

Models of Alternative Care Arrangements for UAMs and Promising Practices

Case of Luxembourg

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Legal Framework

- UN Convention on the Rights of the Child (CRC) → right to special protection and assistance for children deprived of their family environment including UAM (Articles 20, 22)
 - UN Guidelines for the Alternative Care of Children (A/RES/64/142, 2010) → international framework for the appropriate use and conditions of alternative care (including family-based and community-based care)
- In the EU acquis the Reception Conditions directive (2013/33/EU):
 - Set minimum standards for the reception of AIPs, including UAMs
 - Requires MS to provide appropriate accommodation and care arrangements, prioritizing family-based care where possible (articles 23, 24)
- Other instruments
 - COMMISSION RECOMMENDATION (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child
 - UNHCR Guidelines on supervised independent living for unaccompanied children (2021)
 - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL The protection of children in migration
 - COM/2017/0211 final
 - Council of Europe Recommendation CM/REC(2005)5 on the rights of children living in residential institutions



Alternative Care arrangements for UAM

- **Definition:** “All forms of care provided to children (including UAM) who are temporarily or permanently deprived of parental care and who need protection and substitute family or community-based support.”
 - Regarding UAM, these arrangements aim to ensure their stability, safety, well-being, development and integration in accordance with the BIC principle
- The aim is to provide:
 - Safe accommodation
 - Deal with individual needs (e.g. education, health, psychosocial support)
 - Guarantee stable and nurturing environments
 - Prepare for durable solutions (e.g. family reunification, integration, resettlement)



Placement considerations

- ☐ A child should only be removed from his or her family if there is no other way to protect and care for the child.
- ☐ Any placement must be made with the 'best interests of the child' in mind.
- ☐ Two main principles to consider when deciding on alternative care
 - Necessity (no possibility to stay within the family, best interests of the child)
 - Appropriateness (care alternative needs to suite the needs, situation of the respective child).



Forms of alternative care for UAM

Formal alternative care

- **Foster care:** placement in a family environment with trained foster parents
 - It is promoted but underutilized in EU MS → problem is that in some MS (e.g. DE) there is a lack of foster parents
- **Small group homes:** Residential care in small, family-like settings → this is used in large MS (e.g. DE & SE)
- **Supervised independent living (SIL):** this is generally for minors approaching adulthood (16-18 years) (BE & EL)
- **Reception centers with dedicated child protection services** (transitional)

Informal alternative care

- **Kinship care:** Informal care is also recognized as a form of alternative care in accordance with the UN Guidelines for the Alternative Care of Children -> children are cared for informally by extended family members or other adults in their community.



Benefits of Alternative Care

- Promotes integration and reduces institutional dependency
- Improves mental health and emotional resilience
- Fosters autonomy and life skills among older minors
- Reduces risks of trafficking and exploitation



Transitioning out of Alternative Care

In accordance with the UN Guidelines for the Alternative Care of Children and the COMMISSION RECOMMENDATION (EU) 2024/1238

“Member States should also provide comprehensive support and preparation programmes to assist children and young adults, including children and young adults with disabilities and unaccompanied migrant children, in the process of transitioning out of the alternative care or child-justice system or any other closed or semi-closed settings to independent living and full inclusion in the community.”



Promising Practices in the EU

- Greece – expansion of SIL facilities for 16–18-year-olds with psychosocial support
 - Project FUTURA, Fostering the Transition of Unaccompanied children to Adulthood, is an IRC project that provides accommodation for asylum-seeking unaccompanied children aged between 16 and 18, in ten Supported Independent Living (SIL) apartments in Athens, Greece.
 - Project from IRC which ended in 2023.

<https://www.rescue.org/eu/where-we-work/hellas-en/supporting-refugee-children-athens>

Belgium – host family and community-based care pilot programs.

- **Project of IOM**

<https://belgium.iom.int/unaccompanied-children-alternative-residence-u-care> ,

<https://migration4development.org/en/projects/u-care-project-alternative-care-unaccompanied-minors>

- **U-CARE project:** Alternative Care for Unaccompanied Minors (implemented for 20 months)
 - The same project was implemented in BE; DE; GR

- Sweden – integrated local child services in municipal placements
- Ireland – emphasis on intercultural training and trauma-informed care
 - <https://www.tusla.ie/services/alternative-care/separated-children/>



Luxembourg's Alternative Care Approach

- UAMs placed in specialized child reception facilities, not mixed with adults: Since the 19 March 2024, the National Office for Childhood (Office National de l'Enfance) is in charge of supervising and accommodating UAMs as well as to provide additional support
 - ONE becomes the main actor in the protection of minors -> guarantees access to education, psychosocial support, and recreational activities
 - New reception facility was opened for 18 UAMs and fully managed by ONE
 - Staff of the reception facility can support the UAM to file an application for international protection
 - The few UAMs who still remain in an ONA-structure, also receive care from the ONE
- Dual guardianship ensures legal (ad-hoc administrator) and daily life protection (guardian) → ensures full support for legal procedures and wellbeing
- The new system is focus on stable, child-centered housing with access to psychosocial support



Key Challenges

- Shortage of foster families -> in LU only 3 foster families (ONE looks for more)
- Inconsistent training for caregivers and guardians
- Shortage of SIL facilities and lack of coordinated transition support to adulthood in Member States
- Monitoring and evaluation mechanisms often underdeveloped → no data
- Absconding of UAMs remains a concern



Recommendations

- Invest in training and support for foster families and SIL staff
- Promote intercultural and trauma-informed care approaches
- Enhance coordination between care providers, health, and education services
- Develop clear monitoring indicators for child well-being



Conclusion

- Alternative care models are key to protecting UAMs' rights and development
- There is no one size-fits-all solution and decisions should be made in children's best interest
- Role and capacity of State, community and partners will determine the care options available
- Sustained investment and innovation are needed across the EU, especially for developing new facilities and training (foster parents, guardians, SIL staff)
- The strength of alternative care, is that it provides dedicated care and access to other services (e.g. education, healthcare, psychological support) in a child friendly-manner
- There are also gaps in the monitoring of absconding and the training consistency
- Action is needed in data tracking and continuous quality assurance



Thank you!

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