

# Fundamental rights of children displaced in the EU following the Russian war of aggression

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# 1. Children fleeing Ukraine

## 1.1. Data on children fleeing Ukraine

**Table 1 Children fleeing Ukraine**

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children	Y	1820 children. <sup>1</sup> No disaggregated statistics available.
Arrived accompanied by mother, father or another legal guardian	Y	1809 <sup>2</sup>
Arrived without parents, but with other family members, neighbours or family friends	Y	
Arrived unaccompanied	Y	11. <sup>3</sup> No disaggregated statistics available.
Arrived within a group of children, as an organised evacuation from Ukrainian	N	Not available. <sup>4</sup>

<sup>1</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023.

<sup>2</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023. The Directorate of immigration (*Direction de l'immigration*) only disaggregates statistics between unaccompanied children and children accompanied by the parents or another responsible adult. The latter can be either an adult to whom guardianship has been attributed in Ukraine or an adult who is *de facto* responsible for the child.

<sup>3</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023.

<sup>4</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023. The Directorate of immigration (*Direction de l'immigration*) only disaggregates statistics between unaccompanied children and children accompanied by the parents or another responsible adult.

institutions or foster carers (with or without an appointed legal guardian)		
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)	N	Not available. <sup>5</sup>

Source: Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*)

The database to register persons applying for temporary protection is managed by the Ministry of Foreign and European Affairs, Directorate of Immigration (*Ministère des Affaires étrangères et européennes, Direction de l'immigration*). This is a registration system independent of the existing system for applicants for international protection. A one-stop shop has been specifically created for people who have fled the war in Ukraine, including children, enabling them to register and have their application for temporary protection processed, while also having access to other administrations on site.

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<sup>5</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023. The Directorate of immigration (*Direction de l'immigration*) only disaggregates statistics between unaccompanied children and children accompanied by the parents or another responsible adult.

## 2. Child protection – legal, policy framework and procedures in place

### 2.1. Responsibilities of child protection authorities

#### 2.1.1. Individual children, including unaccompanied and separated children

In Luxembourg, the national child protection system is currently governed, on the one hand, by the Act of 10 August 1992 on youth protection, which regulates judicial procedures aimed at the protection of children who are in danger<sup>6</sup>, and, on the other, by the Act of 16 December 2008 on child and family assistance, which enshrines the voluntary child protection regime implemented by the National Office for Children

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<sup>6</sup> Luxembourg, Act of 10 August 1992 on youth protection (*Loi du 10 août 1992 relative à la protection de la jeunesse*), 25 September 1992. This Act regulates judicial procedures applicable to children who are in danger (Art. 7 – i.e., who habitually avoid compulsory schooling; who engage in debauchery; who seek their resources through gambling, trafficking, or occupations that expose them to prostitution, begging, or vagrancy; who commit criminal offenses; or whose physical or mental health, education, or social or moral development are compromised). It takes precedence over the voluntary child protection regime enshrined in the Act of 16 December 2008 on child and family assistance (see Art. 5 of the later). As such, in the event of proceedings pending before the courts and tribunals under the Act of 10 August 1992 on youth protection, the National Office for Children (*Office national de l'enfance*) may only intervene at the express request of the judicial authorities.

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(*Office national de l'enfance*).<sup>7</sup> The voluntary child protection regime applies to all children within the territory of the Grand Duchy of Luxembourg.<sup>8</sup>

According to the Luxembourgish Government, the National Office for Children has been working closely with the National Reception Office (*Office National de l'accueil*)<sup>9</sup> to offer accommodation to individuals fleeing the war in Ukraine, particularly unaccompanied children and young adults with children. In this framework, the National Office for Children is responsible for social care and insuring follow-up of the beneficiaries. It has relied on the housing facilities at its disposal in the framework of the voluntary child protection regime to identify 49 places that can be made available to the National Reception Office in order to accommodate unaccompanied children and young adults with children. To that end, it informs the National Reception Office on a weekly basis of the number of accommodation units available.<sup>10 11</sup>

The places in question are to be found in the National Office for Children's network of service providers that usually accommodate and provide support to children in distress in the framework of the voluntary child protection regime. The European Migration Network Luxembourg noted that these housing facilities include specific reception centres for unaccompanied children which are funded by the National Office for Children and managed by the non-profit entities Foundation of the Open Door House (*Fondation de la Maison Porte Ouverte*), Foundation Elizabeth (*Fondation Elizabeth*),

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<sup>7</sup> Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 16 December 2008. The voluntary child protection regime is applicable to any requesting child or young adult in distress (Art. 1 and 3(3) – i.e., children or young adults of both sexes who are threatened in their physical, mental, psychological or social development, or are in physical or moral danger, or are at risk of social and professional exclusion). It aims to complement the legal framework enshrined in the Act of 10 August 1992 on youth protection. The focus is on prevention and the implementation of a "non-judicialized" social assistance system that prioritises participation of those concerned (see Luxembourg, Chamber of Deputies (*Chambre des Députés*), Bill No 5754 on child and family assistance, Summary of the file (*Projet de loi No 5754 relatif à l'aide à l'enfance et à la famille, Résumé du dossier*), 22 August 2007; and Chamber of Deputies (*Chambre des Députés*), Bill No 5754 on child and family assistance (*Projet de loi No 5754 relatif à l'aide à l'enfance et à la famille*), 22 August 2007, pp.3-4 and 8-9).

<sup>8</sup> Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 16 December 2008, Art. 1.

<sup>9</sup> Luxembourg, Note: According to Art. 1 of the Act of 4 December 2019 creating the National Reception Office (*Loi du 4 décembre 2019 portant création de l'Office national de l'accueil*), the National Reception Office is responsible for organising the reception of applicants for international protection as defined by the Act of 18 December 2015 on international protection and temporary protection (*Loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire*).

<sup>10</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droits de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 51.

<sup>11</sup> Luxembourg, Government of Luxembourg (2022), 26th National Report on the implementation of the European Social Charter submitted by Luxembourg (*26<sup>e</sup> rapport sur la mise en œuvre de la Charte sociale européenne soumis par le Gouvernement du Luxembourg*), 30 December 2022, p. 23.

Foundation Caritas (*Fondation Caritas*) and Luxembourg Red Cross (*Croix-Rouge luxembourgeoise*).<sup>12 13 14</sup>

The Luxembourgish Government has confirmed that unaccompanied children displaced by the war in Ukraine are accommodated in reception facilities specifically dedicated to unaccompanied children, along with other unaccompanied children who are international protection applicants.<sup>15</sup>

According to the National Reception Office, its social workers contact the National Office for Children immediately to report the presence of unaccompanied children in order to ensure their care.<sup>16</sup>

In the case of children accompanied by their parents or other responsible adults (including those carrying a power of attorney letter from the parents), housing is provided in facilities for families managed by the National Reception Office (first and second stage reception facilities).<sup>17 18</sup>

According to the Luxembourgish Government, by way of complement to the above-mentioned cooperation with the National Reception Office, the National Office for Children also provided for the institutional placement of Ukrainian refugee children considered to be in distress under the Act of 16 December 2008 on child and family assistance.<sup>19</sup>

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<sup>12</sup> Luxembourg, Sommarribas, A., European Migration Network Luxembourg (2022), *Children in Migration: The Ukrainian Crisis: Challenges and Lessons learned*, 19 July 2022, p. 20.

<sup>13</sup> Luxembourg, European Migration Network (EMN) Luxembourg (2023), *2022 Annual Report on Migration and Asylum*, July 2023, pp. 12-13.

<sup>14</sup> Luxembourg, Note: In accordance with Art. 76, in conjunction with Art 63, of the Act of 18 December 2015 on international protection and temporary protection (*Loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire*), unaccompanied children who are beneficiaries of temporary protection are accommodated: with adult relatives, with a foster-family, in centres specialising in accommodation for children, or in other accommodation with special provisions for children.

<sup>15</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023.

<sup>16</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), National Reception Office (*Office National de l'accueil*) by email on 5/7/2023.

<sup>17</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), National Reception Office (*Office National de l'accueil*) by email on 5/7/2023.

<sup>18</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023.

<sup>19</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), 2022 Activity Report (*2022 Rapport d'activité*), March 2023, p. 73. In 2022, there were 2 Ukrainian refugee children placed in institutional care under the voluntary child protection regime.

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## **2.1.2. Children evacuated from Ukrainian institutions**

No information available regarding children evacuated from Ukrainian institutions.

## 3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

### 3.1. Arrived unaccompanied

In accordance with the Act of 18 December 2015 on international protection and temporary protection, unaccompanied children enjoying temporary protection shall be represented in accordance with the legal regime applicable to unaccompanied children who are beneficiaries of international protection (i.e. refugee status and subsidiary protection).<sup>20</sup> According to such legal regime, unaccompanied children shall be represented by an *ad hoc* administrator or, if necessary, by an organisation responsible for the care and well-being of children, or by any other appropriate form of representation, as soon as possible after international protection has been granted.<sup>21</sup>

According to the European Migration Network Luxembourg, an *ad-hoc* administrator is immediately appointed to unaccompanied children by the Family Court at the request of the Directorate of immigration, taking into consideration the best interest of the child.<sup>22</sup>

The Luxembourg Red Cross has indicated that arrangements are made for its appointment as guardian of unaccompanied children who apply for international protection in Luxembourg upon their admission into one of its specialised reception centres. To that effect, an application for guardianship is made to the family affairs judge. The guardianship remains valid throughout the international protection procedure, including after the child is granted international protection. The cessation of the guardianship can stem either from the child coming of age (in principle, 18) or the guardianship being attributed by the family affairs judge to a newly arrived relative in Luxembourg, e.g. following a family reunification procedure.<sup>23</sup> The same arrangements

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<sup>20</sup> Luxembourg, Act of 18 December 2015 on international protection and temporary protection (*Loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire*), 28 December 2015, Art. 76.

<sup>21</sup> Luxembourg, Act of 18 December 2015 on international protection and temporary protection (*Loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire*), 28 December 2015, Art. 63.

<sup>22</sup> Luxembourg, European Migration Network (EMN) Luxembourg (2023), *2022 Annual Report on Migration and Asylum*, July 2023, p. 9.

<sup>23</sup> Luxembourg, information obtained during the interview in person conducted with the Luxembourg Red Cross in the framework of the project “Towards integrated child protection systems”, 28 March 2023.

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should be applicable, *mutatis mutandis*, to Ukrainian children who are beneficiaries of temporary protection.

### 3.2. Arrived without parents, but with other family members, neighbours or family friends

According to the Luxembourgish Government, there are two different arrangements for purposes of the legal representation of separated children fleeing Ukraine.<sup>24</sup>

In the case of children who arrive with an adult other than a parent, the responsible adult (who may or may not already have been attributed guardianship in Ukraine) agrees in writing to become the child's guardian in Luxembourg, upon consent of the child. This allows separated children to remain with the adult in question and immediately benefit from temporary protection on the basis of that person's signature. The file is immediately referred to the family affairs judge to allow for the child and the adult in question to be summoned as soon as possible and for the guardianship to be officially attributed to the accompanying adult.

In the case of children fleeing Ukraine living with a resident of Luxembourg, the guardianship procedure is carried out prior to the application for temporary protection. This enables the adult to whom guardianship is attributed to sign the application for temporary protection on behalf of the child.

### 3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

No information available regarding children arriving within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian).

### 3.4. Arrived within a group, through private initiatives, such as football clubs (with

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<sup>24</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), Directorate of immigration (*Direction de l'immigration*) by email on 11/7/2023.

## or without an appointed legal guardian)

No information available regarding children arriving within a group, through private initiatives (with or without an appointed legal guardian).

## 4. Information and practical challenges in access to basic services for children fleeing Ukraine

### 4.1. General information and challenges

The Luxembourgish government has developed a specific pathway to integrate Ukrainian children and young adults into the national educational system. In this framework, priority is given to enrolment of children of C2 level and above (6 years onwards) in international schools. Alternatively, these children can also be enrolled in national schools, where reception classes are organised.

As for C1 level (3-5 years), parents are offered the possibility to enrol their children in a basic school in their municipality of residence. The final choice between the possible options lies with the parents.<sup>25 26</sup>

In 2022, Ukrainian children have therefore been assigned for the most part to one of six international public schools where teaching is in English. In certain instances, parents have also decided to enrol their children in national schools. In that case, reception classes were provided in German or French, and schooling is conducted in these vehicular languages. Children were automatically enrolled in municipal schools in the first years of schooling (C1 level).<sup>27 28</sup>

As of March 2022, the Luxembourgish Government had the initial objective of enrolling 1300 Ukrainian pupils in elementary and secondary schools in the short term.<sup>29</sup> The Department for the Schooling of Foreign Children (*Service de la Scolarisation des Enfants*

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<sup>25</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Reception of Ukrainian pupils in three stages (*L'accueil des élèves ukrainiens en trois étapes*).

<sup>26</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), The national education system accommodates Ukrainian pupils (*L'Éducation nationale accueille les élèves ukrainiens*), 18 March 2022.

<sup>27</sup> Luxembourg, University of Luxembourg (*Université du Luxembourg*) (2022), Fundamental rights implications of the war in Ukraine within the EU, 2022 (unpublished), p.3.

<sup>28</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 (*Rapport d'activité 2022*), March 2023, p.53.

<sup>29</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 (*Rapport d'activité 2022*), March 2023, p. 28.

*Étrangers*)<sup>30</sup> welcomed all pupils from Ukraine (aged 3 to 18) as of 9 March 2022. In order to facilitate the integration of Ukrainian children into the national educational system, it created a one-stop shop for orientation of Ukrainian pupils (*guichet unique pour l'orientation des élèves ukrainiens*) as of 30 March 2022. The one-stop shop facilitated the administrative procedure and supported families and children in selecting schools best adapted to their needs.<sup>31 32</sup> Through the one-stop shop, 1,169 pupils became enrolled in the following schools: elementary schools (*écoles fondamentales*) (322), international state schools (*écoles publiques internationales*) (795), National School for Adults (*École nationale pour adultes*) (51) and private lyceum Emile Metz (*Lycée privé*)(1).<sup>33</sup> Ultimately, all Ukrainian pupils supported by the Department for the Schooling of Foreign Children were enrolled in schools in 2022.<sup>34</sup>

As of January 2023, a total of 346 Ukrainian children were enrolled in elementary schools and 867 in secondary schools.<sup>35</sup>

The Luxembourgish government relied on several tools to facilitate and make the enrolment process feasible for pupils and national stakeholders.

The Department for the Schooling of Foreign Children developed teaching and learning tools, as well as evaluation documents.

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<sup>30</sup> Luxembourg, Note: The Department for the Schooling of Foreign Children (*Service de la Scolarisation des Enfants Étrangers*) within the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) is responsible for welcoming pupils who have recently arrived in the country. As such, it provides the following services: information about the Luxembourgish school system and the support measures available for newly arrived pupils; guidance towards the classes that best match the language skills and profile of newly arrived pupils; coordination, among others, of the offer of international schooling and of requests for intercultural mediators from school authorities – see Luxembourg, Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*) (2021), Visit the Department for the Schooling of Foreign Children – SECAM ([Consulter le Service de la scolarisation des enfants étrangers \(SECAM\)](#)), 18 August 2021.

<sup>31</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), The national education system accommodates Ukrainian pupils ([L'Éducation nationale accueille les élèves ukrainiens](#)), 18 March 2022.

<sup>32</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 ([Rapport d'activité 2022](#)), March 2023, p. 53.

<sup>33</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 ([Rapport d'activité 2022](#)), March 2023, p.53.

<sup>34</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 ([Rapport d'activité 2022](#)), March 2023, p. 53.

<sup>35</sup> Luxembourg, European Migration Network (EMN) Luxembourg (2023), [2022 Annual Report on Migration and Asylum](#), July 2023, p. 17.

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The Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) launched a communication campaign<sup>36 37</sup> in Ukrainian and English aimed at institutions, associations and local authorities. Additionally, it set up a hotline in the English and Ukrainian<sup>38</sup> languages.

The national state authorities hired 52 additional intercultural mediators that speak Ukrainian to support the educational process in schools and ensure the well-being of the pupils.<sup>39</sup>

With a rising number of pupils in national schools, the Luxembourgish government also recruited teachers in public international schools and primary education who, as an exception, were only required to speak one of three official languages of the country and were exempt from previous working experience (5 years).<sup>40 41</sup>

## 4.2. Challenges for children at multiple risk/disadvantage

No information available regarding challenges for children at multiple risk/disadvantage.

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<sup>36</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), The national education system accommodates Ukrainian pupils (*L'Éducation nationale accueille les élèves ukrainiens*), 18 March 2022.

<sup>37</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Reception of Ukrainian pupils in three stages (*L'accueil des élèves ukrainiens en trois étapes*).

<sup>38</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 (*Rapport d'activité 2022*), March 2023, p. 53.

<sup>39</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Activity report 2022 (*Rapport d'activité 2022*), March 2023, p. 53. See below section 5.3.

<sup>40</sup> Luxembourg, Act of 1 April 2022 amending : 1° the amended Act of 29 June 2005 laying down the framework of staff of secondary education establishments ; 2° the amended Act of 23 July 2016 creating a national reserve of secondary school teaching staff; 3° the amended Act of 29 October 2020 making 1° derogation from Article 27 of the amended Act of 6 February 2009 concerning basic education staff; 2° amending the amended Act of 29 June 2005 laying down the framework of staff of secondary education establishments; 3° amending the amended Act of 23 July 2016 creating a national reserve of secondary school teaching staff; 4° the Act of 17 December 2021 concerning the State revenue and expenditure budget for the financial year 2022 (*Loi du 1er avril 2022 portant modification : 1° de la loi modifiée du 29 juin 2005 fixant les cadres du personnel des établissements d'enseignement secondaire ; 2° de la loi modifiée du 23 juillet 2016 portant création d'une réserve nationale des employés enseignants des lycées ; 3° de la loi modifiée du 29 octobre 2020 portant 1° dérogation à l'article 27 de la loi modifiée du 6 février 2009 concernant le personnel de l'enseignement fondamental ; 2° modification de la loi modifiée du 29 juin 2005 fixant les cadres du personnel des établissements d'enseignement secondaire ; 3° modification de la loi modifiée du 23 juillet 2016 portant création d'une réserve nationale des employés enseignants des lycées ; 4° de la loi du 17 décembre 2021 concernant le budget des recettes et des dépenses de l'État pour l'exercice 2022*), 1 April 2022.

<sup>41</sup> Luxembourg, European Migration Network (EMN) Luxembourg (2023), *2022 Annual Report on Migration and Asylum*, July 2023, pp. 16-17.

## 5. Policies in place

### 5.1. Dedicated action plan and/or integrated measures

While there have been no specific action plans addressing children fleeing Ukraine, the National Action Plan for Children's Rights, adopted in May 2022, includes measures specifically aimed at these children. Such measures include, among others, actions to ensure access to education and accommodation and prevent trafficking in human beings.<sup>42</sup>

For instance, regarding access to education, the plan makes reference to the implementation of the above-mentioned one-stop shop as well as to additional English language reception classes and English speaking teaching personnel in international schools.<sup>43</sup> In the case of trafficking in human beings, it foresees, within the priority area of ensuring the protection of children's rights in crises, activities aimed at combating the risk of trafficking of children fleeing the war in Ukraine.<sup>44</sup>

Similarly, the Luxembourg Action Plan 2021 – 2030 in the framework of the European Child Guarantee, published in July 2022, encompasses measures which specifically address the needs of children fleeing the war in Ukraine<sup>45</sup> (please refer to section 5.2. for further information).

All beneficiaries of temporary protection have access to the material reception conditions of the National Reception Office, including accommodation, food and

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<sup>42</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droits de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 52.

<sup>43</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droits de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 52.

<sup>44</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droits de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 52.

<sup>45</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), July 2022.

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clothing, as well as a monthly allowance and access to medical care.<sup>46 47</sup> This assistance is granted for the whole duration of the temporary protection and depends on the composition of the household, age and the financial resources of the beneficiaries.<sup>48</sup> The monthly allowance included in these material reception conditions varies between 15,22€ for accompanied children and 30,46€ for unaccompanied children.<sup>49 50 51</sup>

## 5.2. European Child Guarantee

The Luxembourg Action Plan 2021 – 2030 in the framework of the European child guarantee adopted specific measures to address the basic needs of children fleeing Ukraine. The measures in question are grouped into the following blocks: housing and education.

### Housing

The plan specifies that the National Office for Children collaborates with the National Reception Office regarding the reception of Ukrainian unaccompanied children and young adults with children. The National Reception Office is responsible for the administrative processes, while the National Office for Children ensures social care and follow-up of the beneficiaries. For that, the National Office for Children has allocated 49

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<sup>46</sup> Luxembourg, Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*) (2023), Taking stock of 2022 on asylum, immigration and reception (*Bilan de l'année 2022 en matière d'asile, d'immigration et d'accueil*), 21 February 2023, p.12.

<sup>47</sup> Luxembourg, Act of 18 December 2015 on the reception of applicants for international protection and temporary protection, and amending the amended Act of 10 August 1991 on the legal profession (*Loi du 18 décembre 2015 relative à l'accueil des demandeurs de protection internationale et de protection temporaire, et modifiant la loi modifiée du 10 août 1991 sur la profession d'avocat*), 28 December 2015, Art 14(9) and Art. 2(g).

<sup>48</sup> Luxembourg, Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*) (2023), Frequently Asked Questions, What material assistance is granted to beneficiaries of temporary protection (BTPs)? (*Foire aux questions, Quelles sont les aides matérielles accordées aux bénéficiaires de protection temporaire (BTP)?*), 20 April 2023.

<sup>49</sup> Luxembourg, information provided by the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), National Reception Office (*Office National de l'accueil*) by email on 5/7/2023.

<sup>50</sup> Luxembourg, Act of 18 December 2015 on the reception of applicants for international protection and temporary protection, and amending the amended Act of 10 August 1991 on the legal profession (*Loi du 18 décembre 2015 relative à l'accueil des demandeurs de protection internationale et de protection temporaire, et modifiant la loi modifiée du 10 août 1991 sur la profession d'avocat*), 28 December 2015, Art 13.

<sup>51</sup> Luxembourg, Grand-Ducal Regulation of 8 June 2012 laying down the conditions and procedures for granting social assistance to applicants for international protection (*Règlement grand-ducal du 8 juin 2012 fixant les conditions et les modalités d'octroi d'une aide sociale aux demandeurs de protection internationale*), 20 June 2012, Art. 8.

places for unaccompanied children and young adults with children from Ukraine<sup>52</sup> (please refer to section 2.1.1. for more information).

## Education

The plan includes the following measures:

Since schooling is mandatory for every child (4-16) in the country, the Luxembourgish government made arrangements to receive children fleeing Ukraine in national schools. For that, the Department for the Schooling of Foreign Children developed a one-stop shop for families and children from Ukraine to be able to identify the most suitable school.<sup>53</sup> Children of C2 level and above (6 years onwards) have been prioritised for international public schools, where teaching is conducted in English.<sup>54 55</sup> Preparatory language classes have been provided free of charge to support these children in attaining new language skills needed for schooling.<sup>56</sup> To that end, the authorities launched a recruitment process of English-speaking teaching personnel in international schools.<sup>57 58</sup>

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<sup>52</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), p. 25.

<sup>53</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), pp. 25-26.

<sup>54</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), p. 25.

<sup>55</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), Reception of Ukrainian pupils in three stages (*L'accueil des élèves ukrainiens en trois étapes*).

<sup>56</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), pp. 25-26.

<sup>57</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), The national education system accommodates Ukrainian pupils (*L'Éducation nationale accueille les élèves ukrainiens*), 18 March 2022.

<sup>58</sup> Luxembourg, Act of 1 April 2022 amending : 1° the amended Act of 29 June 2005 laying down the framework of staff of secondary education establishments ; 2° the amended Act of 23 July 2016 creating a national reserve of secondary school teaching staff; 3° the amended Act of 29 October 2020 making 1° derogation from Article 27 of the amended Act of 6 February 2009 concerning basic education staff; 2° amending the amended Act of 29 June 2005 laying down the framework of staff of secondary education establishments; 3° amending the amended Act of 23 July 2016 creating a national reserve of secondary school teaching staff; 4° the Act of 17 December 2021 concerning the State revenue and expenditure budget for the financial year 2022 (*Loi du 1er avril 2022 portant modification : 1° de la loi modifiée du 29 juin 2005 fixant les cadres du personnel des établissements d'enseignement secondaire ; 2° de la loi modifiée du 23 juillet 2016 portant création d'une réserve nationale des employés enseignants des lycées ; 3° de la loi modifiée du 29 octobre 2020 portant 1° dérogation à l'article 27 de la loi modifiée du 6 février 2009 concernant le personnel de l'enseignement fondamental ; 2° modification de la loi modifiée du 29 juin 2005 fixant les cadres du personnel des établissements d'enseignement secondaire ; 3° modification de la loi modifiée du 23 juillet 2016 portant création d'une réserve nationale des employés enseignants des lycées ; 4° de la loi du 17 décembre 2021 concernant le budget des recettes et des dépenses de l'État pour l'exercice 2022*), 1 April 2022, Art. 2(2).

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The Ministry of Education, Children and Youth of Luxembourg and the Ukrainian authorities worked together to implement an online entrance exam for Ukrainian Universities in August/September 2022.<sup>59 60</sup>

In the summer of 2022, the Department for the Schooling of Foreign Children offered language practice activities (French/English) to Ukrainian pupils who attended reception classes in secondary schools.<sup>61</sup>

### 5.3. Budget

The Act of 1 April includes an amendment<sup>62</sup> to the State budget for 2022<sup>63</sup>. The amendment in question is related to the recruitment by State administrations of employees who are third country nationals. The Act in question allows, on the one hand, for 80 intercultural mediators to be recruited within the Department for the Schooling of Foreign Children to provide support for Ukrainian refugee pupils<sup>64</sup> and, on the other

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<sup>59</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Schooling for Ukrainian pupils in Luxembourg: Minister Claude Meisch visits classes at Lënster Lycée International School (*Scolarisation des élèves ukrainiens au Luxembourg : le ministre Claude Meisch rend visite à des classes au Lënster Lycée International School*), 14 June 2022. |

<sup>60</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), p. 26.

<sup>61</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), p. 26.

<sup>62</sup> Act of 1 April 2022 amending : 1° the amended Act of 29 June 2005 laying down the framework of staff of secondary education establishments ; 2° the amended Act of 23 July 2016 creating a national reserve of secondary school teaching staff; 3° the amended Act of 29 October 2020 making 1° derogation from Article 27 of the amended Act of 6 February 2009 concerning basic education staff; 2° amending the amended Act of 29 June 2005 laying down the framework of staff of secondary education establishments; 3° amending the amended Act of 23 July 2016 creating a national reserve of secondary school teaching staff; 4° the Act of 17 December 2021 concerning the State revenue and expenditure budget for the financial year 2022 (*Loi du 1er avril 2022 portant modification : 1° de la loi modifiée du 29 juin 2005 fixant les cadres du personnel des établissements d'enseignement secondaire ; 2° de la loi modifiée du 23 juillet 2016 portant création d'une réserve nationale des employés enseignants des lycées ; 3° de la loi modifiée du 29 octobre 2020 portant 1° dérogation à l'article 27 de la loi modifiée du 6 février 2009 concernant le personnel de l'enseignement fondamental ; 2° modification de la loi modifiée du 29 juin 2005 fixant les cadres du personnel des établissements d'enseignement secondaire ; 3° modification de la loi modifiée du 23 juillet 2016 portant création d'une réserve nationale des employés enseignants des lycées ; 4° de la loi du 17 décembre 2021 concernant le budget des recettes et des dépenses de l'État pour l'exercice 2022*), 1 April 2022, Art. 4.

<sup>63</sup> Luxembourg, Act of 17 December 2021 on the State revenue and expenditure budget for the financial year 2022 (*Loi du 17 décembre 2021 concernant le budget des recettes et des dépenses de l'État pour l'exercice 2022*), 1 January 2022.

<sup>64</sup> Luxembourg, Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), University of Luxembourg (*Université du Luxembourg*) (2022), International Migration in Luxembourg : Permanent

hand, for teaching staff to be recruited in public international schools and primary education<sup>65</sup> (please refer to section 4.1.).

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Observation System for Migration (*Migration internationale au Luxembourg : Système d'observation permanente des migrations*), October 2022, p. 7.

<sup>65</sup> Luxembourg, European Migration Network (EMN) Luxembourg (2023), *2022 Annual Report on Migration and Asylum*, July 2023, p. 16.

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