>140</sup> This leads to the fact that an increasing number of beneficiaries of international protection, regardless whether they are UAM/young adults, families or adults in general, have to stay in reception facilities for applicants for international protection until they can be housed otherwise.<sup>141</sup>

- Does your (Member) State have any measures in place to support the unaccompanied minor before the transition, e.g. information provision, etc.? Y/ N

No, there are no specific measures in place to support the unaccompanied minor before this transition. However, the social workers of the reception facilities and/or the guardian are usually aware of the UAMs' birthday and can provide information on the upcoming changes before and during the phase of transition to the age of majority (see above).<sup>142</sup>

- Does your (Member) State have any measures in place to support the unaccompanied minor during the transition, e.g. pathway plan, personal adviser, etc.? Y/ N

See above.

- Does your (Member) State have any measures in place to support the unaccompanied minor after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? Y/ N

No, there are no specific measures in place in this regard. However, depending on the relationships established up to that stage, the social workers of the reception facilities and/or the previously appointed guardian can apply an open-door policy by continuing to support and to provide information to the young adults.<sup>143</sup>

e. Is there any research available in your (Member) State on:

- The **standards of accommodation** provided to unaccompanied minors? Y/N
- The **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

On 20 June 2017, on the occasion of the World Refugee Day, the Ombuds-Committee for the Rights of the Child (ORK) published a report based on visits that they had carried out in the recently opened reception centres for UAMs.<sup>144</sup> The report concludes that the current Luxembourgish system of accommodating UAMs in reception centres that are specifically dedicated to their needs has its strengths and weaknesses. One of the main difficulties, especially for UAMs, is the fact that they have to change accommodations at least once or twice before they can be accommodated in a specialised reception centre, sometimes without prior consultation or consent of the minor. Upon arrival, UAMs are usually accommodated in a first reception centre, then transferred to a mixed reception centre (i.e. where also adults are accommodated, such as foyer "Lily Uden" of the Luxembourgish Red Cross who also functions as a first reception facility for UAMs) before being transferred again, in case of available places, to a specialised reception centre.<sup>145</sup> Nevertheless, the authors of the report argue that these types of accommodations are the most favourable option and the most respectful in regard to the rights of the child. In their view, every UAM should ideally be welcomed and accommodated in a specialised reception centres upon arrival in the country. The government should assure the necessary resources needed to prevent children from being housed in mixed reception facilities, to minimize the number of transfers of each child and to guarantee their protection.<sup>146</sup>

In her annual report of 2016, the Ombudsman also noted that one part of UAMs lives in good, even excellent conditions and are given adapted care, while regretting at the same time that this is not the case for all.<sup>147</sup>

### **Guardianship arrangements**

**Q10. a.** Please describe the arrangements for **guardianship** of unaccompanied minors in your (Member) State following status determination, specifying in particular who can become a guardian to an unaccompanied minor, the guardian's role, e.g. legal representation, etc., which unaccompanied minors (e.g. asylum/ non-asylum seeking) are entitled to a guardian and until what age, etc.

The Youth Court<sup>148</sup> is the responsible authority for the appointment of the ad-hoc administrator<sup>149</sup> and the guardian.<sup>150</sup>

#### International protection procedure:

The ad-hoc administrator is appointed for dealing with the administrative and judicial proceedings, so once the status determination is finished (if the decision is positive) s/he will finish his/her duties. If the decision is negative, the ad-hoc administrator will continue until the last decision for return is final.<sup>151</sup>

However, a guardian is appointed by the Youth Court<sup>152</sup> as a representative of the minor in everyday affairs (either a physical or a moral person), allowing him to benefit of all his/her reception rights as well as to understand his/her obligations and to concluded any legal acts in his/her name.<sup>153</sup>

#### International protection status:

Once the UAM is granted the international protection status, an ad-hoc administrator or a guardian is appointed in order to guarantee the adequate care and his/her well-being and to guarantee any type of representation.<sup>154</sup> In order to accomplish his/her mission, the ad-hoc administrator/guardian must take into consideration the needs of the UAM.<sup>155</sup>

The fact that the international protection procedure is over after granting the international protection to the UAM, terminates the ad-hoc administrator's appointment in this context.<sup>156</sup> Nevertheless, the appointment of the ad-hoc administrator/guardian<sup>157</sup> will continue until the UAM reaches majority.<sup>158</sup> In practice, the original ad-hoc administrator will be appointed in order to guarantee continuity.

In case the international protection application is rejected, an ad-hoc administrator will be appointed in order to represent the interests of the UAM until the return decision is executed.<sup>159</sup> Also, in order to represent the minor in the day-to-day affairs until the return decision is executed, a guardian can be appointed.<sup>160</sup>

UAM victim of human trafficking:

When the competent authorities determine that an UAM is a victim of human trafficking, they will request the Youth Court to appoint an ad-hoc administrator in order to represent the interests of the UAM during the administrative and judicial proceedings as well as a guardian to support the UAM in everyday life affairs.<sup>161</sup>

Rejected international protection applicants:

The international protection procedure foresees the appointment of an ad-hoc administrator<sup>162</sup> for the duration of the procedure, i.e. from the presentation of the application to the decision of the Administrative Court<sup>163</sup> in case of appeal (seeing that UAM cannot, in general, be submitted to fast track procedures<sup>164</sup>). Nevertheless, if the applicant receives a negative decision that includes a return decision<sup>165</sup>, s/he is subject to the return procedure foreseen in the Immigration Law and which establishes that the Minister in charge of Immigration and Asylum cannot take any decision against any UAM without a legal representative<sup>166</sup>, except if based on serious grounds for public safety or if in the best interest of the UAM. Furthermore, the Law adds that the UAM is represented in the framework of all administrative and judicial proceedings by an ad-hoc administrator.<sup>167</sup> In this case, the ad-hoc administrator who has been representing the UAM will continue to act as such during the return procedure.<sup>168</sup>

Residence permit for private reasons:

In any entry and stay procedure, which involves an UAM, an ad-hoc administrator will be appointed.<sup>169</sup>

**b.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

There is no transition period foreseen in the law and no specific measures in place to support UAMs before, during or after this transition.

In principle, the guardianship arrangements terminate after the UAM has reached his/her majority. However, as it was mentioned above, the Guardianship Judge may, upon request, appoint another guardian to take care of the finances in cases of idleness of the UAM who has reached his/her majority (see answer to Q7b).<sup>170</sup>

In practice, the guardian and/or the social workers of the reception facilities will accompany the UAMs in this phase of transition by providing information and support.<sup>171</sup>

**c.** Is there any research available in your (Member) State on:

- The **standard of guardianship** provided to unaccompanied minors? Y/ N
- The **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No, there is no existing research that specifically analyses the standard of guardianship or the effects of guardianship on the integration of UAMs. For more information on the challenges and good practices of the guardianship arrangements, see Q12 and Q13.

## *Consequences of a temporary residence permit on the care arrangements for unaccompanied minors*

**Q11.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements for unaccompanied minors in your (Member) State, e.g. unaccompanied minors disappearing from care, etc.?

There is no impact for the care arrangements if the residence permit expires because each one of them can be renewed:

- a) International protection: The UAM receives an international protection residence permit with a validity of at least 3 years (normally it is issued for 5 years), which is renewable if the applicant continues to fulfil the conditions.<sup>172</sup>
- b) The residence permit for private reasons is normally issued with a maximum validity of three years, which is also renewable if the conditions for issuing it are still fulfilled.<sup>173</sup>
- c) In case of a victim of human trafficking, the Minister in charge of Migration and Asylum can issue, after the reflexion period, a residence permit for a validity of six months<sup>174</sup>, which is renewable for another six months if the conditions are fulfilled.<sup>175</sup> After the expiration of this renewal, the UAM can apply for a residence permit for private reasons based on humanitarian reasons of exceptional gravity.<sup>176</sup>

In general, the responsibility of the renewal of the residence permit lays with the ad-hoc administrator<sup>177</sup>, also in the event that the UAM disappears from the reception facility. The Civil Code establishes that the guardian should render a yearly report to the Youth Court<sup>178</sup> and also that the individual subject to a guardianship can sue its guardian for any misconduct or negligence in a delay five years after the individual obtains his/her majority.<sup>179</sup> These rules are extended to the ad-hoc administrator.<sup>180</sup>

## *Challenges and good practices*

**Q12.** Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

Several stakeholders reported that particularly the guardianship arrangements for UAMS pose a number of challenges:

In its national report on victims of human trafficking, the Consultative Commission on Human Rights (CCDH) noted that the appointment of the legal representatives (ad-hoc administrator and guardian) does not always work without problems. Referring to its legal opinion on the Asylum Law, the national rapporteur on trafficking raised the issue of a lack of precision of the legislative provisions concerning the appointment of the ad-hoc administrator. Furthermore, it insisted on the importance of appointing immediately an ad-hoc administrator and without distinction according to age.<sup>181</sup>

The Ombuds-Committee for the Rights of the Child (ORK) also urges the authorities to improve guardianship arrangements of UAMs and regrets that guardians are not automatically appointed, but only ad-hoc administrators who are solely responsible for the administrative and judicial procedures of the minors. In their view, the care for UAMs must go further. In this context, the ORK also recalled its previous recommendations and required the government to reflect on a possible introduction of a special status for UAMs, which should establish an automatic guardianship. This status should also entitle the young person to the same benefits as BIPs, namely an unlimited right of residence in the country. Lastly, the ORK argues that private guardianships for UAMs should receive more financial and administrative support.<sup>182</sup>

Similarly, Caritas reported that there is a need for clarification on the specific responsibilities of the guardian in order to guaranty the best care for the UAM.<sup>183</sup>

Although the 24/7 care provisions are considered as a major improvement in the context of care for UAMs (see answer to Q13 below), this can also entail challenges. This was particularly the case at the beginning of the establishment of these facilities. As UAMs are often considered as having a more advanced degree of maturity and/or autonomy that distinguishes them from the majority of their

peers, a 24/7 supervision that establishes and requires a specific set of rules can pose a challenge to minors, some of whom have travelled a long way alone without any parental supervision.<sup>184</sup>

In the same context, one stakeholder mentioned that it is both a challenge and a good practice for the social workers of the reception facility to be sensible and comprehensive towards the situation of the UAMs. Furthermore, it is important that the staff is up-to-date in regard to the application for international protection of the minors as well as in regard to his professional knowledge with specific vocational training.<sup>185</sup>

The agreed assistance services for victims of trafficking in human beings reported that they are faced with the general challenge of reaching out to the public in order to raise awareness on the phenomenon of human trafficking.<sup>186</sup>

**Q13.** Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18.

A number of stakeholders described the inauguration of accommodations for minors with a supervision specifically dedicated to their needs as a good practice, especially because the UAMs have to be considered as children before being considered as applicants for international protection. Particularly the 24/7 supervision and the increase of the staff responsible for this supervision in the respective facilities are considered as a major improvement in this context.<sup>187</sup> In its annual report of 2017, the ORK acknowledged that the Ministry of National Education, Children and the Youth reconsidered its approach in terms of considering the UAMs as resident minors that can benefit from the aid and the protection of the National Childhood Office (ONE).<sup>188</sup>

Furthermore, the organisations responsible for the accommodation of the UAMs reported that it is of great importance to provide the minors with an environment of trust and support, to listen to them and to reassure them in order to be able to understand their current situation. Particularly the approach of supporting them in elaborating a life plan or life project ("*projet de vie*") is considered as being very important for the stability and general well-being as well as for the integration of the UAMs. In addition, it is also important to support them in other matters of integration, such as education, acquisition of language skills, extracurricular activities, etc.<sup>189</sup>

The agreed assistance services for victims of trafficking in human beings reported that, in general, the care for minors that are victims of human trafficking works well as they are under the protection of the Youth Protection Law and must have appropriate accommodation.<sup>190</sup>

## Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age

### Overview of integration provisions and organisational set-up in the (Member) State

**Q14. a.** What **priority** is given to the integration of unaccompanied minors in your (Member) State (over their return, for example)?

In Luxembourg, there is a priority to integrate the UAM. The social, economic and psychological support begins before the decision on the immigration status and it will depend on the different legislative framework that covers the UAM (international protection<sup>191</sup>, beneficiary of international protection<sup>192</sup>, presumed victim of human trafficking<sup>193</sup>, residence permit for private reasons<sup>194</sup> or postponement of removal<sup>195</sup>). There is a priority to appoint an ad-hoc administrator in any case involving an UAM.<sup>196</sup>

#### In the context of international protection:

The Asylum law establishes that the Minister in charge of Immigration has to evaluate in the case of UAM the special procedural guarantees before taking any decision in regard to his/her application<sup>197</sup> and can prioritize the treatment of UAMs' applications.<sup>198</sup>

In the reception conditions, there is a prioritization in the treatment of UAM as a vulnerable group.<sup>199</sup>

#### In the context of human trafficking:

National legislation establishes that once the Police has determined that an UAM is a presumed victim of human trafficking, the UAM is appointed an ad-hoc administrator to represent him/her in all the

administrative and judicial proceedings.<sup>200</sup> At the same time, s/he is appointed a guardian to handle the day-to-day affairs, especially in regard to his/her security and protection.<sup>201</sup> The assistance and protection measures are implemented from that moment on<sup>202</sup> and are guaranteed at least until the minor becomes of age.<sup>203</sup> The social support measures can comprehend a material aid in cash or kind, which will be granted according to the individual needs of the UAM.<sup>204</sup> Finally, a residence permit can be issued for an original period of 6 months to the UAM.<sup>205</sup>

Residence permit for private reasons based on humanitarian reasons of exceptional gravity:

The Immigration Law does not foresee any priority in regard to the UAM.

Postponement of removal:

As in the previous case, the Immigration Law does not establish any priority in regard to UAMs. However, it foresees that the UAM in schooling age must attend school according with the duration of their stay<sup>206</sup> and that the Minister in charge of Immigration and Asylum must take into consideration the specific needs of the UAM.<sup>207</sup>

**b.** Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

There are no integration measures that specifically target UAMs. The rights and the social framework depend of factors such as the migratory status (international protection applicant, beneficiary of international protection, presumed victim of human trafficking, etc.) and the age of the UAM. In certain fields, the conditions are similar, such as the access to the labour market in the cases of a residence permit for private reasons, the victims of human trafficking and the beneficiaries of international protection. In addition, in all the cases, UAMs who are under the age of 16 are obliged to compulsory education without any exception.

Furthermore, the beneficiaries of international protection have access to the education system, health and to the labour market (if they are older than 16 years of age) in the same conditions as a Luxembourgish national. They are entitled, if they are 16 years of age, to benefit of the Welcome and Integration Contract ("*Contrat d'accueil et d'intégration*" – CAI) in the same condition as any third-country national.<sup>208</sup>

In principle, the guardian and the social workers of the reception facilities will also aim at fostering the integration of the minor outside school as far as possible. UAMs are encouraged to engage in extracurricular activities, in particular to join sports clubs because it is generally regarded as contributing to the wellbeing of the UAM and to the integration into the Luxembourgish society. UAMs preferably register with football or mixed martial arts clubs. There has been considerable progress made on the part of a number of sporting federations in recent years in terms of issuing sporting licences to UAMs applying for international protection, thereby allowing them to part take in the official youth championships.<sup>209</sup>

**b.** Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

The UAM who are legal residents in Luxembourg have in principle the same access as accompanied minors. The access to the different systems will depend on the migration status and the category of residence permit that the UAM benefit from.

**c.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

In Luxembourg, there is no specific procedure in place to determine the best interests of the child with regard to the integration of unaccompanied minors. Every UAM is supported by the social workers of the reception facilities and his/her guardian according to their individual needs. However, there are a number of factors that have been reported as contributing to the overall integration of UAM:<sup>210</sup>

- integration into the normal educational system;
- acquisition of language skills, particularly in regard to the overall integration as well as the integration; into the educational system and the labour market;

- activities outside of the reception centres, such as registrations with sports or other associations.

**Q15.** Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

<b>Name of national competent authority/ organisation</b>	<b>Brief description (e.g. remit/ role, etc.)</b>	<b>Main activities/ responsibilities</b>
Guardian	Legal representative of the unaccompanied minor	Appointed by the Guardianship judge, usually being an independent third person (i.e. a lawyer or a specialized organisation). <sup>211</sup> The guardian's role in managing the everyday life of the UAM covers all aspects of his/her social guidance and integration, including his/her education by taking charge of administrative issues, attending parents' meetings and linking with the other actors in the field of education. Also, the choice of the guardian will depend on the specific legal framework or procedure in which s/he is appointed. <sup>212</sup>
<p>School</p> <ul style="list-style-type: none"> <li>- Department for the schooling of foreign children (<i>Service de la scolarisation des enfants étrangers - SECAM</i>)</li> <li>- Service for Newly Arrived Children CASNA (<i>Cellule d'accueil scolaire pour élèves nouveaux arrivants - CASNA</i>)</li> </ul>	<p>Educational institution</p> <p>Dedicated services under the auspice of the Ministry of National Education, Childhood and the Youth</p>	<p>The school promotes the social integration of the UAMs and prepares them for the professional life in the sense that the youngsters find themselves with other peers with different backgrounds and life experiences.</p> <p>In addition to the social network, pupils may also turn to the 'Psychosocial and Scholastic Assistance Service' (SePAS or SPAS) of their respective high school, which provides psychological, psycho-emotional and psychosocial support and assistance.<sup>213</sup></p>
Luxembourg Reception and Integration Agency (OLAI)	Government Agency under the auspice of the Ministry of Family, Integration and the Greater Region	OLAI provides a general framework for the integration of foreign residents in Luxembourg by providing, for example, the Welcome and Integration Contract (CAI). <sup>214</sup>

## Access to healthcare

**Q16. a.** When providing access to **healthcare** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to healthcare **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to healthcare as nationals of the (Member) State? Y/ N

No, access to healthcare is not automatic. However, in any case, the UAM is or will be covered by health insurance coverage, independent of their status.

If the UAM who has turned 18 years of age has been granted international protection status, s/he may, after a case-by-case analysis of the individual situation, be granted social aid from the municipality where s/he resides if a) s/he does not have any remunerated activity and b) has exhausted all other social measures and financial benefits provided for by other laws and regulations.<sup>215</sup> With this income, the UAM must cover the monthly contribution for his/her voluntary health insurance, if it is not paid directly by the social office.<sup>216</sup>

Seeing that the UAM who is a beneficiary of international protection (BIP) has already been an applicant for international protection (AIP), there will be a continuous coverage if the UAM pays the contribution.

Nevertheless, upon request and during a transition period (from IPA to BIP) of up to three months, the Luxembourg Reception and Integration Agency (OLAI) may grant them diverse financial advances in order to cover costs derived from urgent needs (i.e. medical expenses, hygiene products, etc.).<sup>217</sup>

In principle:

- If the UAM is working, s/he will be immediately insured and will benefit immediately of health coverage and access to other social security benefits, independent of his/her migratory status (beneficiary of international protection, residence permit for private reasons or as a victim of human trafficking,...).
- If the UAM is not working, a contribution for the voluntary health insurance has to be paid. There will be a waiting period of three months, during which the individual cannot access the health care benefits.

### Cases not covered by the Qualification Directive:

If the UAM who has turned 18 years of age has been granted a residence permit for private reasons based on humanitarian grounds of exceptional gravity and s/he is unable to work, s/he can be voluntarily insured for health insurance and may be granted social aid after a case-by-case analysis of the individual situation.<sup>218</sup> In principle, as in these cases the social offices of the municipalities handle the social aid, they may pay the voluntary contributions directly and may cover the medical expenses during the waiting period.

In case of an UAM who benefits from a postponement of removal, s/he may be granted humanitarian social aid for a short period.<sup>219</sup>

In cases of presumed victims of human trafficking, the economic and material assistance is independent of the normal social aid.<sup>220</sup> The law foresees that the UAM can benefit from the assistance and protection measures from the moment that the Police determines the UAM as a presumed victim.<sup>221</sup> As it was mentioned above, depending on the individual needs, the UAM can benefit from a financial social aid.<sup>222</sup> Health care in regard to presumed victims is guaranteed automatically in view of their physical, psychological and social reestablishment. They receive medical, physiological and therapeutically treatment in accordance with their needs.<sup>223</sup> The voluntary insurance will be covered by the Ministry of Equal Opportunities and the medical treatments will be covered by the same Ministry during the waiting period.

- Please describe what this access to healthcare **includes**, for example, emergency treatment, basic medical care, essential or specialised medical care, counselling, etc.? Y/ N

Yes. Access to healthcare includes emergency treatment, basic medical care and specialised medical care, if needed (see above).

- Does the (Member) State undertake any form of **individual assessment** to ensure that the medical care provided to unaccompanied minors corresponds to the minor's specific physical, as well as mental health needs? Y/ N

Yes, when the UAM is in the international protection procedure, s/he must follow a compulsory medical check-up that has to take place in the six weeks after arriving in Luxembourg.<sup>224</sup> Once s/he becomes of age, s/he has access to the medical healthcare (physical and psychological) under the same conditions as a Luxembourgish national covered by obligatory or voluntary affiliation.<sup>225</sup> The sanitary inspection of the Ministry of Health has the obligation to detect the vulnerable persons and the medical needs.<sup>226</sup> A guardian will be appointed in order to follow the day-to-day affairs of the minor, especially concerning the health of the minor.

If the UAM has been granted an international protection status, s/he has to follow once again a medical examination in order to obtain his/her residence permit.<sup>227</sup>

In the case of UAMs who are presumed victims of human trafficking, they will receive as soon as possible medical, psychological and therapeutically assistance in order that they can recover.<sup>228</sup> A guardian is appointed to assure the security and protection of the minor.<sup>229</sup> A social support framework is implemented since the individual is determined as a presumed victim.<sup>230</sup>

In the case of a postponement of removal, the minor has already been subject to a medical examination in the case s/he was an AIP. If s/he is an irregular migrant, s/he will be subject to a medical examination in order to determine if the return decision (voluntary return) can be carried out.

- Please provide any **other important information** in relation to the healthcare available for unaccompanied minors *not covered above*.

N/A

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to healthcare, including counselling up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, etc.?

In principle, there are no specific measures to support the unaccompanied minors before, during and after the transition period. In Luxembourg, if the individual has a legal resident status, s/he will be covered by health insurance and/or benefit from coverage of the medical expenses in the conditions mentioned before (see answer to Q16a).

**c.** Is there any research available in your (Member) State on:

- The **quality of healthcare, including counselling**, provided to unaccompanied minors? Y/ N
- The **effects** of the access to healthcare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No, there is no existing research that specifically analyses the quality of healthcare or the effects of access to healthcare on the integration of UAMs.

### **Access to education**

**Q17. a.** When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? Y/ N

Yes. School attendance is compulsory for all children that live in Luxembourg, whether they are nationals or foreigners, and regardless of the status of their parents. Every child living in Luxembourg and having reached the age of four before 1<sup>st</sup> September must attend school.<sup>231</sup> This obligation extends over twelve consecutive years, starting from 1<sup>st</sup> September of that year.<sup>232</sup> This benefits to UAMs who are international protection applicants, beneficiaries of international protection, victims of human trafficking<sup>233</sup>, beneficiaries of a residence permit for private reasons based on humanitarian reasons of exceptional gravity<sup>234</sup> and even if the UAM is subject to a postponement to removal depending of the duration of his/her stay.<sup>235</sup>

- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the unaccompanied minor, etc.? Y/ N

Yes. The school system in Luxembourg is generally confronted with the integration of foreign children and/or children who do not speak Luxembourgish at home.<sup>236</sup> Specialised structures and services as well as specific measures have been implemented for children of migrants, both on the level of basic and secondary education. UAMs also benefit from these measures and services, regardless of their status.

Children who enter basic education in the course of their compulsory schooling (i.e. children aged between 4 and 11 years) are enrolled, upon decision of the district inspector, in a cycle appropriate to their age and prior preparation. Those who do not have a sufficient command of Luxembourgish, French or German in order to follow these classes have a right to one or more weekly "welcome and support courses" ("*cours d'accueil*"), which take place outside of their "form rooms" or "home class" ("*classe d'attache*"), in order to learn intensively the language(s) of the school.<sup>237</sup>

A special guide and a vade-mecum for teachers on the welcoming and integration of newly arrived children have also been developed, without however addressing the specific situation of UAMs.<sup>238</sup>

If it is not possible to integrate the children in the "form rooms" or "home classes" ("*classes d'attache*"), one or more specialized welcome classes ("*classes d'accueil*") may be created. Students in these classes will receive education in the language(s) of the school, along with developmental and learning curricula. In theory, students do not stay in a welcome class for more than one year. If necessary, they will receive additional support or welcome classes in the following school year. At the end of each school trimester, students receive an assessment, which documents their progress.<sup>239</sup> In this context, a special guide has been developed in order to facilitate the access to all the relevant information for teachers of such specialized welcome classes.<sup>240</sup>

In addition to the welcome and support courses and classes, the teaching staff may also rely on differentiation mechanisms of educational pathways within a class, in an attempt to help children who are struggling.<sup>241</sup>

For newly arrived UAMs or young adults aged between 12 and 24 years, either the social assistant in charge of the minor, the reception facility accommodating the minor or the appointed guardian, contacts the CASNA as soon as possible in order to make an appointment.<sup>242</sup> This appointment is a requirement before the UAM or the young adult can enter the post-primary education system. The unit of the CASNA provides information on the Luxembourg school system and on the schooling available for pupils who speak foreign languages. Furthermore, the CASNA takes stock of the academic and linguistic knowledge of the child in order to prepare a school enrolment file (which includes written and oral tests)<sup>243</sup> and to carry out an initial assessment (test) of the student so that they can be guided to the most appropriate secondary school.<sup>244</sup> In general, this individual assessment and the subsequent orientation will only be carried out after the minors or young adults have received his/her certificate that s/he is an applicant for international protection. In practice however, and in order not to lose too much time, the CASNA also carries out its orientation before they have the aforementioned certificate.<sup>245</sup>

Different types of classes for newly arrived children between the ages of 12 and 15 exist at the technical secondary level, such as the reception classes for non-French speaking students ("*classes d'accueil*" - ACCU) and the French- or German-speaking insertion classes ("*classes d'insertion francophones ou germanophones*").<sup>246</sup> For newly arrived students between the ages of 16 and 18, they may enroll in reception classes for young adults ("*classes d'accueil pour jeunes adultes*" - CLIJA) or classes with specific language configurations ("*classes à régime linguistique spécifique*" - RLS).<sup>247</sup>

If the young adults are aged between 18 and 24, the integration classes for young adults are called CLIJA+.<sup>248</sup>

The so-called "pre-professional integration classes" ("*classes d'insertion pré-professionnelle*" – CLIPP) are a further possibility for students between the ages of 16 and 18. These are transitional classes for students with some knowledge of French. Depending on the student's skills and goals, the instruction will be geared towards entering the school system or the world of work.<sup>249</sup>

During all the steps in the school environment, UAMs and their guardian may request the free of charge assistance of an intercultural mediator, who serves to facilitate communication and understanding between the UAM and the guardian on the one hand and education professionals on the other.<sup>250</sup>

- Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training\*, guidance regarding the national education system, etc.? Y/ N

\* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

No. There are no special measures for unaccompanied minors, but they can benefit from the specialised structures and services as well as specific measures that have been implemented for children of migrants, both on the level of basic and secondary education (see above).<sup>251</sup>

Furthermore, there are no specialised institutions for the language training of unaccompanied minors. Depending on the age of the minors or young adults, language training can take place in public schools, specialised language courses for minors in general or within general adult language learning programmes.

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? Y/ N

No. In principle, schooling of UAM of any kind takes place in the normal education system in classes and programmes duly adapted to the profile of every child. Nevertheless, special reception classes outside of normal education can be established, both at fundamental as well as at secondary education level, with the main objective to integrate the migrant pupils as quick as possible in the normal education system (see answer to Q.17a above for more information).

In this context, both the Ombuds-Committee for the Rights of the Child (ORK)<sup>252</sup> as well as the Luxembourgish Refugee Collective (LFR)<sup>253</sup> recommend to integrate the children as soon as possible into the normal education system in order to guarantee a certain stability and enable the integration of these children. The LFR further stresses that all means be implemented so that the maximum period of attendance of specialized welcome classes ("*classes d'accueil*") of one year is respected (see answer to Q17a above).

- Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

In 2001, Caritas Luxembourg created the so-called bridging classes ("*classes passerelles*") that aim to help young people between the ages of 17 and 27 with the socio-professional integration in Luxembourg by building a professional and achievable project of 1 or 2 years. The content of the training includes, among others, the acquisition of language skills in French and Luxembourgish, training regarding the integration into the professional life (knowledge and expertise regarding job interviews, assistance with writing cover letters and CVs) as well as upgrading math and computer skills.<sup>254</sup>

In the context of his visit to Luxembourg in September 2017, the Council of Europe Commissioner of Human Rights, Nils Muižnieks, recommended Luxembourg for its policy of including all foreign children in the education system at a very early stage and without regard to their immigration status. The Commissioner stressed that it is essential that the access to education should be made ensured as early as possible in view of the children's and their families' successful integration in the society. At

the same time, the Commissioner encouraged the authorities to systematically collect and make publically available data on children remaining in special education, such as their number and duration of stay, and to integrate them in the regular education system as soon as possible. The government should also remain vigilant in ensuring that no isolation of foreign children takes place, and promote systematically their meaningful interaction with local pupils.<sup>255</sup>

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

There are no implications of UAMs' transition from the age of minority to 18 years of age following status determination in regard to their access to education. In principle, once a residence permit has been issued, the UAM can follow any educational pathway (third-level education, vocational studies and training, etc.) as long as s/he fulfils the respective access conditions. In this case, it is no longer a question of age.

Furthermore, there are no specific measures in place to support the unaccompanied minor before, during and after this transition. In practice, often the previously appointed guardian of the UAMs will continue to accompany and support the young adults on their educational pathway.<sup>256</sup> In addition, the student can continue to address the Psychosocial and Scholastic Assistance Service (SePAS or SPAS) of his/her high school in order to receive further help and support.

**c.** Is there any research available in your (Member) State on:

- The **quality of education** provided to unaccompanied minors? Y/ N
- On the educational performance of unaccompanied minors? Y/ N
- The **effects** of the access to education on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No, there is no existing research that specifically analyses the quality of education, the educational performance or the effects of the access to education on the integration of UAM.

### **Access to (support to) employment**

**Q18. a.** When providing **access to employment**<sup>1</sup> to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? What does the access include, e.g. internships, traineeships, vocational preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.? Y/ N

In principle, the minimum age required for being a salaried worker is 16 years.<sup>257</sup>

In cases of UAMs obtaining a permit to stay not covered by the Qualification Directive, the access to employment is not automatic, but it is facilitated.

If an UAM has been identified as a victim of human trafficking and is in possession of a residence permit as victim of human trafficking, s/he can access the labour market without having been subject

<sup>1</sup> Please note that this need not apply to unaccompanied minors who are still in full-time education.

to the labour market test.<sup>258</sup> However, the applicant must fulfil the following conditions: a) s/he disposes of the professional qualifications for the position; b) s/he has an employment contract of a post that has been declared vacant before the National Employment Agency (ADEM).<sup>259</sup>

The same pertains to the UAM who obtains an authorisation of stay for private reasons.<sup>260</sup> The beneficiary of a residence permit for private reasons can request a residence permit as a salaried worker. Even though the labour market test is not required, s/he will have to fulfil the conditions described above for a salaried worker residence permit.<sup>261</sup>

In the last two cases, there are limitations in regard to the profession and sector in which the individual can work during the first year of employment.<sup>262</sup>

In principle, UAM victims of human trafficking and beneficiaries of a residence permit for private reasons must obtain an authorization of work for professional training or internship if they are done inside an enterprise.<sup>263</sup>

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State? Y/ N

Yes. The Labour Code establishes that the work of children under the age of 15 years is forbidden (see above).<sup>264</sup>

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? Y/ N

No, there are no special measures to support access to employment specifically for unaccompanied minors, but they can benefit from all the measures that support access to employment foreseen for minors and young adults.<sup>265</sup>

UAMs who are beneficiaries of international protection, victims of human trafficking or who have a residence permit for private reasons can benefit from the services of the Vocational Guidance Center ("*Maison de l'Orientation*"). The mission of this structure is to identify the interests, capacities and skills of the teenager or adult, to inform them of their possibilities of training and/or trade/profession they can choose and to receive support in the steps to decide over which training, profession or trade to choose.<sup>266</sup>

UAMs may pursue vocational training. Access to the vocational training courses remains also for UAM who become adult during the apprenticeship.

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered* above.

N/A

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

There are no implications of UAMs' transition from the age of minority to 18 years of age following status determination for their access to employment. In principle, once a residence permit has been issued, the UAM has access to employment according to the conditions of the respective legal framework. In this case, it is no longer a question of age.

Furthermore, there are no specific transition measures in place to support the UAMs before, during and after the transition. Similar to the context of education, in practice, it is often the previously appointed guardian of the UAMs will continue to accompany and support the young adults on their educational pathway.<sup>267</sup>

c. Is there any research available in your (Member) State on:

- The **quality of employment access support** provided to unaccompanied minors? Y/ N
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No, there is no existing research that specifically analyses the quality of employment access support or the effects of the access to employment on the integration of UAM.

### **Family reunification of unaccompanied minors**

**Q19. a.** Please provide here any *updated information* on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices," including any information on the effects of family reunification on the integration of unaccompanied minors in your (Member) State (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The conditions of family reunification of UAMs remain the same as described in the Luxembourg Report of the study entitled "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices".<sup>268</sup>

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to family reunification up to that stage, for example:

- Is there any cut-off of family reunification rights when unaccompanied minors reach 18 years of age? Y/ N

Yes.

#### In the context of international protection:

The Asylum Law establishes that if the UAM is granted international protection status (refugee or subsidiary protection), if the search for his/her family members has not already begun, they have to start as soon as possible taking into consideration the best interest of the child.<sup>269</sup>

However, if the UAM becomes an adult, there is a cut-off in the family tracing and s/he will only be entitled to family reunification as any other beneficiary of international protection.<sup>270</sup> In this case, beneficiaries of international protection may introduce an application for family reunification without having to satisfy the general conditions relating to regular and sufficient resources as well as appropriate accommodation that any third-country national should produce in order to apply for family reunification.<sup>271</sup> After the three-month period, the beneficiary of international protection must fulfil all the requirements.<sup>272</sup>

The Immigration Law allows the UAM beneficiary of international protection to apply for family reunification of his/her legal guardian as well as any other family member.<sup>273</sup> This differs substantially in regard to the possibility of extended family that a beneficiary of international can apply for family reunification established by the Asylum Law, because the Minister can authorise the family reunification of other close family members who lived in the beneficiary's household when s/he left the country of origin and who were under his/her financial responsibility.<sup>274</sup>

#### In the context of human trafficking and residence permit for family reasons:

If an UAM is detected as a victim of human trafficking, s/he is granted a residence permit for six months<sup>275</sup>, which can be renewed for six additional months.<sup>276</sup> At the end of this renewal, the Minister in charge of Immigration can grant a residence permit for private reasons.<sup>277</sup> This is possible even after the UAM becomes of age. Family reunification is not possible only if the individual fulfils the general conditions as a sponsor established in the Immigration Law (see answer to Q19a).<sup>278</sup>

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y/ N

No, there are no specific measures in place in this regard. There is also no specific responsibility of the guardian, but s/he as well as the social workers of the reception facilities accommodating the UAMs can provide support and information to the minor who wants to reunite with his/her family. The ad-hoc administrator will provide legal assistance to the minor, as the application for family reunification is a legal procedure.<sup>279</sup>

- Please provide any other important information in relation to family reunification for unaccompanied minors *not covered above*.

N/A

**c.** Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No, there is no research available that specifically analyses the effects of family reunification on the integration of unaccompanied minors.

### **Social welfare supporting unaccompanied minors**

**Q20. a.** Does your (Member) State provide any **social welfare/ assistance** to support unaccompanied minors? Y/ N

If yes, please provide information on this below, citing any evidence on the **effects** of social welfare/ assistance on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Yes, UAMs under the age of 18 years are provided social welfare / assistance by either the Luxembourg Reception and Integration Agency (OLAI) if they are applicants for international protection<sup>280</sup> or by the National Childhood Office (ONE).<sup>281</sup>

International protection: The Asylum law establishes that any beneficiary of international protection has access to the health care system<sup>282</sup> and the social assistance<sup>283</sup> as the Luxembourgish nationals.

As a beneficiary of international protection, the UAM who has turned 18 years of age is entitled to social assistance. However, as s/he is not 25 years old, s/he is not entitled to receive the minimum guaranteed income.<sup>284</sup> In those cases, the UAM beneficiary of international protection can apply for social aid<sup>285</sup> at the Social Office of the municipality where s/he resides.<sup>286</sup>

In regard to health care, see answer to Q16.

Victim of human trafficking: The victim of human trafficking has access to assistance and protection measures from the moment the Police determines that s/he is a presumed victim, as well as during the reflexion period.<sup>287</sup> These measures will continue even if the individual is granted a temporary residence permit.<sup>288</sup>

The law on assistance, protection and security of victims of human trafficking establishes the categories of assistance that the presumed victim must receive in order that s/he can recover his/her physical, psychological and social well-being. These measures include:

- adequate housing, social and socio-educative assistance, material and financial assistance, medical, psychological and therapeutically assistance according to the individual needs of the victim;
- language translation assistance if needed;
- legal assistance.

The financial assistance can be granted for real and serious reasons needed for the physical, psychological or social recovery of the victim.<sup>289</sup>

The assistance and protection measures are guaranteed to the UAM until s/he becomes of age and/or up to three months after the final decision on the criminal and/or civil case.<sup>290</sup> In case of need, the social support can comprehend a material aid in cash or kind. This aid is determined by the Minister of Equal Opportunities taking into consideration the individual needs based on a motivated proposition of the certificated assistance service for human trafficking victims.<sup>291</sup> The amount of the financial aid cannot exceed the amounts for financial social aid granted to international protection applicants.<sup>292</sup>

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to social welfare/ assistance up to that stage, for example:

- Is there any benefits cut-off when unaccompanied minors reach 18 years of age? Y/ N

No.

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y/ N

No.

- Please provide any other important information in relation to social welfare for unaccompanied minors *not covered above*.

N/A

**c.** Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No, there is no research available that specifically analyses the effects of social welfare on the integration of UAMs.

#### **Further monitoring of unaccompanied minors' transition to adulthood**

**Q21.** Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood, including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

N/A

#### **Consequences of a temporary residence permit on the integration of unaccompanied minors**

**Q22.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, etc.?

During the time the UAM remains and is considered as a minor, the residence permit will be renewed and s/he can continue to benefit from the integration measures.

After his/her majority, it depends on the legal framework and the individual case of the UAMs.

In principle, a residence permit for private reasons based on humanitarian reasons of exceptional gravity granted to an UAM until the age of majority can be renewed if s/he continues to fulfil the conditions of the residence permit as stipulated by the Immigration Law.<sup>293</sup> In addition, the Minister in charge of Immigration and Asylum may take into account the degree of integration in the Luxembourgish society of the person concerned.<sup>294</sup>

## Challenges and good practices

**Q23.** Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

One of the main challenges reported is the transition from the age of minority to the age of majority. Despite the fact that many UAMs are considered to have a more advanced degree of maturity and/or autonomy that distinguishes them from the majority of their peers, the transition to the adulthood is difficult for many UAMs. Particularly the expectation of becoming fully autonomous at the age of 18 was reported as being challenging. This is also particularly true in regard to finding affordable housing.<sup>295</sup>

Luxembourg is a multilingual country, which poses a main challenge for the integration of UAMs both in the context of access to education and to the labour market. The fact that the general education system is also multilingual makes it very difficult for UAMs.<sup>296</sup> Learning the languages used in Luxembourg is therefore both a very important factor of integration as well as the major challenge for the integration of UAMs.

**Q24.** Please describe any examples of **good practice** in your (Member) State concerning the integration of unaccompanied minors – including those turning 18 – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

As already mentioned in Section 3, the organisations responsible for the accommodation of the UAMs reported that it is of great importance to provide the minors with an environment of trust and support, to listen to them and to reassure them in order to be able to understand their current situation.<sup>297</sup>

The integration into the education system and the support in regard to the acquisition of language skills are considered as essential for the integration of UAMs and should start as soon as possible.<sup>298</sup>

Several stakeholders also reported the eligibility of UAMs under the age of 16 for sporting licenses as a good practice, as both the registration/participation in extracurricular activities and the integration into the education system are key means for minors to have social interaction with their peers and other resident children.<sup>299</sup>

## Section 5: Return of unaccompanied minors

### Overview of the return procedure and its legal and organisational set-up in the (Member) State

**Q25. a.** Does your (Member) State foresee the **return** of unaccompanied minors? Y/ N

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an unaccompanied minor to return to the country of origin through a **voluntary return**? Y/ N

If yes, please describe the procedures/ processes under which an unaccompanied minor may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

Yes, Luxembourg foresees the return of unaccompanied minors. The Immigration law stipulates that a return decision can only be taken against a minor who is not accompanied by a legal representative if the return is in his/her best interest, with the exception of decisions based on serious public security grounds.<sup>300</sup> In any case, during the execution of the return decision, the Minister in charge of

Immigration must take into consideration the best interests of the child.<sup>301</sup> As the child is appointed an ad-hoc administrator and a guardian, the voluntary return has to be taken with their consent, as they are the legal representatives of the child.

In regard to a voluntary return, the Immigration law grants a 30-day period for any third-country national to leave the country voluntarily following a return decision, except if there is a duly motivated urgency (i.e. public policy, public safety or national security). Where necessary, having regard to the personal circumstances, the Minister in charge of Immigration may exceptionally allow a time for voluntary departure exceeding 30 days taking into account the specific circumstances of the individual case, such as the duration of stay, if the UAM is attending school as well as other family and social links.<sup>302</sup> The third-country national can ask to benefit from an assisted return scheme ("*dispositif d'aide au retour*").

- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? Y/ N

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an unaccompanied minor may be carried out, including any challenges.

Yes. The Assisted Voluntary Return and Reintegration Programme Luxembourg (AVRR-L) of IOM is responsible for the voluntary return of UAM.<sup>303</sup> For persons under the age of 18, IOM systematically performs a socio-economic evaluation of the family or current caregiver in the country of origin in order to determine if the child will be taken care upon return. If the evaluation considers that the parents or caregiver in the country of origin are not fit to receive the UAM they will not proceed with the return. The main interest is to be sure there is someone who is going to take care of the child in his/her country of origin. In case that the evaluation is positive, both parents must sign the required paperwork (and provide copies of the identification documents).<sup>304</sup>

- Possibility for an unaccompanied minor to return to the country of origin through a **forced return**? Y/ N

If yes, please describe the procedures/ processes under which an unaccompanied minor may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

Yes. The Immigration Law foresees the possibility of forced return for an unaccompanied minor to his/her country of origin (see above).<sup>305</sup> The Immigration Law establishes that the coercive measures to remove from the territory a foreigner who resists removal must be proportionate and should not go beyond the use of reasonable force. Such measures shall be applied in accordance with fundamental rights and with respect for the dignity of the person concerned. During the enforcement of a return decision, the best interest of the child, family life, the state of health of the third-country national and the principle of non-refoulement are taken into due account.<sup>306</sup>

**b.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please cross-reference/ summarise here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

The Minister in charge of Immigration will assess the case, taking into consideration the best interest of the child.<sup>307</sup> If necessary, the Minister can grant an additional delay of more than 30 days for the voluntary departure taking into consideration the circumstances to each case, such as the duration of the stay, if the UAM is attending school and other social and family links that the children must have in the country.<sup>308</sup> The Minister can request an expert opinion to take the decision.

In accordance with the Article 10 of the Directive 2008/115/EC (Return Directive), the Immigration Law<sup>309</sup> provides that a return decision for an unaccompanied minor can only be taken if it is in the best interest of the minor. However, the Law does not specify how the interests of the child are determined. Therefore, on 7 July 2017, the Council of government<sup>310</sup> adopted the creation of a new collegiate body ("*organe collégiale*") with the function of assessing the best interest of the child in the context of returns of UAMs. This commission entered into force at the beginning of 2018 and is

composed of members of the of the prosecution service, the National Childhood Office (ONE), the Luxembourg Reception and Integration Agency (OLAI), and finally the Directorate of Immigration, which is chairing the commission. In addition, the ad-hoc administrator is invited to attend the commission meeting for the minor s/he represents. Based on the elements of his/her application, an individual opinion assessing the best interest of the child, in the context of his return, will be given for each minor.<sup>311</sup>

In this context, an agreement was concluded between the Directorate of Immigration of the Ministry of Foreign and European Affairs and the International Organisation for Migration (IOM).<sup>312</sup> Since 1 October 2017, IOM is in charge of tracing the family of UAMs applying for international protection and assessing the family situation of the minor in his/her country of origin. The resulting report of this assessment will be a key component of evaluation the best interest of the child in the context of a possible return, as well as constitute one element that will be taken into consideration in the examination of the application (see answer to Q29b for more information).

**Q26.** Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

<b>Name of national competent authority/ organisation</b>	<b>Brief description (e.g. remit/ role, etc.)</b>	<b>Main activities/ responsibilities</b>
Minister in charge of Immigration and Asylum		Issues return decision <sup>313</sup>
Return Unit of the Directorate of Immigration	Administrative body of the Ministry of Foreign and European Affairs	Executes return decision (forced return and voluntary return in case the minor comes from the Western Balkans, with the exception of Kosovo) <sup>314</sup>
Newly assigned commission assessing the best interest of the child	Collegial Body (" <i>organe collégiale</i> ") presided by the Directorate of Immigration	This commission, composed of the Directorate of Immigration, the National Childhood Office (ONE), the Luxembourg Reception and Integration Agency (OLAI) and the ad-hoc administrator, assesses if it is in the best interest of the child to return to his/her country of origin
International Organisation for Migration (IOM)	Non-governmental organisation	Gives counsel on and carries out the voluntary return of the minor if the minor wishes to return. However, AVRR are only undertaken after a family assessment confirms that the UAM's parents or legal guardians in the country of origin are able and willing to receive the UAM <sup>315</sup>  Responsible for the family assessment after the registration of the application for international protection

Caritas, Luxembourgish Red Cross, Fondation Maison de la Porte Ouverte	Non-governmental organisations (Caritas and Fondation Maison de la Porte Ouverte) or auxiliary to the public authorities (Luxembourgish Red Cross)	Usually appointed as guardian, usually have to give consent to the voluntary return of the UAM <sup>316</sup>
Ad-hoc administrator	Legal representative of the minor	Represents the minor during the return procedure <sup>317</sup> as well as in the commission that assesses the best interest of the child

### *Enforcement of return decisions and key arrangements pre/ during/ post departure*

**Q27.** What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an unaccompanied minor's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

In principle, a rejection of an application for international protection entails a return decision. However, if it is estimated that it is not in the best interest of the child to return to his/her country of return, Luxembourg does not take a return decision against an UAM. The number of return decisions against UAMs being very low, it is not possible to estimate an average time of implementation of a return decision.<sup>318</sup>

**Q28.** Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an unaccompanied minor:

There are no specific measures in place in order to encourage a voluntary return when an enforceable return decision is issued to an unaccompanied minor. Several stakeholders reported that they do not encourage voluntary return per se, but that they inform the UAM of his/her situation and explain the advantages of a (assisted) voluntary without putting pressure on the minor.<sup>319</sup>

- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

Luxembourg does not enforce return decisions against unaccompanied minors.<sup>320</sup> In accordance with the Return Directive, the Immigration Law provides that a return decision for an unaccompanied minor can only be taken if it is in his/her best interest or if s/he constitutes a threat to public safety.

- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

There are no specific measures in place to mitigate any negative impact of a return decision on the well-being of UAMs. Usually, either the social workers of the respective reception facilities and/or the guardian of the UAM discuss the possibility of a return in case their application for international protection is rejected. They can also provide or request psychological assistance if needed.<sup>321</sup> Furthermore, IOM considers the evaluation of the family situation in the country of origin as a means to mitigate any negative impact on the well-being of the unaccompanied minor.<sup>322</sup>

**Q29. a.** Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

In principle, there are two different categories of returns of UAMs to their respective country of origin:<sup>323</sup>

In the event of a (voluntary) return to a Western Balkan country (with the exception of Kosovo), the Luxembourgish authorities contact the diplomatic representations of the respective country of origin

who will get in contact with the family of the minor in order to ensure that s/he can be welcomed after his/her return. In this context, the UAMs cannot benefit from the provisions of the assisted voluntary reintegration programme.

As for voluntary returns, they are organized by IOM and cover all countries with the exception of the Western Balkan countries (but including Kosovo). In these cases, the UAMs can benefit from the provisions of the assisted voluntary reintegration programme (see answers to Q25a and Q30a).

**b.** Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

As already mentioned earlier, the Directorate of Immigration has concluded an agreement with IOM in October 2017 in order to search for the parents of the minors in their countries of origin.<sup>324</sup> After the minor lodged his/her application for international protection and has had his/her interview at the Directorate of Immigration, the latter issues a request to IOM to contact the family of the minor in the country of origin.<sup>325</sup> The minor and his/her ad-hoc administrator sign that they are informed that a tracing of family members of the UAM may be carried out.<sup>326</sup> The IOM Country Office for Luxembourg and Belgium will contact the IOM offices in the respective countries of origin and forward the needed details in order to find the parents of the minor. The local staff will visit the place of residence of the parents or caregivers of the minor and ask them a number of questions in order to be able to draw a report of the socio-economic situation of the family, the reception conditions in case of return of the minor and his/her future perspectives in the family environment.<sup>327</sup>

The resulting report constitutes one element that will be taken into consideration in the examination of the application in order to evaluate the best interest of the child in the context of a possible return.<sup>328</sup> The Directorate of Immigration will request this evaluation of the family situation for every UAMs under the age of 17 years and a half. There is no specific responsibility of the guardian in this context, as s/he is not implicated in the process.

Furthermore, it has to be noted that applicants for international protection can also make a request to the Luxembourgish Red Cross in order to conduct family tracing in their respective country of origin. These investigations, however, are conducted independent of the context of returns.<sup>329</sup>

In regard to family tracing conducted by the Luxembourgish Red Cross, both the guardian as well as the UAM have to give their written consent and sign the necessary paperwork before the Red Cross can begin their investigation in the country of origin.<sup>330</sup> Furthermore, the guardian will most likely assist the UAM, together with the help of a translator, to answer the questionnaire concerning the information of the family members in the country of origin.<sup>331</sup>

**c.** How does your (Member) State interpret the term '**adequate' reception facilities** in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?<sup>2</sup> Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

The law does not define what an "adequate" reception facility for minors in the country of origin is. However, in the context of voluntary return of minors, IOM does systematically perform a socio-economic evaluation of the family or current caregiver's in the country of origin to determine if the child will be taken care upon return. Neither the Luxembourgish authorities nor IOM will proceed with the return if the evaluation considers that the parents or caregiver in the country of origin are not fit to receive the UAM. The main interest is to be sure there is someone who is going to take care of the child in his/her country of origin. In case that the evaluation is positive, both parents must sign the required paperwork (and provide copies of the identification documents) in order to carry out the return of the UAM.<sup>332</sup>

---

<sup>2</sup> Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

**d.** Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. *Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).*

There are no special/transitional arrangements for the return of UAMs approaching 18 years of age.<sup>333</sup> If they are under 18 years old when the return takes place, they will be treated as UAM and they can benefit from all the return and reintegration assistance for this vulnerable group (see answer to Q30a).<sup>334</sup> If the return is going to take place when they are of age, they will be treated as adults.

**e.** Please provide information on the **follow up** of unaccompanied minors once they have returned, such as duration of such follow up, competent service, etc.

The Luxembourgish authorities do not carry out a follow up of the unaccompanied minors once they have issued a return decision and the minors have returned to their country of origin.<sup>335</sup>

IOM does carry out follow-ups of persons that have returned voluntary with their assistance. Through their local staff in the respective countries of origin, IOM gets in contact with the parents or caregivers of the returned UAM and tries to carry out an on-site visit of the place of residence of the family. If an on-site visit is not possible, IOM carries out the follow-up via telephone. In general, these follow-ups usually last 9 to 12 months after the return. The results of the follow-up are then communicated to the IOM Office for Luxembourg and Belgium.<sup>336</sup>

**f.** Please elaborate on any **existing cooperation arrangements** between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

Luxembourg does not have any existing cooperation arrangements with countries of origin when it comes to returns of unaccompanied minors.<sup>337</sup>

**Q30. a.** Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

- through **voluntary return**? Y/ N

If yes, please describe the kind of supports available before, during and after the voluntary return of an unaccompanied minor.

Yes.

- through **assisted voluntary return**? Y/ N

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the assisted voluntary return of the unaccompanied minor.

Yes. Unaccompanied minors are entitled to register for the AVRR-L programme, under which they will only receive in-kind assistance on post-arrival.<sup>338</sup>

Full aid (assistance to reintegration) applies to applicants for international protection who register with IOM at the latest one month after their application has been rejected or if the international protection procedure has lasted over 6 months and although willing to return, they had not received any decision on their claim by the ministry.<sup>339</sup>

In addition, unaccompanied minors are entitled to a post-arrival financial aid of 700€ as they are considered a vulnerable group.<sup>340</sup> The unaccompanied minor will also benefit from the following measures:

1. Airport assistance and onward transportation;
2. Temporary lodging and housing;
3. Assistance to find a school or a job;
4. Material and legal assistance;
5. Investment in training and learning;

6. Medical assistance/medicines; orientation and information on the health system in the country of origin.<sup>341</sup>

- through **forced return**? Y/ N

If yes, please describe the kind of supports available before, during and after the forced return of an unaccompanied minor.

No.

**b.** Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

See answer to Q29e.

### *Alternatives to return*

**Q31.** Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

Yes. An UAM becoming of age can be regularised if s/he has resided at least four years in Luxembourg, has been continuously and successfully pursuing schooling in an educational establishment in the Grand-Duchy of Luxembourg for at least four years and has lodged his/her application before s/he becomes 21 years of age. Furthermore, s/he has to fulfil the following conditions: s/he does not constitute a danger for homeland security, public safety or public health; s/he has not used false or fraudulent information in regard to his/her identity; s/he has must not have evaded a removal order; s/he must have sufficient resources to support himself/herself; s/he must demonstrate a genuine desire for integration.<sup>342</sup> S/he will be issued a residence permit for salaried worker or a residence permit for private reasons if s/he fulfils the conditions of the corresponding articles in the Immigration Law.<sup>343</sup>

Another possibility will be the granting of a residence permit for private reasons based on humanitarian reasons of exceptional gravity issued until the age of majority, for example to a rejected international protection applicant.<sup>344</sup>

### *Dealing with unaccompanied minors who cannot be immediately returned*

**Q32. a.** Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

Where the ad-hoc administrator shows that the unaccompanied minor is unable to leave the territory for reasons not of his/her own making, or if s/he is unable either to return to his/her country of origin or to travel to any other country, the Minister may postpone the removal of the unaccompanied minor for a period determined in accordance with the circumstances peculiar to each case and until there exists a reasonable prospect of return. In this case, the unaccompanied minor may remain on the territory on a provisional basis, without being authorised to reside. The decision to postpone the removal<sup>345</sup> may be accompanied by other measures less coercive<sup>346</sup>, such as: a) reporting obligations<sup>347</sup>, b) residence requirements (house custody)<sup>348</sup>, release on bail<sup>349</sup> and electronic monitoring.<sup>350</sup> During the period of postponement of the removal, the minor shall be given humanitarian aid<sup>351</sup> and, depending on the length of their stay, access to the basic education system.<sup>352</sup> The specific needs of unaccompanied minors shall in any case be taken into consideration.<sup>353</sup>

**b.** What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities,

please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

There is no research available on this issue.

During the return procedure, the UAM is represented by the ad-hoc administrator. The guardian will continue to accompany and support the UAM in his/her day-to-day affairs. Furthermore, in the event that there is a postponement of removal, the UAM may benefit from humanitarian social aid,<sup>354</sup> which also covers healthcare (see also answer to Q32a).

c. Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

N/A

### **Challenges and good practices**

**Q33.** Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

The Directorate of Immigration reported that in some cases, the implementation of returns of UAMs or young adults pose challenges in terms of getting in contact with the diplomatic representations of the respective country of origin, even though the overall relations with the Western Balkan countries are very good.<sup>355</sup>

Another challenge that the Directorate of Immigration is faced with on all levels of the international protection procedure is the fact that in some cases, the applicants do not tell the truth. In the context of the missions carried out by IOM in order to establish an evaluation of the family situation of the UAMs, this can lead to major challenges, or even dangerous situations, for the staff of IOM in the respective countries of origin.<sup>356</sup>

IOM reported that the challenges associated with the implementation of the return of UAMs are similar to the challenges for every person that returns to his/her country of origin. However, these challenges are even more pronounced for UAMs, as their situation is usually more vulnerable and unsettling than for adults (loss of points of reference, depression, lack of future perspectives in the country of origin, etc.).<sup>357</sup> IOM also noted that not many UAMs want to return home. However, in the event that IOM is contacted for voluntary (assisted) returns of UAMs, they usually manage to get in contact with the family in the country of origin, which in turn are usually open and willing to welcome their child or children back.<sup>358</sup>

Caritas reported that one might need to raise the question if the consideration of the best interest of the child should be extended to the age of 21 years. Young adults between the ages of 18 and 21 years are no longer considered as being minors by law, but it should be taken into consideration that they are not completely autonomous adults either. They might face similar challenges and anxieties than minors. Furthermore, Caritas reported that the administrative procedures of voluntary returns of minors who want to return home should be simplified.<sup>359</sup>

**Q34.** Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,<sup>3</sup> good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

<sup>3</sup> For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C(2017) 1600 final, see above.

The Directorate of Immigration reported the newly concluded agreement with IOM in order to conduct family assessments of UAMs in the countries of origin as a good practice. On the one hand, this assessment is one element that will be taken into consideration in the examination of the application of the minor. On the other hand, it helps in assessing the best interest of the child in the event of a possible return if the application is rejected.<sup>360</sup>

The organisations responsible for accommodating the UAMs reported that it is important to discuss the topic of a possible return of UAMs both among the social workers of the reception facilities as well as with the minors themselves. It is important for everybody involved that there is always the possibility that the application for international protection of the minor might be rejected. The topic of return should not be considered taboo. At the same time, however, the point was made that this should not affect the quality of supervision and support for the minor, even if the rejection of the application might be considered as the most plausible outcome.<sup>361</sup>

## Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision

**Q35.** Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

Yes, a number of stakeholders reported that the disappearances of UAMs is an issue in Luxembourg.

In 2016, the Directorate of Immigration reported a high number of UAMs disappearing or absconding from reception facilities. Out of the 121 UAMs who filed an application for international protection in 2016, 51 UAMs have formally lodged their application and 54 UAMs absconded before having lodged their application.<sup>362</sup> In this context, the Minister in charge of Immigration and Asylum stated that one possible explanation for this high number could be that Luxembourg is a country of transit. The Minister also noted that the Dublin III Regulation does not apply to UAMs, allowing UAMs to travel regularly from one country to another.<sup>363</sup> The Consultative Commission on Human Rights ("*Commission Consultative des Droits de l'Homme*" – CCDH) noted that some of these minors might potentially be victims of trafficking and urged the government to address the issue of absconding UAMs and the connection with trafficking.<sup>364</sup>

Caritas and Luxembourgish Red Cross also noted that 2016 was marked with a high number of disappearing UAMs compared to the previous years and to 2017. At the same time, both organisations noted that there have very rarely been "alarming disappearances", in the sense that they were completely unexpected. For this reason, Caritas as well as the Ombuds-Committee for the Rights of the Child (ORK) prefer to refer to this phenomenon as minors "leaving" the facilities rather than minors that "disappear" from the facilities.<sup>365</sup>

In most cases, the disappearances take place during the first couple of days after the arrival of the minors at the reception facilities, by what is often referred to as "*jeunes en errance*" (wandering young people that have often been in other European countries before arriving in Luxembourg). This also applies to cases of minors who are in transit and who want to reach another country because they may have acquaintances or family members there. In some cases, they might even be "false minors" (young adults declaring themselves as minors before the authorities). Caritas and Luxembourgish Red Cross reported that in all these cases, there have often been indications of their willingness to leave prior to their disappearances from the reception facilities. This is also the reason why the organisations managing the reception facilities delay their decision of requesting the designation of the guardianship until the minor has lodged his/her application at the Directorate of Immigration.<sup>366</sup>

For statistics in regard to minors disappearing from reception facilities, see Annex 1.

**Q36.** If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit, etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*)?

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

The disappearances of UAMs from accommodation facilities take place either before the formal lodging of their application at the Directorate of Immigration or, in some cases, during the evaluation procedure of the application.<sup>367</sup> In both events, if the minors remain missing for a while, the Directorate of Immigration will close the application for international protection.<sup>368</sup>

The various stakeholders did not report cases where UAMs disappeared following a decision on their status.<sup>369</sup> As mentioned in sections 1 and 5, UAMs often have already reached their majority when they receive a final decision on their application for international protection. In the event that there is a negative decision on the application by UAMs, the Luxembourgish authorities do not enforce a return decision against a minor. In principle, either a residence permit for private reasons based on humanitarian reasons of exceptional gravity until the age of majority or a postponement of removal are possible consequences in this context (see answer to Q4, Q31 and Q32a).<sup>370</sup>

In cases of positive decisions on their application, it is difficult to determine if the UAMs have disappeared or continued their path elsewhere.

In regard to the residence permit, if the UAMs disappear the guardian is compelled to inform the Youth Judge and the Directorate of Immigration, and if necessary the Police. However, the ad-hoc administrator will have to guarantee the renewal of the UAM residence permit after the reappearance of the minor. As for any other residence permit, after six months of the disappearance of the minor, the Minister in charge of Immigration can initiate procedures in order to withdraw the residence permit for the reason of having left the territory for more than six months.

**Q37.** Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? Y/ N

There are no explicit procedures/measures in place to prevent the disappearances of UAMs from guardianship/care facilities. The organisations accommodating the minors reported that it is very important to provide a welcoming and trusting environment, to listen to them and to reassure them in order to be able to understand their current situation and to prevent disappearances.<sup>371</sup>

Although there is no written procedure or protocol in place to react to disappearances of minors, there is an established practice: after 3 days of absence from the reception facility, the NGOs or other organisations in charge of the minor will file a written declaration for a missing child to the commissioner of the Grand Ducal Police. They will join a detailed description of the minor and upon request, transfer any supporting information that can help to trace the minor to the Police, such as the phone number or a photograph of the minor, if available. In addition, they will inform the Directorate of Immigration, the Youth Court, the Luxembourg Reception and Integration Agency (OLAI), the National Childhood Office (ONE) as well as the ad-hoc administrator of the minor.<sup>372</sup>

- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.? Y/ N

See above.

**Q38.** If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

N/A

**Q39.** Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of

instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? *Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.*

One of the main challenges that was reported in the context of disappearances of UAMs are the so-called "*jeunes en errance*" (wandering young people that have often been in other European countries before arriving in Luxembourg). In most cases, they are only for a limited amount of time in Luxembourg and have either little intention or little chances to stay, as they very often do not comply with the provisions of the Geneva Convention.<sup>373</sup>

The so-called "false minors" (young adults declaring themselves as minors before the authorities) also pose a challenge to the Luxembourgish authorities and particularly to the organisations responsible for the accommodation of UAMs, as they are close to delinquency in some cases. However, Caritas and the Luxembourgish Red Cross also noted that this applies only to a minority of the minors that they accommodate.<sup>374</sup>

**Q40.** Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

As mentioned before, the Luxembourgish Red Cross and Caritas reported that, similar to the context of the possibility of returns of UAMs, it is important to provide the minors with the best possible supervision and a trusting environment in order to prevent disappearances.<sup>375</sup>

## Annex 1 National statistics (in Excel)

**Q41.** With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

The Directorate of Immigration reported that, except for the framework of international protection, they do not have statistical indicators for UAMs for many of the residence permits.<sup>376</sup> As indicated in Q3b, modifications in this regard are planned by the Directorate of Immigration in 2018.

The data in Annex 1 refers to all decisions by the Directorate of Immigration in the year of reference. To be more specific, this includes:<sup>377</sup>

- first instance decisions that entailed a closure of the application
- first instance decisions that were appealed and are therefore still being processed
- second instance decisions that were appealed, where the court ruled differently, and the Directorate of Immigration issued a second decision on the application

In regard to specific integration outcomes for unaccompanied minors, please refer to Q5b.

IOM estimated that they have approximately one voluntary return of an UAM every two years.<sup>378</sup>

*Please provide your answer by completing the Excel document provided below. NB that statistics provided in another format (e.g. Word) would not be processed centrally. Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.*



EMN-UAMs-Stats  
Annex-Final-24Nov1

- 
- <sup>1</sup> LU EMN NCP, *Policies, practices and data on unaccompanied minors in 2014*, Luxembourg, 2015, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2015/10/LU-EMN-NCP-EMN-Study-2014-UAMs-Final\\_04.12.14.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2015/10/LU-EMN-NCP-EMN-Study-2014-UAMs-Final_04.12.14.pdf) (last accessed on 6 December 2017).
- <sup>2</sup> Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>3</sup> Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>4</sup> It is necessary to reiterate that the registration of applications for international protection in Luxembourg consists of three clearly distinct stages: 1. Filing of the application for international protection; 2. Registration of the application; 3. Lodging of the application.
- See also: LU EMN NCP, *Annual Policy Report on Migration and Asylum 2015*, Luxembourg, 2016, p. 27-29, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2016/07/Policy-Report-2015\\_LU\\_EN\\_web.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2016/07/Policy-Report-2015_LU_EN_web.pdf) (last accessed on 7 February 2018).
- <sup>5</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 21 March 2018.
- See also, LU EMN NCP, *Annual Policy Report on Migration and Asylum 2016*, Luxembourg, 2017, p. 66, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport\\_politique-ENG-2016-web.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport_politique-ENG-2016-web.pdf) (last accessed on 22 January 2018).
- See also the answer of the Minister of Immigration and Asylum to parliamentary question N° 2450 concerning the disappearance of minor asylum seekers, Luxembourg, 25 October 2016, URL: [http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1388035&fn=1388035.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1388035&fn=1388035.pdf) (last accessed on 7 February 2018).
- <sup>6</sup> See LU EMN NCP, *Policies, practices and data on unaccompanied minors in 2014*, Luxembourg, 2015, p. 18, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2015/10/LU-EMN-NCP-EMN-Study-2014-UAMs-Final\\_04.12.14.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2015/10/LU-EMN-NCP-EMN-Study-2014-UAMs-Final_04.12.14.pdf) (last accessed on 6 December 2017).
- <sup>7</sup> Interview with the Ombuds-Committee for the Rights of the Child (ORK) on 4 January 2018.
- See also: Ombuds-Comité fier d'Rechter vum Kand (ORK), Rapport 2016 au Gouvernement et à la Chambre des Députés, p. 87, URL: [http://ork.lu/files/RapportsORK\\_pdf/RAPPORT\\_ORK\\_2016.pdf](http://ork.lu/files/RapportsORK_pdf/RAPPORT_ORK_2016.pdf) (last accessed on 12 January 2018).
- <sup>8</sup> Articles 5 (4) paragraph 2, 14 (3) e), 20 (1), 21 (1) and (2), 22 (1) paragraph 4, 26 (4), 62 (2), 63 of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>9</sup> Articles 15 and 16 in accordance with articles 19, 20 and 21 of the law on 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>10</sup> See Sommarribas, Adolfo, *Les mineurs en exile: Cadre juridique concernant l'accueil des mineurs non-accompagnés au Luxembourg*, Forum Nr. 364, July 2016, p. 10, URL: [https://www.forum.lu/wp-content/uploads/2017/07/364\\_Sommarribas.pdf](https://www.forum.lu/wp-content/uploads/2017/07/364_Sommarribas.pdf) (last accessed on 4 December 2017).
- <sup>11</sup> Article 5 (4) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>12</sup> Article 5 (4) in accordance with article 20 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>13</sup> Article 3 (2) paragraph 2 in accordance with article 14 (3) e) of the Law of 18 December 2015 on international protection and temporary protection. See also article 20 (3).
- <sup>14</sup> Information provided by the National Childhood Office (ONE) on 8 and 13 December 2017.

---

See also : Luxembourgish Red Cross and Fondation Maison de la Porte Ouverte, *Inauguration de deux foyers d'accueil pour réfugiés mineurs non-accompagnés Villa Nia Domo et St Martin Jeunes*, Press release from 25 November 2016, URL: [http://www.croix-rouge.lu/wp-content/uploads/2016/11/CP\\_Inauguration\\_Villa\\_Nia\\_Domo\\_25112016\\_vf.pdf](http://www.croix-rouge.lu/wp-content/uploads/2016/11/CP_Inauguration_Villa_Nia_Domo_25112016_vf.pdf) (last accessed on 4 January 2018).

See also: LU EMN NCP, *Annual Policy Report on Migration and Asylum 2016*, Luxembourg, 2017, p. 38, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport\\_politique-ENG-2016-web.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport_politique-ENG-2016-web.pdf) (last accessed on 4 January 2018).

- <sup>15</sup> Information provided by the National Childhood Office (ONE) on 8 and 13 December 2017.
- <sup>16</sup> Information provided by the National Childhood Office (ONE) on 8 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with the Ombuds-Committee for the Rights of the Child (ORK) on 4 January 2018, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>17</sup> Information provided by the Luxembourg Reception and Integration Agency (OLAI) on 1 March 2018.
- <sup>18</sup> Amended law of 29 August 2008 on free movement of persons and immigration.
- <sup>19</sup> Government of the Grand Duchy of Luxembourg, Council of government, *Résumé des travaux du Conseil de Gouvernement*, Press release of 7 July 2017, URL: [https://gouvernement.lu/fr/actualites/conseils\\_de\\_gouvernement.gouvernement%2Bfr%2Bactualites%2Btoutes\\_a ctualites%2Bcommuniqués%2B2017%2B07-juillet%2B07-conseil-gouvernement.html](https://gouvernement.lu/fr/actualites/conseils_de_gouvernement.gouvernement%2Bfr%2Bactualites%2Btoutes_a ctualites%2Bcommuniqués%2B2017%2B07-juillet%2B07-conseil-gouvernement.html) (last accessed on 6 March 2018).
- The relevant draft bill was introduced in Parliament on 29 January 2018 (parliamentary document N° 7238/00).
- <sup>20</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- See also: Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>21</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 22 March 2018.
- <sup>22</sup> Article 63 (5) of the Law of 18 December 2015 on international protection and temporary protection and article 21 (3) of the law on 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>23</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017, Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>24</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- See also: Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>25</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017. At the time of writing this study, it was not yet possible to provide more information on the indicator.
- <sup>26</sup> Parliamentary document N° 7236/00 of 25 January 2018.
- See also: Government of the Grand Duchy of Luxembourg, Council of government, *Résumé des travaux du Conseil de Gouvernement*, Press release of 6 December 2017, URL: [https://gouvernement.lu/fr/actualites/conseils\\_de\\_gouvernement.gouvernement%2Bfr%2Bactualites%2Btoutes\\_a ctualites%2Bcommuniqués%2B2017%2B12-decembre%2B06-conseil-gouvernement.html](https://gouvernement.lu/fr/actualites/conseils_de_gouvernement.gouvernement%2Bfr%2Bactualites%2Btoutes_a ctualites%2Bcommuniqués%2B2017%2B12-decembre%2B06-conseil-gouvernement.html) (last accessed on 6 March 2018).
- <sup>27</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017. Additional information was provided on 23 January 2018.
- <sup>28</sup> Article 78 (3) of the amended law of 29 August 2008 on free movement of persons and immigration.
- <sup>29</sup> Article 15 in accordance with articles 19 (1), 20, 21 (1) of the law on 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>30</sup> Article 53 (1) of the law of 18 December 2015 on international protection and temporary protection

- 
- <sup>31</sup> Article 53 (2) of the law of 18 December 2015.
- <sup>32</sup> Article 95 (1) and (2) of the amended law of 29 August 2008.
- <sup>33</sup> Article 125bis (1) of the amended law of 29 August 2008.
- <sup>34</sup> Article 130 of the amended law of 29 August 2008.
- <sup>35</sup> Article 131 (1) of the amended law of 29 August 2008.
- <sup>36</sup> Article 78 (3) of the amended law of 29 August 2008.
- <sup>37</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017. Additional Information was provided on 8 January 2018.
- See also: Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>38</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017, Interview with Caritas on the 13 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>39</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 8 January 2018 and on 30 March 2018.
- In regard to the resettlement policy of Luxembourg, see also: LU EMN NCP, *Resettlement and Humanitarian Admission Programmes in Europe – what works?*, Luxembourg, 2016, p. 8, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2016/10/LU-EMN-NCP-Resettlement-Study\\_Final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2016/10/LU-EMN-NCP-Resettlement-Study_Final.pdf) (last accessed on 6 December 2017).
- <sup>40</sup> Article 11 (1) of the Law of 18 December 2015
- <sup>41</sup> Article 92 (2) of the amended law of 28 August 2008.
- <sup>42</sup> Article 389-3 of the Civil Code.
- <sup>43</sup> Article 125bis of the amended law of 29 August 2008.
- <sup>44</sup> Information provided by the Department for the schooling of foreign children (SECAM) of the Ministry of National Education, Children and Youth on 12 January 2018.
- <sup>45</sup> Information provided by the National Employment Agency (ADEM) on 5 January 2018.
- <sup>46</sup> Information provided by the Luxembourg Reception and Integration Agency (OLAI) on 1 March 2018.
- <sup>47</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>48</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- See also: Luxembourg Reception and Integration Agency (OLAI), *Tout savoir sur l'accueil de demandeurs de protection internationale et de réfugiés reconnus dans ma commune*, Luxembourg, February 2017, p. 28-29, URL: <http://www.olai.public.lu/fr/actualites/2017/02/espace-communes/tout-savoir-sur.pdf> (last accessed on 19 December 2017).
- <sup>49</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 8 January 2018 and on 19 January 2018.
- <sup>50</sup> Article 488 of the Civil Code.
- <sup>51</sup> Article 92 (2) and 95 (1) of the amended law of 29 August 2008 and article 3 of the amended law of 8 May 2009 on assistance, protection and security of victims of human trafficking
- <sup>52</sup> Article 78 (3) of the amended law of 29 August 2008.
- <sup>53</sup> Article 488 of the Civil Code, amended by law of 11 August 1982.
- <sup>54</sup> Article 1 paragraph 3 of the amended law of 10 August 1992 on Youth Protection.
- <sup>55</sup> Article 111 (1) and (2) of the amended law of 29 August 2008.
- <sup>56</sup> Article 103 of the amended law of 29 August 2008.

- 
- <sup>57</sup> Article 389-3 of the Civil Code.
- <sup>58</sup> Article 92 (2) of the amended law of 29 August 2008.
- <sup>59</sup> Article 3 of the amended law of 8 May 2009.
- <sup>60</sup> Article 1 (1) al. 3 of the Grand ducal regulation of 11 September 2014 on: 1. Implementation of article 2, paragraphs (1) point a) and (2) and (4) of the amended law of 8 May 2009 on assistance, protection and security of victims of human trafficking; 2. Amendment of the amended Grand ducal regulation of 19 March 1999 concerning the governmental accreditation granted to managers of girls, women and women with children.
- <sup>61</sup> Article 1 (1) al. 3 in accordance with al.2 of the same article of the Grand ducal regulation of 11 September 2014.
- <sup>62</sup> Article 33 (2) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>63</sup> Article 94 of the amended law of 29 August 2008.
- <sup>64</sup> Article 3 of the amended law of 8 May 2009.
- <sup>65</sup> Article 92 (2) of the amended law of 29 August 2008.
- <sup>66</sup> Article 1 (1) al. 3 of the Grand ducal regulation of 11 September 2014.
- <sup>67</sup> Article 1 (1) al. 3 in accordance with al.2 of the same article of the Grand ducal regulation of 11 September 2014.
- <sup>68</sup> Article 101 (1) 1) of the amended law of 29 August 2008.
- <sup>69</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017. Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>70</sup> Article 5 (4) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>71</sup> Article 5 (4) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>72</sup> Article 20 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>73</sup> Article 15 of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>74</sup> Article 19 (1) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>75</sup> Article 19 (2) a) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>76</sup> Article 19 (2) b) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>77</sup> Article 19 (2) c) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>78</sup> Article 21 (1) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>79</sup> Article 3 of the amended law of 8 May 2009.
- <sup>80</sup> Article 92 (2) of the amended law of 29 August 2008.
- <sup>81</sup> Article 26 (4) in accordance with article 20 of the Law of 29 August 2008.
- <sup>82</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>83</sup> Article 5 (4) and 20 (1) of the Law of 18 December 2015 on international protection and temporary protection and article 15, 19 (3), 20, 21 (1) and (2), 25 (2) of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>84</sup> Article 53 (3) and 63 (1), (2), (3) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>85</sup> Article 78 (3) of the amended law of 29 August 2008 in accordance with article 389-3 of the Civil Code.
- <sup>86</sup> Article 92 (2), 94 and 95 (1) of the amended law of 29 August 2008. Article 1 (1) al. 3 of the Grand ducal regulation of 11 September 2014.
- <sup>87</sup> Article 125bis (2) of the amended law of 29 August 2008.
- <sup>88</sup> Article 5 (4) paragraph 2 of the Law of 18 December 2015.

- 
- <sup>89</sup> Article 488 of the Civil Code.
- <sup>90</sup> Article 488 of the Civil Code.
- <sup>91</sup> Article 1 last paragraph of the amended law of 10 August 1992 on Youth Protection.
- <sup>92</sup> Interview with the Luxembourgish Red Cross on 15 December 2017 and with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>93</sup> Interview with Caritas on 13 December 2017 and 5 January 2018.
- <sup>94</sup> Article 92 (2) of the amended law of 29 August 2008.
- <sup>95</sup> Article 92 (1) and 94 of the amended law of 29 August 2008 in accordance with article 1 (1) of the Grand ducal regulation of 11 September 2014.
- <sup>96</sup> Article 389-3 of the Civil Code in accordance with article 3 of the amended law of 8 May 2009.
- <sup>97</sup> Article 94 of the amended law of 29 August 2008 in accordance with article 1 (1) of the Grand ducal regulation of 11 September 2014.
- <sup>98</sup> Article 1 (1) al. 3 of the Grand ducal regulation of 11 September 2014.
- <sup>99</sup> Article 1 (1) al. 3 in accordance with al.2 of the same article of the Grand ducal regulation of 11 September 2014.
- <sup>100</sup> Article 1 (2) of the Grand ducal regulation of 11 September 2014.
- <sup>101</sup> Article 1 (3) of the Grand ducal regulation of 11 September 2014 in accordance with articles 12 and 13 of the law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>102</sup> Article 389-3 of the Civil Code.
- <sup>103</sup> Article 125bis of the amended law of 29 August 2008.
- <sup>104</sup> Interview with Caritas on 13 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>105</sup> Amended law of 10 August 1992 on Youth Protection.
- <sup>106</sup> Article 389-3 of the Civil Code.
- <sup>107</sup> Article 3 of the amended law of 8 May 2009.
- <sup>108</sup> Article 389-2, article 390 paragraph 1 in accordance with article 376 (1) of the Civil Code.
- <sup>109</sup> Hansen, Maryse and Koedinger, Nathalie, *L'intérêt supérieur de l'enfant*, Forum Nr. 284, March 2009, p. 43, URL: [https://www.forum.lu/wp-content/uploads/2015/11/6546\\_284\\_Hansen\\_Koedinger.pdf](https://www.forum.lu/wp-content/uploads/2015/11/6546_284_Hansen_Koedinger.pdf) (last accessed on 5 December 2017).
- <sup>110</sup> Article 2, article 3 and article 4 of the amended law of 18 December 2009 on social aid. Article 2 paragraph 2 stipulates that the beneficiary is obliged to have exhausted all other social measures and financial benefits provided for by other laws and regulations, such as for example aid provided by the amended law of 16 December 2008 on child and family assistance.
- Information provided by the Solidary Department in the Ministry of Family, Integration and the Greater Region on 30 January 2018.
- <sup>111</sup> Article 27 of the amended law of 18 December 2009 on social aid stipulates that urgent relief can be provided on a short term to persons in need who do not fulfil the conditions of eligibility for the right to social aid as defined by article 4 of the same law.
- <sup>112</sup> LU EMN NCP, *L'identification des victimes de la traite des êtres humains lors des procédures de protection internationale et de retour forcé*, Luxembourg, December 2017, p. 6, URL: <http://www.emnluxembourg.lu/wp-content/uploads/2017/11/L%E2%80%99identification-des-victimes-de-la-traite-des-e%CC%82tres-humains-web.pdf> (last accessed on 5 January 2018).
- <sup>113</sup> Article 63 (3) c) of the Law of 18 December 2015 on international protection and temporary protection.
- Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>114</sup> Article 63 (3) d) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>115</sup> Article 63 (3) c) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>116</sup> Interview with Caritas on 13 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017.

- 
- <sup>117</sup> LU EMN NCP, *L'identification des victimes de la traite des êtres humains lors des procédures de protection internationale et de retour forcé*, Luxembourg, December 2017, p. 7-8, URL: <http://www.emnluxembourg.lu/wp-content/uploads/2017/11/L%E2%80%99identification-des-victimes-de-la-traite-des-e%CC%82tres-humains-web.pdf> (last accessed on 5 January 2018).
- <sup>118</sup> Information provided by the service COTEH of the Fondation Maison de la Porte Ouverte on 16 January 2018.  
See also URL: <https://fed.lu/wp/services/meederchershaus/> (last accessed on 12 January 2018).  
See also: LU EMN NCP, *L'identification des victimes de la traite des êtres humains lors des procédures de protection internationale et de retour forcé*, Luxembourg, December 2017, p. 7-8, URL: <http://www.emnluxembourg.lu/wp-content/uploads/2017/11/L%E2%80%99identification-des-victimes-de-la-traite-des-e%CC%82tres-humains-web.pdf> (last accessed on 5 January 2018).
- <sup>119</sup> Article 63 (3) b) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>120</sup> The conditions that have to be fulfilled in order to obtain the agreement ("*agrément*") are established in the Grand Ducal regulation of 17 August 2011 concerning the accreditation of managers of activities for children, young adults and families in distress.
- <sup>121</sup> For more information on the prerequisites to become a foster family, see URL: <http://www.quichet.public.lu/citoyens/fr/sante-social/action-sociale/aide-enfance/famille-accueil/index.html> (last accessed on 22 January 2018).
- <sup>122</sup> See answer of the Minister of National Education, Children and the Youth to parliamentary question N°3404 concerning the family placement of unaccompanied minor applying for international protection, Luxembourg, 27 November 2017, URL: [http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1300778&fn=1300778.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1300778&fn=1300778.pdf) (last accessed on 21 December 2017).
- <sup>123</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017. Additional information was provided on 23 January 2018.
- <sup>124</sup> Article 63 (3) d) of the Law of 18 December 2015 on international protection and temporary protection in accordance with article 21 (1) paragraph 2 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>125</sup> Article 63 (3) a) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>126</sup> Interview with Caritas on 13 December 2017 and 5 January 2018.  
Caritas favours housing UAMs in structures with families because this helps the UAMs, especially when the families have the same origins.
- <sup>127</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>128</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>129</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>130</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018. Information provided by the service COTEH of the Fondation Maison de la Porte Ouverte on 16 January 2018.
- <sup>131</sup> Information provided by the Luxembourg Reception and Integration Agency (OLAI) on 1 March 2018.
- <sup>132</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>133</sup> Information provided by the service COTEH of the Fondation Maison de la Porte Ouverte on 16 January 2018.
- <sup>134</sup> Ombuds-Comité fier d'Rechter vum Kand (ORK), *Rapport 2017 au Gouvernement et à la Chambre des Députés*, 2017, p. 17, 102-103, URL: [http://ork.lu/files/RapportsORK\\_pdf/RAP2017Compil\\_AvecAnnexesVersionWeb.pdf](http://ork.lu/files/RapportsORK_pdf/RAP2017Compil_AvecAnnexesVersionWeb.pdf) (last accessed on 21 December 2017).
- <sup>135</sup> Greijer, Susanna (Brainiact), Schlechter, René (Ombuds-Comité fier d'Rechter vum Kand - ORK), *Réflexions et témoignages des foyers pour mineurs non accompagnés au Luxembourg*, June 2017, p.14, URL: [http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA\\_SG-RS\\_version%20web.pdf](http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA_SG-RS_version%20web.pdf) (last accessed on 20 December 2017).

---

<sup>136</sup> Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Caritas on 5 January 2018.

For example, within Luxembourgish Red Cross, the service "Perspectives" welcomes 18- to 26-year old young adults who are experiencing social difficulties. It offers socio-educational guidance based on their situation and their life by elaborating a so-called "life plan/project" ("*projet de vie*"). This guidance includes making housing arrangements (via a formula called "supervised housing" ("*logement encadré*"), also referred to as SLEMO), supervising and supporting the young adults (e.g. life coaching) and by supporting their professional integration. These support measures are offered to young adults via a so-called "empowerment project" ("*projet d'autonomisation*" or PA) and upon request and admission via the National Childhood Office (ONE).

For more information, see: <http://www.croix-rouge.lu/en/fonctionnement-des-logements-encadres/> (last accessed on 15 January 2018).

See also: <http://www.men.public.lu/fr/enfance-jeunesse/one/03-aides-proposees/01-acc-soc-edu-jour-nuit/index.html> and refer to "Acceuil en formule de logement encadré" (SLEMO) (last accessed on 15 January 2018).

<sup>137</sup> Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Caritas on 5 January 2018.

For example, the social housing agency "Agence immobilière sociale" (AIS) provides housing to persons with modest incomes in general, as well as social guidance in collaboration with social offices and other social services to all tenants, irrespective of their status (LU EMN NCP, *Annual Policy Report on Migration and Asylum 2016*, p. 31). Furthermore, the non-profit association *Wunnéngshëllef asbl* can provide information and housing to young adults in need who have a valid residence permit and a regular income. For more information, see: <http://www.wunnengshellef.lu/> (last accessed on 15 January 2018).

<sup>138</sup> Interview with the Luxembourgish Red Cross on 15 December 2017.

<sup>139</sup> Interview with Caritas on 13 December 2017 and 5 January 2018.

<sup>140</sup> The Higher Council for Youth of the Ministry of National Education, Children and the Youth highlights in its opinion on the subject of housing for young people that due to the high prices and the inaccessibility of housing on the ordinary market in Luxembourg, the transition to adulthood proves difficult or impossible for young people with low financial resources.

For more information, see URL: <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2017/12/12-avis-inclusion/02.pdf> (last accessed on 4 January 2018).

<sup>141</sup> Ministry of Family, Integration and the Greater Region, *Rapport d'activité 2017*, Luxembourg, February 2018, p. 155, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-famille-integration-grande-region/2017-rapport-activite-famille/2017-rapport-activite-famille.pdf> (last accessed on 15 March 2018).

<sup>142</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.

<sup>143</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.

<sup>144</sup> Greijer, Susanna (Brainiact), Schlechter, René (Ombuds-Comité fier d'Rechter vum Kand – ORK), *Réflexions et témoignages des foyers pour mineurs non accompagnés au Luxembourg*, June 2017, URL: [http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA\\_SG-RS\\_version%20web.pdf](http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA_SG-RS_version%20web.pdf) (last accessed on 20 December 2017).

<sup>145</sup> Greijer, Susanna (Brainiact), Schlechter, René (Ombuds-Comité fier d'Rechter vum Kand – ORK), *Réflexions et témoignages des foyers pour mineurs non accompagnés au Luxembourg*, June 2017, p. 6, URL: [http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA\\_SG-RS\\_version%20web.pdf](http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA_SG-RS_version%20web.pdf) (last accessed on 20 December 2017).

<sup>146</sup> Greijer, Susanna (Brainiact), Schlechter, René (Ombuds-Comité fier d'Rechter vum Kand – ORK), *Réflexions et témoignages des foyers pour mineurs non accompagnés au Luxembourg*, June 2017, p. 13, URL: [http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA\\_SG-RS\\_version%20web.pdf](http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA_SG-RS_version%20web.pdf) (last accessed on 20 December 2017).

<sup>147</sup> Ombudsman, *Rapport d'Activité 2016*, Luxembourg, March 2017, p. 69, URL: <http://www.ombudsman.lu/userfiles/files/Rapports%20annuels/RA%202016.pdf> (last accessed on 5 January 2018).

<sup>148</sup> Article 1 point 3 of the amended law of 10 August 1992.

<sup>149</sup> Article 20 (1) and 63 (1) of the Law of 18 December 2015 on international protection and temporary protection and article 92 (2) of the amended law of 29 August 2008.

<sup>150</sup> Articles 389-3 of the Civil Code and article 3 of the amended law of 8 May 2009.

- 
- <sup>151</sup> Article 5 (4) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection. See also article 20 (1), (2) and (3).
- <sup>152</sup> Article 389-3 of the Civil Code.
- <sup>153</sup> Article 20 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection
- <sup>154</sup> Article 63 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>155</sup> Article 63 (2) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>156</sup> Article 20 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>157</sup> The guardian is appointed in accordance with article 20 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection by the Youth Court as a representative (either a physical or moral person) of the minor in everyday business, allowing him to benefit of all his/her reception rights as well as to understand his/her obligations and to concluded any legal acts in his/her name.
- <sup>158</sup> Article 488 of the Civil Code in accordance with article 1 paragraph 1 point 3 and last paragraph of the amended law of 10 August 1992.
- <sup>159</sup> Article 5 (4) of the Law of 18 December 2015 on international protection and temporary protection in accordance with article 103 of the amended law of 29 August 2008 and article 389-3 of the Civil Code. This includes the representation of the minor in the context of the newly created commission assessing the best interest of the child in the context of return (see answer to Q3a).
- <sup>160</sup> Article 389-3 of the Civil Code.
- <sup>161</sup> Article 92 (2) of the amended law of 29 August 2008 and article 3 of the amended law of 8 May 2009.
- <sup>162</sup> Article 5 (4) and 20 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>163</sup> Article 35 (1) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>164</sup> Article 21 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>165</sup> Article 34 (2) of the law of 18 December 2015 on international protection and temporary protection.
- <sup>166</sup> Article 103 of the amended law of 29 August 2008.
- <sup>167</sup> Article 103 of the amended law of 29 August 2008.
- <sup>168</sup> Analogical interpretation of article 5 (4) of the Law of 18 December 2015 on international protection and temporary protection. In this case the ad-hoc administrator named in the framework of an administrative procedure related to the entry and stay in the territory can file an international protection application in the name of the UAM.
- <sup>169</sup> Article 103 in accordance with article 78 (3) of the amended law of 29 August 2008.
- <sup>170</sup> Article 488 of the Civil Code.
- <sup>171</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>172</sup> Article 57 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>173</sup> Article 79 (1) of the amended law of 29 August 2008.
- <sup>174</sup> Article 95 (1) of the amended law of 29 August 2008.
- <sup>175</sup> Article 95 (2) of the amended law of 29 August 2008.
- <sup>176</sup> Article 78 (3) and 98 of the amended law of 29 August 2008.
- <sup>177</sup> Article 103 of the amended law of 29 August 2008.
- <sup>178</sup> Article 470 paragraph 2 of the Civil Code.
- <sup>179</sup> Article 475 of the Civil Code.
- <sup>180</sup> Article 1 paragraph 1 point 3 of the amended law of 10 August 1992.
- <sup>181</sup> Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg (CCDH), *Rapport sur la traite des êtres humains au Luxembourg, Années 2014-2016*, Luxembourg, 2017, p. 34., URL: <https://ccdh.public.lu/content/dam/ccdh/fr/avis/2017/Rapport-TEH-CCDH-final.pdf> (last accessed on 9 January 2018).

---

<sup>182</sup> Interview with the Ombuds-Committee for the Rights of the Child (ORK) on 4 January 2018.

See also: Ombuds-Comité fier d'Rechter vum Kand (ORK), *Rapport 2016 au Gouvernement et à la Chambre des Députés*, p. 85, URL: [http://ork.lu/files/RapportsORK\\_pdf/RAPPORT\\_ORK\\_2016.pdf](http://ork.lu/files/RapportsORK_pdf/RAPPORT_ORK_2016.pdf) (last accessed on 12 January 2018).

See also: Ombuds-Comité fier d'Rechter vum Kand (ORK), *Rapport 2017 au Gouvernement et à la Chambre des Députés*, p. 15 and p. 101, URL: [http://ork.lu/files/RapportsORK\\_pdf/RAP2017Compil\\_AvecAnnexesVersionWeb.pdf](http://ork.lu/files/RapportsORK_pdf/RAP2017Compil_AvecAnnexesVersionWeb.pdf) (last accessed on 12 January 2018).

<sup>183</sup> Interview with Caritas on 13 December 2017 and on 5 January 2018.

<sup>184</sup> Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with the Fondation Maison de la Porte Ouverte on 17 January 2018.

See also: Greijer, Susanna (Brainiact), Schlechter, René (Ombuds-Comité fier d'Rechter vum Kand – ORK), *"Réflexions et témoignages des foyers pour mineurs non accompagnés au Luxembourg"*, 2017, p. 10-11, URL: [http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA\\_SG-RS\\_version%20web.pdf](http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA_SG-RS_version%20web.pdf) (last accessed on 12 January 2018).

<sup>185</sup> Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.

<sup>186</sup> Telephone interview with the service COTEH of the Fondation Maison de la Porte Ouverte on 16 January 2018.

<sup>187</sup> Interview with the Luxembourgish Red Cross on 15 December 2017. Interview with the Ombuds-Committee for the Rights of the Child (ORK) on 4 January 2018. Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.

<sup>188</sup> Ombuds-Comité fier d'Rechter vum Kand (ORK), *Rapport 2017 au Gouvernement et à la Chambres des Députés*, p. 101, URL: [http://ork.lu/files/RapportsORK\\_pdf/RAP2017Compil\\_AvecAnnexesVersionWeb.pdf](http://ork.lu/files/RapportsORK_pdf/RAP2017Compil_AvecAnnexesVersionWeb.pdf) (last accessed on 12 January 2018).

<sup>189</sup> Interview Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.

<sup>190</sup> Telephone interview with the service COTEH of the Fondation Maison de la Porte Ouverte on 16 January 2018.

<sup>191</sup> Article 5 (4), 20 (1) and 26 (4) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>192</sup> Article 63 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>193</sup> Article 92 (2) of the amended law of 29 August 2008.

<sup>194</sup> Article 78 of the amended law of 29 August 2008.

<sup>195</sup> Article 125bis (1) of the amended law of 29 August 2008.

<sup>196</sup> Article 103 of the amended law of 29 August 2008, articles 20 (1) and 63 (1) of the Law of 18 December 2015 on international protection and temporary protection and article 20 of the Law of 18 December 2015 on the reception for applicants for international protection and temporary protection.

<sup>197</sup> Article 19 (1) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>198</sup> Article 26 (4) of the Law of 18 December 2015 on international protection and temporary protection.

<sup>199</sup> Articles 15, 16, 19, 20 and 21 of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.

<sup>200</sup> Article 92 (2) of the amended law of 29 August 2008.

<sup>201</sup> Article 3 of the amended law of 8 May 2009.

<sup>202</sup> Article 94 of the amended law of 8 May 2009.

<sup>203</sup> Article 1 (1) al. 3 of the amended law of 8 May 2009.

<sup>204</sup> Article 1 (2) of the Grand ducal regulation of 11 September 2014 in accordance with articles 12 and 13 of the Law of 18 December 2015 on reception of applicants for international protection and temporary protection.

<sup>205</sup> Article 95 (1) of the amended law of 29 August 2008.

<sup>206</sup> Article 125bis paragraph 2 of the amended law of 29 August 2008.

<sup>207</sup> Article 125bis paragraph 2 of the amended law of 29 August 2008.

- 
- <sup>208</sup> For more information, see URL: <http://www.olai.public.lu/fr/accueil-integration/mesures/contrat-accueil/index.html> (last accessed on 12 January 2018).
- <sup>209</sup> Interview Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>210</sup> Interview Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with the ORK on 4 January 2018, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>211</sup> See URL: <http://www.justice.public.lu/fr/famille/tutelle-curatelle/tutelle-curatelle/index.html>
- <sup>212</sup> Article 389-3 of the Civil Code and article 3 of the amended law of 8 May 2009 in accordance with article 1 paragraph 1 point 3 of the amended law of 10 August 1992.
- <sup>213</sup> The Psychosocial and Scholastic Assistance Centre ("*Centre psycho-social et d'accompagnement scolaires*" – CePAS or CPAS) is aimed at adolescents, parents, families and professionals in the psychosocial and educational network. It ensures the coordination of the activities of the Psychosocial and Scholastic Assistance Service ("*Services de psychologie et d'orientation scolaires*" (SePAS or SPAS) in high schools and actively cooperates with Service for Newly Arrived Children (CASNA) of the Ministry of National Education, Children and Youth, the Vocational Guide Center ("*Maison de l'Orientation*") as well as with the National Employment Agency (ADEM). For further information, see URL: <http://cepas.public.lu/fr.html> (last accessed on 15 January 2018).
- <sup>214</sup> See URL: <http://www.olai.public.lu/fr/accueil-integration/mesures/contrat-accueil/index.html> (last accessed on 12 January 2018).
- <sup>215</sup> Article 2, article 3 and article 4 of the amended law of 18 December 2009 on social aid.  
Information provided by the Solidary Department in the Ministry of Family, Integration and the Greater Region on 30 January 2018.
- <sup>216</sup> LU EMN NCP answer to Joint ad-hoc query launched by the HR, LU, NL, PL EMN NCPs on Access to healthcare of beneficiaries of international protection on 15 November 2017. The monthly amount is of 107,58€.
- <sup>217</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017. Additional Information provided by the Luxembourg Reception and Integration Agency (OLAI) on 1 March 2018.  
See also LU EMN NCP, *Integration of beneficiaries of international/humanitarian protection into the labour market: policies and good practices*, Luxembourg, 2015, p. 14-15, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2016/01/LU-EMN-NCP-study\\_Integration-of-beneficiaries-of-international-protection\\_11.02.16.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2016/01/LU-EMN-NCP-study_Integration-of-beneficiaries-of-international-protection_11.02.16.pdf) (last accessed on 8 January 2018).
- <sup>218</sup> Article 5 of the amended law of 18 December 2009 on social aid.  
Information provided by the Solidary Department in the Ministry of Family, Integration and the Greater Region on 30 January 2018.
- <sup>219</sup> Article 125bis of the amended law of 29 August 2008 in regard to article 27 of the amended law of 18 December 2009.
- <sup>220</sup> Article 94 of the amended law of 29 August 2008.
- <sup>221</sup> Article 1 (1) al. 3 of the amended law of 8 May 2009.
- <sup>222</sup> Article 1 (2) paragraph 2 of the Grand ducal regulation of 11 September 2014 in accordance with articles 12 and 13 of the Law of 18 December 2015 on reception of applicants for international protection.
- <sup>223</sup> Article 2 (1) of the amended law of 29 August 2008.
- <sup>224</sup> Articles 16 (2) and (3) in regards with articles 17 and 19 (1) of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>225</sup> Article 62 (2) of the Law of 18 December 2015 on international protection and temporary protection
- <sup>226</sup> Article 16 (2) of the amended law of 18 December 2015 on reception of applicants for international protection and temporary protection.
- <sup>227</sup> Article 41 of the amended law of 29 August 2008 in accordance with the Grand ducal regulation of 3 February 2009 on the medical examination of foreigners.
- <sup>228</sup> Article 2 (1) a) of the amended law of 8 May 2009.
- <sup>229</sup> Article 3 of the amended law of 8 May 2009.

- 
- <sup>230</sup> Article 94 of the amended law of 29 August 2008 in regard to article 1 (1) al. 3 of the Grand ducal regulation of 11 September 2014.
- <sup>231</sup> Articles 2 and 7 of the Law of 6 February 2009 on compulsory education.
- <sup>232</sup> Article 7 of the Law of 6 February 2009 on compulsory school attendance.
- <sup>233</sup> Article 92 (2) of the amended law of 29 August 2008.
- <sup>234</sup> Article 78 (3) of the amended law of 29 August 2008.
- <sup>235</sup> Article 125bis (2) of the amended law of 29 August 2008.
- <sup>236</sup> In 2015/2016, 42,4% of all children in the Luxembourgish school system are of foreign nationality and 58% speak a language other than Luxembourg at home. See URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/statistiques-analyses/chiffres-cles/2015-2016/15-16.pdf>. (last accessed on 12 January 2018).
- <sup>237</sup> Article 34 of the Law of 6 February 2009 on compulsory school attendance and Article 1 of the Grand ducal regulation of 16 June 2009 determining the functioning of welcome and support classes for children newly settled in the country. See also URL: <http://www.guichet.public.lu/citoyens/en/enseignement-formation/enseignement-primaire/inscription-public/nouvel-arrivant/index.html> (last accessed on 12 January 2018).
- <sup>238</sup> Service de la scolarisation des enfants étrangers (SECAM) of the Ministry of National Education, Childhood and Youth, *Accueillir et intégrer* (Brochure), September 2017, URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/scolarisation-eleves-etrangers/brochures-enseignants/accueillir-integrer/fr.pdf> (last accessed on 10 January 2018).
- For the vade-mecum, refer to p. 119-123 of the brochure.
- <sup>239</sup> Articles 17 to 19 as well as article 21 of the Grand ducal regulation of 16 June 2009. See also: <http://www.guichet.public.lu/citoyens/en/enseignement-formation/enseignement-primaire/inscription-public/nouvel-arrivant/index.html> (last accessed on 12 January 2018).
- <sup>240</sup> See URL: [https://portal.education.lu/Portals/23/Documents/8%20DPI%2C%20Roms/Information%20pour%20enseignants%20d%27une%20CSAE%20version%202017\\_2018.pdf](https://portal.education.lu/Portals/23/Documents/8%20DPI%2C%20Roms/Information%20pour%20enseignants%20d%27une%20CSAE%20version%202017_2018.pdf) (last accessed on 12 January 2018).
- <sup>241</sup> Article 22 (1) of the Law of 6 February 2009 on compulsory school attendance.
- <sup>242</sup> Information provided by Caritas on 13 December 2017 and on 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>243</sup> See answer of the Minister of National Education, Children and the Youth to parliamentary question N°3530 concerning the educational offer for young people over the age of compulsory schooling, Luxembourg, 16 January 2018, URL: [http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=4004990&fn=4004990.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=4004990&fn=4004990.pdf) (last accessed on 18 January 2018).
- <sup>244</sup> Service for Newly Arrived Children (CASNA) of the Ministry of National Education, Childhood and Youth, *Welcome to Luxembourgish schools! Information for foreign parents and students (brochure)*, p. 5, URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/scolarisation-eleves-etrangers/brochure-parents-en/welcome/en.pdf> (last accessed on 12 January 2018).
- See also URL: <http://www.guichet.public.lu/citoyens/en/enseignement-formation/enseignement-postprimaire/jeune-recemment-arrive-pays/cellule-accueil-scolaire/index.html> (last accessed on 12 January 2018).
- <sup>245</sup> Information provided by the Department for the schooling of foreign children (SECAM) of the Ministry of National Education, Children and Youth on 12 January 2018.
- <sup>246</sup> Service for Newly Arrived Children (CASNA), *Welcome to Luxembourgish schools! Information for foreign parents and students (brochure)*, p. 12, URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/scolarisation-eleves-etrangers/brochure-parents-en/welcome/en.pdf> (last accessed on 12 January 2018).
- See also URL: <http://www.guichet.public.lu/citoyens/en/enseignement-formation/enseignement-postprimaire/jeune-recemment-arrive-pays/cellule-accueil-scolaire/index.html> (last accessed on 12 January 2018).
- <sup>247</sup> These are classes where all courses are taught in French. School curriculums are identical to those of other classes.

---

For more information, see: Ministry of National Education, Childhood and Youth, "L'école du succès, une chance pour tous" (brochure), 2017, URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/scolarisation-eleves-etranagers/brochures-parents/ecole-succes/fr.pdf> (last accessed on 12 January 2018).

- <sup>248</sup> See URL: <http://www.men.public.lu/fr/themes-transversaux/scolarisation-eleves-etranagers/enseignement-secondaire/index.html> (last accessed on 12 January 2018).
- <sup>249</sup> See URL: <http://www.quichet.public.lu/citoyens/en/enseignement-formation/enseignement-postprimaire/jeune-recemment-arrive-pays/cellule-accueil-scolaire/index.html> (last accessed on 12 January 2018).
- <sup>250</sup> Service for Newly Arrived Children (CASNA) of the Ministry of National Education, Childhood and Youth, *Welcome to Luxembourgish schools! Information for foreign parents and students* (brochure), p. 7-8, URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/scolarisation-eleves-etranagers/brochure-parents-en/welcome/en.pdf> (last accessed on 12 January 2018).
- <sup>251</sup> Information provided by the Department for the schooling of foreign children (SECAM) of the Ministry of National Education, Children and Youth on 12 January 2018.
- See also answer of the Minister of National Education, Children and the Youth to parliamentary question N°3530 concerning the educational offer for young people over the age of compulsory schooling, Luxembourg, 16 January 2018, URL: [http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=4004990&fn=4004990.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=4004990&fn=4004990.pdf) (last accessed on 18 January 2018).
- <sup>252</sup> Greijer, Susanna (Brainiact), Schlechter, René (Ombuds-Comité fier d'Rechter vum Kand – ORK), *Réflexions et témoignages des foyers pour mineurs non accompagnés au Luxembourg*, 2017, p. 15, URL: [http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA\\_SG-RS\\_version%20web.pdf](http://ork.lu/files/PriseDePositionRapports/Rapport%20MNA_SG-RS_version%20web.pdf) (last accessed on 12 January 2018).
- <sup>253</sup> Lëtzebuurger Flüchtlingsrot, *Communiqué de presse du LFR suite à la présentation du rapport de l'ORK concernant les mineurs réfugiés*, 28 December 2017, URL: [https://docs.wixstatic.com/uqd/a35505\\_d1bb749fb5de42ac86773d158445b908.docx?dn=LFR-Communiqu%C3%A9\\_presse\\_rapport\\_ORK-20171228.docx](https://docs.wixstatic.com/uqd/a35505_d1bb749fb5de42ac86773d158445b908.docx?dn=LFR-Communiqu%C3%A9_presse_rapport_ORK-20171228.docx) (last accessed on 12 January 2018).
- <sup>254</sup> For more information, see URL: <http://passerelles.caritas.lu/index.php/fr/informations/11-inscriptions-langues/13-inscription-anglais> (last accessed on 7 February 2018).
- <sup>255</sup> URL: <https://www.coe.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants> (last accessed on 7 February 2018).
- <sup>256</sup> Interview with Caritas on 13 December 2017 and on 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>257</sup> This is because article 7 of the Law of 6 February 2009 on compulsory schooling fixed the duration of compulsory schooling over a period of 12 years between the ages of 4 and 16. Nevertheless, article L.341-1 of the Labour Code establishes that a young worker (teenager) is the individual who is at least 15 years old and is not subject to compulsory schooling. According to the Inspectorate of Labour and Mines, the minimum age for young workers is 16 years old. See URL: <http://www.itm.lu/home/fag/ddt/remuneration/remuneration.html#anchorde691065-7a06-48d1-b4fd-d71c67f8caed> and refer to "ddt.4.a.8". (last accessed on 10 January 2018).
- <sup>258</sup> Article 92 and 97 (1) of the amended law of 29 August 2008.
- <sup>259</sup> Article 42 (1) points 3 to 4 of the amended law of 29 August 2008.
- <sup>260</sup> Article 78 (3) in accordance with article 79 (3) of the amended law of 29 August 2008.
- <sup>261</sup> Article 42 (1) point 1 of the amended law of 29 August 2008 in accordance with article L. 622-4 of the Labour Code.
- <sup>262</sup> Article 43 (2) of the amended law of 29 August 2008.
- <sup>263</sup> Article 42 (1) points 3 to 4 of the amended law of 29 August 2008.
- <sup>264</sup> Article L. 342-1 in relation with article L.341-1 of the Labour Code establishes that a young worker (teenager) is the individual who is at least 15 years old and is not subject to compulsory schooling.
- <sup>265</sup> Information provided by the National Employment Agency (ADEM) on 5 January 2018.
- <sup>266</sup> URL: <http://portal.education.lu/mo/> (last accessed on 12 January 2018).

See also URL: <http://www.adem.public.lu/fr/demandeurs-demploi/definir-son-projet-professionnel/sorienter/maison-de-lorientation/index.html> (last accessed on 12 January 2018).

- 
- <sup>267</sup> Interview with Caritas on 13 December 2017 and on 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>268</sup> Please take note that the articles mentioned in regard to the bills n° 6775 and n° 6779 in the report correspond to the articles in the Law of 18 December 2015 on the reception of applicants for international protection (Reception Law) and the Law of 18 December 2015 on international protection and temporary protection (Asylum Law).
- <sup>269</sup> Article 63 (5) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>270</sup> Article 56 (1) and (2) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>271</sup> Article 69 (1) and (2) of the amended law of 29 August 2008.
- <sup>272</sup> Article 69 (2) of the amended law of 29 August 2008.
- <sup>273</sup> Article 70 (5) c) of the amended law of 29 August 2008.
- <sup>274</sup> Article 56 (1) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>275</sup> Article 95 (1) of the amended law of 29 August 2008.
- <sup>276</sup> Article 95 (2) of the amended law of 29 August 2008.
- <sup>277</sup> Article 78 (3) of the amended law of 29 August 2008.
- <sup>278</sup> Article 69 of the amended law of 29 August 2008.
- <sup>279</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>280</sup> Article 13 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>281</sup> Amended Law of 16 December 2008 on child and family assistance.
- <sup>282</sup> Article 62 (1) and (2) of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>283</sup> Article 61 of the Law of 18 December 2015 on international protection and temporary protection.
- <sup>284</sup> Article 2 (2) of the Law of 29 April 1999 on the creation of the guaranteed minimum income as amended by the Law of 29 August 2008.
- <sup>285</sup> Article 2 paragraph 1, article 3 paragraph 3 and 4 of the amended law of 18 December 2009 on social aid.
- <sup>286</sup> Article 5 of the amended law of 18 December 2009 on social aid.
- <sup>287</sup> Article 94 of the amended law of 29 August 2008 and article 1 (1) al. 3 of the Grand ducal regulation of 11 September 2014.
- <sup>288</sup> Article 97 (1) of the amended law of 29 August 2008.
- <sup>289</sup> Article 2 (1) and (2) of the amended law of 8 May 2009.
- <sup>290</sup> Article 1 (1) al. 2 and 3 of the Grand ducal regulation of 11 September 2014.
- <sup>291</sup> Article 1 (2) of the Grand ducal regulation of 11 September 2014.
- <sup>292</sup> Article 2 paragraph 2 of the Grand ducal regulation of 11 September 2014 in accordance with articles 12 and 13 of the law of 18 December 2015 on the reception of applicants for international protection and temporary protection.
- <sup>293</sup> Article 79 (1) in accordance with article 78 (3) of the amended law of 29 August 2008.
- <sup>294</sup> Article 79 (2) of the amended law of 29 August 2008.
- <sup>295</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>296</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>297</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>298</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.

- 
- <sup>299</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>300</sup> Article 103 of the amended law of 29 August 2008.
- <sup>301</sup> Article 124 (1) of the amended law of 29 August 2008.
- <sup>302</sup> Article 111 (2) of the amended law of 29 August 2008.
- See also: LU EMN NCP, *The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards*, Luxembourg, 2017, p. 29, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP\\_Effectiveness-of-return\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP_Effectiveness-of-return_final.pdf) (last accessed on 30 January 2018).
- <sup>303</sup> For more information, see URL: <http://belgium.iom.int/assisted-voluntary-return-and-reintegration> (last accessed on 14 December 2017).
- <sup>304</sup> LU EMN NCP, *The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards*, Luxembourg, 2017, p. 25, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP\\_Effectiveness-of-return\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP_Effectiveness-of-return_final.pdf) (last accessed on 30 January 2018).
- <sup>305</sup> Article 124 (1) in accordance with article 125bis (2) of the amended law of 29 August 2008.
- <sup>306</sup> Article 112 (1) in accordance with article 124 (1) of the amended law of 29 August 2008.
- <sup>307</sup> Article 111 (2) of the amended law of 29 August 2008.
- <sup>308</sup> Article 111 (2) of the amended law of 29 August 2008 as amended by law of 26 June 2014.
- <sup>309</sup> Amended law of 29 August 2008 on free movement of persons and immigration.
- <sup>310</sup> Government of the Grand Duchy of Luxembourg, Council of government, *Résumé des travaux du Conseil de Gouvernement*, Press release of 7 July 2017, URL: [https://gouvernement.lu/fr/actualites/conseils\\_de\\_gouvernement.gouvernement%2Bfr%2Bactualites%2Btoutes\\_a ctualites%2Bcommuniqués%2B2017%2B07-juillet%2B07-conseil-gouvernement.html](https://gouvernement.lu/fr/actualites/conseils_de_gouvernement.gouvernement%2Bfr%2Bactualites%2Btoutes_a ctualites%2Bcommuniqués%2B2017%2B07-juillet%2B07-conseil-gouvernement.html) (last accessed on 6 March 2018).
- <sup>311</sup> Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>312</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- See also: Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>313</sup> Article 109 (1) in accordance with article 111 (1) of the amended law of 29 August 2008.
- <sup>314</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>315</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017.
- <sup>316</sup> Caritas reported that they are not informed in this context. Information provided by Caritas on 20 March 2018.
- Fondation Maison de la Porte Ouverte reported that they have not yet been confronted with such a situation since the inauguration of their facility in 2016 and can therefore not report on their experience in this context. Information provided by Fondation Maison de la Porte Ouverte on 11 April 2018.
- <sup>317</sup> Article 103 of the amended law of 29 August 2008.
- <sup>318</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>319</sup> Interview with Caritas on 13 December 2017, Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>320</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>321</sup> Interview with Caritas on 13 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with Fondation Maison de la Porte Ouverte on 17 January 2018.

- 
- <sup>322</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017.
- <sup>323</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>324</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017, Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- See also: Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>325</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017, Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>326</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 30 March 2018.
- <sup>327</sup> Interview with IOM Country Office for Belgium and Luxembourg on 14 December 2017.
- <sup>328</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- See also: Directorate of Immigration of the Ministry of Foreign and European Affairs, *Bilan de l'année 2017 en matière d'asile et d'immigration*, Luxembourg 2018, p. 13, URL: [https://maee.gouvernement.lu/content/dam/gouv\\_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf](https://maee.gouvernement.lu/content/dam/gouv_maee/directions/d8/publications/statistiques-en-mati%C3%A8re-d-asyle/bilan-de-l-annee-2017-en-matiere-d-asile-et-d-immigration.pdf) (last accessed on 15 March 2018).
- <sup>329</sup> Interview with the Luxembourgish Red Cross on 15 December 2017.
- For more information, see also: LU EMN NCP, *Family reunification of third-country nationals in the EU: national practices*, Luxembourg, 2016, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2017/01/LU-EMN-NCP-EMN-FR-Study\\_FINAL\\_04.01.17.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2017/01/LU-EMN-NCP-EMN-FR-Study_FINAL_04.01.17.pdf) (last accessed on 12 January 2018).
- <sup>330</sup> Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>331</sup> Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>332</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017. Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017.
- See also: LU EMN NCP, *The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards*, Luxembourg 2017, p. 25, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP\\_Effectiveness-of-return\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP_Effectiveness-of-return_final.pdf) (last accessed on 30 January 2018).
- <sup>333</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017. Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>334</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017.
- <sup>335</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>336</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017.
- <sup>337</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017. Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>338</sup> LU EMN NCP answer to NO EMN NCP Ad-hoc query on support to persons who have returned to the country of origin, launched on 31 May 2017.
- <sup>339</sup> LU EMN NCP answer to NO EMN NCP Ad-hoc query on support to persons who have returned to the country of origin, launched on 31 May 2017.
- <sup>340</sup> LU EMN NCP answer to NO EMN NCP Ad-hoc query on support to persons who have returned to the country of origin, launched on 31 May 2017.
- See also: LU EMN NCP, *The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards*, Luxembourg 2017, p. 26, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP\\_Effectiveness-of-return\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP_Effectiveness-of-return_final.pdf) (last accessed on 30 January 2018).
- <sup>341</sup> LU EMN NCP answer to NO EMN NCP Ad-hoc query on support to persons who have returned to the country of origin, launched on 31 May 2017.

---

See also: LU EMN NCP, *The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards*, Luxembourg 2017, p. 26, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP\\_Effectiveness-of-return\\_final.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2018/01/LU-EMN-NCP_Effectiveness-of-return_final.pdf) (last accessed on 30 January 2018).

- <sup>342</sup> Article 89 (1) points 1 and 2 of the amended law of 29 August 2008 as amended by Law of 18 December 2015 on international protection and temporary protection.
- <sup>343</sup> Article 89 (2) of the amended law of 29 August 2008 as amended by Law of 18 December 2015 on international protection and temporary protection.
- <sup>344</sup> Article 78 (3) and 79 (1) of the amended law of 29 August 2008. Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>345</sup> Article 125bis (1) of the amended law of 29 August 2008.
- <sup>346</sup> Article 125bis (1) of the amended law of 29 August 2008.
- <sup>347</sup> Article 125 (1) a) of the amended law of 29 August 2008. This alternative to detention is defined in the Immigration Law as an obligation upon the foreigner to regularly report, at intervals to be fixed by the Minister in charge of Immigration, before the services of the Minister or any other authority designated by the latter. In this case, the foreigner has to hand over his/her original passport and any other supporting document proving his/her identity in exchange for a receipt justifying the identity.
- <sup>348</sup> Article 125 (1) and 125 (1) b) of the amended Law of 29 August 2008 lays down the possibility for home custody. With regard to Article 120, the Minister can take the decision to place a person under home custody if the execution of the obligation to leave the territory was postponed because of technical reasons and if the person can present the necessary guarantees to prevent the risk of absconding. The decision can be taken for a maximum duration of 6 months and is notified. The person receives a copy of the notification. Also, Article 125 (1) b) allows the possibility of home custody in case there are technical obstacles to carry out the return decision and the third country national can prove his/her inability to leave the territory for reasons beyond his/her control. The measure of house arrest can be combined with other alternatives of detention (reporting, electronic bracelet, financial guarantee).
- <sup>349</sup> Article 125 (1) c) of the amended law of 29 August 2008. When a third-country national has been placed in detention, s/he can be freed if s/he provides a financial guarantee of 5.000€ or is subject to an electronic bracelet. In this case, the amount of the financial guarantee is of 5.000€. The money can be deposited by the concerned individual or a third party. In any case, if the third-country national absconds, the money will not be refunded.
- <sup>350</sup> Article 125 (1) b) of the amended law of 29 August 2008. It should be noted that the electronic monitoring is only foreseen in relation with home custody.
- <sup>351</sup> Article 125bis (2) of the amended law of 29 August 2008 and Article 27 of the Law of 18 December 2009 organising social aid.
- <sup>352</sup> Article 125bis (2) of the amended law of 29 August 2008.
- <sup>353</sup> Article 125bis (2) of the amended law of 29 August 2008.
- <sup>354</sup> Article 125bis of the amended law of 29 August 2008.
- <sup>355</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>356</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>357</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017.
- <sup>358</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017.
- <sup>359</sup> Interview with Caritas on 13 December 2017.
- <sup>360</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>361</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with the Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>362</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 21 March 2018.
- See also: LU EMN NCP, *Annual Policy Report on Migration and Asylum 2016*, Luxembourg, 2017, p. 66, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport\\_politique-ENG-2016-web.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport_politique-ENG-2016-web.pdf) (last accessed on 22 January 2018).
- <sup>363</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question N° 2450 on the absconding of unaccompanied minors in Luxembourg, Luxembourg, 25 October 2016, URL:

---

[http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1388035&fn=1388035.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1388035&fn=1388035.pdf) (last accessed on 22 January 2018).

- <sup>364</sup> LU EMN NCP, *Annual Policy Report on Migration and Asylum 2016*, Luxembourg, 2017, p. 66, URL: [http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport\\_politique-ENG-2016-web.pdf](http://www.emnluxembourg.lu/wp-content/uploads/2015/05/Rapport_politique-ENG-2016-web.pdf) (last accessed on 22 January 2018).
- <sup>365</sup> Interview with Caritas on 13 December 2017, Interview with the Ombuds-Committee for the Rights of the Child (ORK) on 4 January 2018.
- <sup>366</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>367</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017, Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>368</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>369</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017, Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>370</sup> Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017.
- <sup>371</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017, Interview with the Fondation Maison de la Porte Ouverte on 17 January 2018.
- <sup>372</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017. Additional information provided by the Luxembourg Reception and Integration Agency (OLAI) on 1 March 2018.
- <sup>373</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>374</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 December 2017, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>375</sup> Interview with Caritas on 13 December 2017 and 5 January 2018, Interview with the Luxembourgish Red Cross on 15 December 2017.
- <sup>376</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 8 January 2018.
- <sup>377</sup> Information provided by the Directorate of Immigration of the Ministry of Foreign and European Affairs on 15 January 2018.
- <sup>378</sup> Interview with IOM Country Office for Luxembourg and Belgium on 14 December 2017.