



The European Migration Network: remarks on accommodation and education of Ukrainian minors

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European Migration Network (EMN)

- Established in 2008 by the European Commission on behalf of the European Council (Council Decision 2008/381/EC)
- 33 national contact points, 26 of which are located in EU Member States (Denmark opted out), plus Armenia, Georgia, Moldova, Montenegro, Norway, Serbia and Ukraine.
- The objective of EMN is to
 - to provide European and national institutions and agencies as well as the general public with up-to-date, objective and comparable data and information on migration and asylum issues
 - provide impartial information to support the current discourse on migration; and
 - support policy-making processes within the European Union.

Information collection

- EMN activities are decided in a tri-annual work plan;
- The specific topics are decided by the EMN Steering Board and NCPs;
- The data collection for EMN products consists mainly of a literature search;
 - use of data already available or published at Member State or international level, including national statistics, legal texts, reports, etc;
- This research is complemented, where necessary, by interviews with various stakeholders in the field of migration, asylum, statelessness and integration;
- This collection of information is carried out within a very short period of time (depending on the product) so that the information remains relevant.

EMN Activities and Outputs

- EMN activities are:
 - European and national conferences
 - Workshops
 - Capacity-building events
 - Specialised training
- The EMN products are:
 - Ad-hoc queries
 - Annual Report on Migration and Asylum (ARM)
 - Thematic studies
 - Country factsheets
 - EMN Informs (briefing notes)
 - EMN Situation Reports
 - Glossary on asylum and migration

Ad-hoc queries

- Providing answers to very specific questions initiated by the COM or a MS on migration and asylum issues;
 - Official responses provided within a short timeframe (1 - 4 weeks depending on the urgency);
 - A brief summary of the compilation of ad-hoc queries is mandatory;
 - 100 - 130 ad-hoc requests launched per year;
 - Ad-hoc Query Working Group which sets the rules for the operation of the system
 - Watchdog -> guarantees the quality and scope of ad-hoc queries.
- Derivative products
- EMN thematic informs
 - Sanctions for applicants for international protection who commit serious breaches of the rules of reception centres or display violent behaviour (launched October 2021)
 - OECD-EMN collection on the Covid-19 pandemic
 - Minors in migration (March 2021)
 - How EU Member States deal with missing unaccompanied minors? (June 2020)
 - Long-term resident status in the EU (May 2020)
 - Statelessness in the European Union, Norway and Georgia (April 2023)

Ad-hoc queries & derived products



EMN Ad-Hoc Query on Joint ad-hoc query COM & LU EMN NCP on statelessness (part 1)
Requested by LU EMN NCP on 4th May 2016

Miscellaneous
Responses from [Austria](#), [Belgium](#), [Bulgaria](#), [Croatia](#), [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Poland](#), [Portugal](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#), [Norway](#) (25 in total)

Disclaimer:
The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCP's Member State.



Background information:

Statelessness as a legal anomaly it prevents people from accessing fundamental human, civil, political, economic, social and cultural rights. Hence, most of the current 10 million stateless persons scattered around the world are living in conditions of protracted marginalization and discrimination, facing numerous difficulties, such as the inability of receiving medical assistance, enrolling in educational programs, acquiring property, being legally employed, becoming married or opening up a bank account.

The Luxembourgish government has been very interested on the issue of statelessness and asked the LU EMN NCP to launch an ad-hoc query on recognition of statelessness on 12 March 2015. This ad-hoc query allowed to determine the state of play on the recognition procedures in the EU.

The LU EMN NCP following the Justice and Home Affairs Council conclusions of 3 and 4 December 2015 which considered the EMN as a platform for exchange of information and good practices, decided to dedicate this year conference to the subject of statelessness. The conference entitled "Tackling Statelessness: Exchange of Experiences and Good Practices", on the 19th of April 2016, grappled with the issue of statelessness.

Although the framework was interdisciplinary (policy makers, academics, lawyers, NGOs and international organizations) and hence, the presentations variegated throughout the panels, the strategies and approaches intended to efficiently prevent statelessness emerged as common themes. Certain groups, among which migrants and refugees, minorities and more specifically minors are particularly vulnerable and hence jeopardized.

Following these conclusions, COM and the LU EMN NCP would like to update the ad-hoc query launched and enhance knowledge on minors born in exile as well as unaccompanied minors particularly at risk of being stateless.

For these reasons the present ad-hoc query will be launched in two parts. The first one will comprehend general questions and the second part comprehend questions regarding minors born in exile and unaccompanied minors.

Questions

1. Does your MS have made any legislative or administrative changes in the recognition procedures of statelessness since 2015? (Please refer to the LU EMN NCP Ad-hoc query on recognition of statelessness launched on 12 March 2015).
2. Is your MS's State Party to the 1961 Convention on the reduction of statelessness? If yes, please indicate the date and the legislation in question?





Statelessness in the European Union, Norway and Georgia


European Migration Network Inform
April 2023



If no, please indicate the reasons why your MS did not ratify the convention and if your MS is planning to do so. Do you have a determination procedure of nationality for deal with stateless persons? (This is an update of the LU EMN NCP Ad-Hoc Query on recognition of stateless persons requested on 28th February 2015, so if there have not been any changes please refer to the answer of your MS to this query).

3. Does the recognition of the statelessness status to an individual grant a right to a residence permit in your MS? If the answer is no, please explain what is the procedure that the beneficiary has to fulfil to obtain a residence permit. If your MS does not have a procedure for the recognition of statelessness status, how are stateless persons granted a residence permit?
4. Does your MS facilitate the access to nationality to individuals who have been granted the stateless status? Can you please explain the procedure?

Responses

	Country	Stateless Discrimination	Response
	Austria	Yes	<p>1. No. Source: Federal Ministry of the Interior.</p> <p>2. Yes. Austria ratified the Convention in 1972. It entered into effect in Austria as of 13 December 1975 (Federal Law Gazette No. 538/1974 as most recently amended by Federal Law Gazette III No. 222/2013) and was imposed into national law within the framework of the 1985 Citizenship Act (Staatsbürgerschaftsgesetz 1985). Source: Federal Ministry of the Interior.</p> <p>3. Austria has no procedure for recognizing statelessness. With regard to issuing residence titles, stateless persons are equal to other third-country nationals. The provisions governing the procedure for issuing a residence title are specified in the Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz). Source: Federal Ministry of the Interior.</p> <p>4. Stateless persons normally have to meet the same general requirements as other persons applying for citizenship. These include at least ten years of uninterrupted legal residence in Austria, of which at least five of those years were under a Settlement Permit. Applicants for citizenship must additionally provide evidence of proficiency in German at B1 level, of adequate means of subsistence and of "irrepealability" (Unabholbarkeit) (Unbescholtenheit). Irrepealability of the applicant for citizenship signifies that the person has not been convicted with final effect by an Austrian or foreign court of law to imprisonment on account of one or more deliberate acts; the person has not been convicted with final effect by an Austrian court of law to imprisonment on account of a financial offence.</p>

EMN Outputs during the Ukrainian war

- From the beginning of the Ukrainian crisis, EMN began launching ad-hoc queries in order to collect information from Member States
 - 2022.09 Temporary protection mechanism (03/03/2022)
 - 2022.14 Scope and other issues relating to the temporary protection directive (28/03/2022)
 - 2022.15 Registration and documentation (28/03/2022)
 - 2022.17 Access to employment TPD (28/03/2022)
 - 2022.18 Access to accommodation and housing TPD (28/03/2022)
 - 2022.19 Access to social welfare or means of subsistence , access to medical care and the right to move freely between Member States for the purpose of changing residence (28/03/2022)
 - 2022.20 Access to education and training for minors and adults (28/03/2022)
- From these ad-hoc queries the following EMN Informs were published:
- EMN Inform « Application of the Temporary Protection Directive (Scope and Registration) » (July 2022)
- EMN Inform « Arrangements for accommodation and housing for beneficiaries of temporary protection » (November 2022)
- EMN Inform « Access to services for beneficiaries of temporary protection » (November 2022)

Accommodation for UAM and Guardianship

- Dealing with UAMs the social welfare/child services have to be informed
- UAMs are placed on special accommodation structures (BG, CZ, EL, ES, FI, FR,HR, HU, LT, LU, MT, SI, SK)
 - BE, BG, ES, IE, SE have several solutions to accommodate UAMs: 1) foster placements, 2) accommodation with family or family friends living in the territory of the MS; 3) accommodation provided by the municipalities in case they are accompanied by family friends -> best interest of the child
 - NL -> municipalities deal with UAM in coordination with NIDOS -> looks for adequate accommodation in the municipality or elsewhere
- UAMs are appointed as soon as possible a guardian
- Minors who arrived accompanied with an adult who is not his/her legal guardian are allowed to stay with these individuals
- Minors accompanied by a guardian that is not the parent -> verification of the documents and in case of doubt, transfer to a special facility and appointment of a guardian (BE, CY, ES, FI, FR, IE, LU, LT, NL)
 - The analysis is done on a case by case basis.
- PL -> Ministry of Family and Social Policy created two teams that were involved the evacuation of Ukrainian minors -> accommodation in Poland (Evacuation of Children Team and the Placement for Children Team).

Education (1/3)

- Article 14 (1) of the TPD requires MS to grant all persons under 18 years enjoying of TP -> access to the education system under the same conditions as nationals
- All MS reported that children benefiting of TP who are in the age boundaries of compulsory education can register in school.
- Some MS offer the possibility to enroll in pre-school
- Main challenge: possibility depends on the availability of places
 - Allocation of funds for schools to open additional classes, undertaking capacity assessments and hiring new teachers
- Integration
 - To support integration many MS offer supplementary language classes to Ukrainian children
 - Other MS introduced coaches, counsellors and language assistants in schools (e.g. IE established Regional Education and Language Teams to assist Ukrainian families; PL employs a person without PL nationality as a teacher assistant)
 - Some MS -> individualized/collective educational plan is provided to the child (EE, LV)

Education (2/3)

- Other MS -> same rules applicable to nationals and residents apply to children with TP for enrolling in school (DE (may vary according to the federal state), FI, FR, HR, IE, IT, PL, SK)
- LU & NL facilitate the enrollment of Ukrainian in specialized international/migrant schools
 - In LU, international schools provide more flexibility in terms of language learning (an UA school was created with a capacity of 300 students)
 - NL relies on existing specialized newcomer education system as a bridge to regular education system.
- Some MS offer Ukrainian students to attend online courses -> Ukrainian educational system (CY provided dedicated classrooms)
- LT & LU provide for extracurricular activities for Ukrainian children
- MS do not have any other long-term measures in place besides integrating them into the local educational systems
 - CZ is the only MS that developed a long-term plan based on how many children benefiting from TP would remain in the country (if < 150.000 -> educational system will be able to handle it with some difficulties; If it is > 250.000 there will be a systematically opt-out from the mainstream education system -> other forms of education will be offered.
- For minors who are older than the maximum age of compulsory schooling -> more than half provide access to vocational training and upper-secondary education

Education (3/3)

- If UA children do not have access in the national language(s) of the MS -> they can be enrolled in transitional classes (CY)
- In CZ steps have been taken to simplify the admission procedures to upper secondary school -> removing the need to pass a CZ language exam (replaced by an interview) and offering the option to do the admission test in EN or UA.
- In IT & SK an individual assessment is carried out for the placement in a given school and grade-level.


Merci pour votre attention!

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