Applicants with special needs - Luxembourg

Overview

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Relevant EU legislation

Luxembourg transposed the provisions of the recast Asylum Procedures Directive into national law through the amended Law of 18 December 2015 on international protection and temporary protection (hereafter amended Asylum Law) and the amended Law of 29 August 2008 on the free movement of people and immigration (hereafter amended Immigration Law).

Luxembourg has also transposed the provisions of the recast Reception Conditions Directive into national law through the amended Asylum Law and the amended Law of 18 December 2015 related to the reception of applicants for international protection and temporary protection (hereafter amended Reception Law).

National legislation

Amended Asylum Law and amended Reception Law.

Competent authority and other stakeholders

The competent authorities are the Ministry of Home Affairs, General Department of immigration, Department for Refugees | Ministère des Affaires intérieures, Direction générale de l'immigration - Département Réfugiés, the Ministry of Education, Children and Youth-National Office for Children (ONE) | Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse- Office national de l'enfance (ONE) and the Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees- National Reception Office (NRO) | Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil- Office national de l'accueil (ONA).

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Training initiatives

Staff members of the General Department of immigration should be trained to handle cases involving persons with special needs. According to Article 3(2) of the amended Asylum Law, case officers need to be aware of how vulnerabilities can affect an applicant's ability of being interviewed, in particular in cases of torture. In addition, a case officer handling files of unaccompanied minors must have knowledge of their special needs and adapt the interview accordingly.

Case officers handling vulnerable groups should undergo EUAA core training and modules on children, vulnerable persons and gender, and they do not need a minimum number of years of experience in interviewing or decision-making.

All caseworkers - including decision-makers, interviewers, Dublin officers, and initial reception officers - within the General Department of Immigration have completed the EUAA training module "Introduction to the Legal Framework on Fundamental Rights and International Protection in the EU." In addition, both initial reception officers and several caseworkers (including Dublin officers) have undertaken the EUAA module "Introduction to Vulnerability."

A variety of additional training modules are regularly organized for staff members, typically in cooperation with the European Union Agency for Asylum (EUAA).

Among these are specialized training sessions attended by officers responsible for interviewing applicants for international protection (including Dublin officers), including modules on "Interviewing Vulnerable Persons" and "Interviewing Children." These sessions are delivered at the earliest opportunity following a staff member's appointment, ensuring timely and relevant capacity building.

Furthermore, almost all of the relevant staff members have completed basic training in the area of human trafficking. Furthermore, several employees have taken part in thematic conferences, including a full-day event on sexual violence organized by the National Reference Center for the Promotion of Emotional and Sexual Health.

To ensure effective implementation of the specific procedural safeguards outlined in Article 19 of the amended Asylum Law, interviewers are equipped with a tailored assessment tool—the EUAA Tool for the Identification of Persons with Special Needs. This tool supports the early identification of vulnerable applicants.

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Potential victims may be identified based on indirect disclosures or supporting evidence presented during the procedure.

In addition to interviewers, decision-making officers also receive EUAA training on “Gender, Gender Identity, and Sexual Orientation,” as well as modules on “Inclusion” and “Advanced Inclusion.”

Further training opportunities have been made available to relevant personnel within the General Department of Immigration with the objective of reinforcing protection mechanisms against sexual and gender-based violence, domestic violence, and human trafficking.

These comprehensive training efforts reflect the Department’s ongoing commitment to upholding the rights, dignity, and safety of all individuals seeking protection in Luxembourg.

In addition to the EUAA training modules, the National Reception Office (NRO) provides tailored internal training for all personnel working with vulnerable individuals, including social workers, educators, interpreters, and other reception staff. All concerned staff members are required to complete mandatory training covering multicultural communication, identity and interpersonal relations, human trafficking, gender-related diversity, and female genital mutilation. These sessions are designed to prepare staff for critical situations and ensure they respond with appropriate awareness and professionalism.

Specialized training is also provided for security personnel, focusing on key areas such as communication, conflict management, and safety protocols.

Furthermore, NRO offers a broad range of in-house training opportunities that are continuously adapted to the evolving needs and current challenges faced by staff. These sessions are available to both frontline workers and other NRO personnel. Topics include the prevention and management of psychosocial risks and psychological conditions—such as trauma, depression, anxiety, and suicidal ideation—both in relation to client interactions and the preservation of staff mental well-being. Additional modules cover mediation, domestic violence, and general immigration issues.

One particularly impactful training program includes a multi-module course designed to place participants in the position of a refugee, offering a deeper, empathetic understanding of the migration experience.

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All training sessions are either facilitated by experienced internal staff or delivered in collaboration with qualified external experts and specialized organizations, often from the non-profit sector.

Special needs in reception

Identification of special needs

The National Reception Office (NRO) in Luxembourg has developed a systematic and standardised identification and assessment tool for special reception needs which is currently being tested. Depending on the nature of the disability, special reception conditions, determined on a case-by-case assessment, may be required, but not guaranteed. If special reception needs are identified, the information can be transferred (with the applicant's consent) to the asylum authority. The staff of the initial reception centre, in close collaboration with the Ministry of Health, refer identified applicants with disabilities to relevant national stakeholders, such as associations, NGOs, specialised doctors, hospitals, medical institutions, etc.

The NRO takes into account the particular needs of vulnerable people, including identification by an ethno-psychological team from the Red Cross, which is responsible, among other things, for screening new arrivals for mental health problems and possible vulnerability, to refer people to external mental health services. This ethno-psychological team stationed at the initial reception centre is working in concert with a specialized medical-psychological team from the Directorate of Health as part of a holistic support system. There are different models of care within the facilities.

An IT tool for recording and managing information on disabilities among applicants for international protection is foreseen for the future, but it is still in the development and analysis phase. In the meantime, identification is carried out systematically, with the support of SharePoint.

Referral of applicants with special needs

The detection of vulnerable persons can be made by the NRO or by other competent authorities. These authorities are:

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- the minister having Immigration and Asylum within their responsibilities (hereafter the Minister) is responsible for the evaluation of the international protection application (Article 19 of amended Asylum Law);
- the physician of the Directorate of Health appointed by the Ministry of Health (Sanitary Inspection) who carries out the medical examination of the applicants for international protection (article 4 (1) (2) of the amended Reception Law). This medical examination must take place within six weeks following the entry of the territory.

The evaluation of whether an applicant needs special procedural guarantees can also be conducted by the NRO as part of the Applicant's Vulnerability Review to determine, if appropriate, their specific reception needs. The information gathered concerning special procedural safeguards shall be transmitted by NRO, with the agreement of the applicant, to the Minister. In assessing the special procedural safeguards, the Minister may seek advice from a health professional (article 16 of the amended Asylum Law) or from another expert.

The staff of the initial reception centre, in close collaboration with the staff from the Ministry of Health (that conducts the first medical check-up) refers identified applicants with disabilities to relevant national stakeholders (associations, NGOs, specialised doctors, hospitals, medical institutions, etc.).

There is no prioritization among vulnerable persons, each person is being assessed on their individual specific needs upon arrival. The NRO and its partners support individuals who have been deemed vulnerable by offering them, as far as possible, accommodation adapted to their needs, as well as orientation towards the relevant specialized services. Moreover, as part of the collaboration agreement between the Red Cross and the NRO, an ethno-psychological team is responsible for identifying people with mental disorders and, if necessary, implementing an appropriate follow-up in close cooperation with mental health services.

Reception and care of applicants with special needs and vulnerabilities

The Chapter 4, article 15 to 21 of the amended Reception Law regulates the reception of vulnerable applicants.

Special reception needs are provided for vulnerable persons such as, minors, unaccompanied minors, the disabled, the elderly, pregnant women, single parents accompanied by minor children, victims of human trafficking, persons

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with serious illnesses, persons suffering from mental disorders and persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence, and more particularly victims of female genital mutilation.

Upon arrival, the immigration and reception authorities try to assess any person that is particularly vulnerable and/or presents special (psychological and/or physical) needs. Tailored programs and help are offered by specialised authorities for UAM, THB, and LGBTI applicants. For any vulnerability not directly related to the immigration and/or refugee background (namely age, gender, physical or psychological needs, health problems, etc.), applicants are in principle referred to the existing contact points, authorities, and services which address these vulnerabilities in the general population. Social workers receive regular training to address specific issues and forward the right information.

An IT tool for recording and managing information on disabilities among applicants for international protection is foreseen for the future, but it is still in the development and analysis phase. In the meantime, identification is carried out systematically, with the support of SharePoint.

Reception facilities and other housing arrangements

When referring to certain profile of applicants with special needs/vulnerabilities, there is not a definition of “safe accommodation”. Applicants are accommodated in the same centres as other applicants where there are strict security rules for everyone.

- Elderly: Possibility to accommodate elderly people in a nursing home (but this requires a case-by-case request, granted based on the doctor’s opinion and the long-term care insurance’s approval).
- Medical and Psychological Needs: For specific cases, collaborations are in place with external partners to accommodate these people in specialized centres (e.g. Liewen Dobaussen, etc.). Presence of social workers, presence of staff on the premises 24/24
- Victims of human trafficking, torture or other forms of violence: No separated accommodation centres. Victims of Trafficking in human beings (THB) during the reflection period will have access to the security, protection and assistance measures. Based on that and to enable their physical, psychological and social recovery, they are entitled to accommodation, social and socio-educational support, material and

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financial support, medical, psychological or therapeutic support depending on their needs, as well as linguistic and legal support.
- Women: Women only centres situated in Redange.
- LGBTIQ: No separated accommodation centres. Information and orientation about the existing help centres and counselling services is provided. To evaluate whether an LGBTI person warrants the granting of international protection, the Department for refugees of the General Department of immigration does a case-by-case analysis of the legal situation in the country of origin, and the daily life of LGBTI people in the country of origin. A specialised service provider offers trainings on issues relating to LGBTI applicants for international protection to staff members of the NRO.

The accommodations are coordinated by the NRO under the supervision of the Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (MFSVA). Depending on the victims' specific needs and depending on their age, sex, background and the vulnerability or risk of their situation, they may be placed in shelters or structures for victims of THB approved by the Ministry for Gender Equality and Diversity or for minors by the Ministry of National Education, Children and Youth, with the support and under the coordination of the approved services for victims of THB, SAVTEH and COTEH, or placed in a secret location by the police for safety reasons, if applicable.

Police and support services engage in sustained, close cooperation throughout the entire duration of assistance. They conduct regular assessments of victims' specific needs and adapt their interventions accordingly.

Detention of vulnerable persons and applicants with special reception needs

As per the article 22(1) of the amended Asylum Law and national practice, the following principles apply:

- Minors are placed in detention as a last resort, only in exceptional circumstances,
- Women are kept separate from men,
- Families with children can only be detained for up to 7 days,
- Vulnerable people with health issues are excluded from detention upon issuing of a medical certificate.

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Reception of unaccompanied minors

Article 21 of the amended Reception Law regulates the reception of unaccompanied minors.

The best interests of the child and a standard of living adequate for the physical, mental, spiritual, moral and social development of the minor are considered in the reception of unaccompanied minors.

To ensure the best interest of the child, a representative of the unaccompanied minor will be appointed.

Reception facilities and other housing arrangements

In Luxembourg, the reception of unaccompanied minors (UAMs) is based on a clear division of responsibilities between the NRO and the National Office for Children (ONE), each playing a distinct but complementary role.

The NRO is responsible for the administrative reception of applicants for international protection, including unaccompanied minors.

However, it is the ONE that ensures accommodation for unaccompanied minors. In accordance with the Law of 16 December 2008 on child and family assistance, the ONE organizes individualized care, including educational, psychological, and social support. It may also refer minors to specialized facilities tailored to their specific needs.

Thus, while the NRO serves as the entry point into the reception system, it is the ONE that takes over to guarantee safe and dignified accommodation, always acting in the best interests of the child.

The "Centre for initial reception of unaccompanied minors – Primo-Accueil for unaccompanied minors (UAM)" currently has 18 permanent places. UAMs are only accommodated here for a short period, until they are transferred to a suitable follow-up structure. In total, there are 15 follow-up structures for UAMs, operated by four different service providers. Together, these structures currently offer 159 places.

Age assessments

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When there are grounds for serious doubt about the person concerned being minor and they do not have any identity documents, a medical examination can be conducted. A medical age assessment can be ordered by the General Department of immigration and it will be performed by the National Health Laboratory (LNS) at the expense of the State.

This medical age assessment can be requested at any state of the procedure.

According to Article 20 (5) of the amended Asylum Law, when a medical examination is conducted, it should be ensured that:

- The individual is informed, prior to the examination of their application for international protection and in a language, they understand - or can reasonably be presumed to understand - of the possibility that they may be required to undergo a medical examination to determine their age. This includes, in particular, information regarding the examination method, the possible implications of the results for the assessment of their application for international protection, and the potential consequences of refusing to undergo such a medical examination.
- The individual gives consent for the medical examination aimed at determining the person’s age.
- The rejection of an individual’s application for international protection is not based solely on their refusal to undergo a medical examination.

The fact that an unaccompanied minor has refused to undergo a medical examination does not prevent the Minister from making a decision on the application for international protection.

Access to education

Education is compulsory for children between 4 and 16 years old (as of 1st September of the year in progress). This applies for applicants and beneficiaries of international protection, as well as for all children living in the country, regardless of the status of their parents.

The student newly arrived in the country is enrolled, by decision of the regional director of the student's municipality of residence, in a regular class, also called in this context ‘home class’. The choice of home class is determined based on the student's previous schooling, their achievements and their age. The student

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learns German and/or French as part of intensive language courses, also called reception courses. The student also benefits from an introduction to the Luxembourgish language.

In the event of a massive influx and in accordance with the legislation in force on the operation of reception courses and reception classes, specialized state reception classes (CSAE) may be created by the State. The CSAE are located either on isolated sites near the NRO accommodation facilities or integrated into a local municipal primary school. Unlike reception courses, the CSAE can also provide, depending on needs, mathematics and secondary subject courses.

Regardless of the type of schooling, the student benefits from an individualized training project adapted to their needs and established by the regular teacher. Support is provided until the student is fully integrated into their home class.

More information about access to education can be found here and in the corresponding Regulation, available here.

Access to healthcare

Once an application is lodged, applicants contract voluntary health insurance with the National Health Fund (CNS) through the intermediary of the NRO which will pay the monthly fee for the duration of the asylum procedure.

Transition to adulthood

There are no transitional measures foreseen in national legislation when an unaccompanied minor reaches majority. Social workers and/or guardians provide information on the upcoming changes before and during the transition to the age of majority.

The situation will also depend on the status of the unaccompanied minor when turning 18, i.e. whether international protection status has been granted (refugee or subsidiary protection) or if they still remain in the asylum procedure.

If international protection as a minor has been granted and if there are no new elements, the individual will maintain the status. They get private accommodation and support by the National Children's Authority (*Office national de l'enfance* – ONE) system until the end of their apprenticeship/studies which enables them to find employment and become autonomous.

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If another legal status than international protection was obtained, e.g. residence permits for private reasons on humanitarian grounds of an exceptional gravity or as a presumed victim of human trafficking, then the law does not foresee any revision of the status per se when the minor turns 18.

If the unaccompanied minor turns 18 years old during the asylum procedure, the appointment of an ad-hoc administrator as well as the guardian will be revoked, and the procedure will continue as for any other adult.

Specific support measures and services will be provided to unaccompanied minors when they reach adulthood, e.g. by the ONE.

Support for unaccompanied minors continues beyond the age of 18. When unaccompanied minors reach adulthood, an empowerment plan is developed with each young person to assess the next steps. This individualized approach ensures continuity of care and supports their transition toward autonomy, taking into account their personal goals, needs, and circumstances. Specific measures and services are provided by professionals within the AEF (*Aide à l'Enfance et à la Famille*) sector, ensuring continuity of care and guidance into adulthood. While the ONE coordinates and oversees this support, the actual services, educational, psychological, and social are delivered by specialised providers tailored to each young adult's needs.

Detention of unaccompanied minors

Unaccompanied minors can be placed in detention only in extremely exceptional cases according to Article 22 of the amended Asylum Law. In practice, it is very rare that an unaccompanied minor is detained.

Special procedural guarantees

First instance determination for applicants with special needs

The amended Asylum Law significantly enhanced safeguards of vulnerable groups and unaccompanied minors. In line with Article 19 of the amended Asylum Law, the Minister of Home Affairs is responsible for assessing, within a reasonable timeframe and prior to any first-instance decision, whether special procedural guarantees are required for certain applicants. Such guarantees may be

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necessary due to factors including, but not limited to, the applicant's age, gender, sexual orientation or gender identity, disability, serious illness, mental health disorders, or the consequences of torture, rape, or other serious forms of psychological, physical, or sexual violence.

This assessment may also be conducted by the NRO in the context of evaluating an applicant's vulnerability to identify any specific reception needs. Information gathered regarding special procedural guarantees is transmitted to the Minister by the NRO, with the applicant's consent.

In carrying out the assessment of special procedural guarantees, the Minister may seek advice from a healthcare professional, or from another relevant expert.

Where an applicant is identified as requiring special procedural guarantees, appropriate support is provided, including sufficient time, to ensure that the applicant has effective access to the procedures and can present the necessary elements in support of their claim. If, within the framework of the accelerated procedure, such adequate support cannot be provided - particularly in the case of applicants who require special procedural guarantees as victims of torture, rape, or other serious forms of psychological, physical, or sexual violence - that procedure shall not be applied.

The need for special procedural guarantees shall also be taken into account if it arises at a later stage in the procedure, without requiring a restart of the process.

Article 19(1) of the same law grants special procedures to certain applicants, if needed, due to age (elderly persons and unaccompanied minors); sex, sexual orientation or gender identity; physical or mental disability; serious illness; mental disorders; and consequences of torture, rape or other serious forms of psychological, physical or sexual violence.

Once the Minister has determined the need for special procedural guarantees, the General Department of immigration sees to it that:

- The applicant is granted an appropriate support and enough time to prepare their application. If these guarantees cannot be implemented in the fast-track procedure, this type of procedure cannot be applied to the applicant (article 19 (3)).
- The interviews for vulnerable persons are adapted, i.e. several breaks will be allowed, the interview may be postponed to another time depending on the state of the person, or in some cases, it may be considered that the

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applicant submits their statement in writing. Adequate support is provided and these people can see their file prioritized.
- In the context of the Dublin procedure, it is assessed whether it is possible to place the vulnerable under house arrest in a semi-closed reception.

With regard to the procedure to be followed by the NRO, article 15 of the amended Reception Law states that vulnerable persons are defined as minors, unaccompanied minors, disabled persons, the elderly, pregnant women, single parents with minor children, victims of trafficking, persons with serious illness, persons with mental disorders, and victims of torture, rape and of other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

This assessment has to be conducted within a reasonable period of time and before a first instance decision is taken. This evaluation can also be conducted by the NRO as part of the Applicant's Vulnerability Review to determine, if appropriate, their specific needs in terms of reception. The information gathered concerning special procedural safeguards shall be transmitted by the NRO, with the agreement of the applicant, to the Minister.

Access to information

Information on the asylum procedure is accessible for people with disabilities and/or vulnerable persons.

In relation to applicants with hearing impairment, no special information measures are required, as each applicant is given an information brochure on the procedure when lodging an application. This brochure provides all the necessary information. Furthermore, if required, a sign language interpreter is provided for people with hearing impairments

In relation to applicants with vision impairment, information on asylum and reception procedures is also accessible, at least for some nationalities. The General Department of immigration, together with the NRO has launched a dedicated website for applicants for international protection where they can find all relevant information about the procedure and reception. This website is available in several languages and there is a read-aloud option that allows people with visual impairments and illiterate persons to have the information read to them.

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Furthermore, there are targeted materials for applicants with special needs, especially unaccompanied minors, which are designed to address the children in a child-friendly language. Also, they may include simplified language and pictorial aids to enhance understanding (on the website).

Personal interview

All adult applicants, as well as unaccompanied minors are required to undergo a personal interview.

For **unaccompanied minors**, Luxembourg ensures that a specialized caseworker, trained in interviewing children, conducts the interview. The questions are tailored to the minor’s age, and it is not possible to conduct the interview without the presence of the minor's ad hoc administrator. The ad hoc administrator can attend the interview, ask questions, and make observations, but the unaccompanied minor must be present during the interview.

In the case of **accompanied minors**, typically, the minors themselves are not interviewed. Instead, the parents or guardians are invited to provide information regarding the reasons or fears of the accompanied children.

Applicants with special needs or vulnerabilities are given procedural safeguards and special conditions. If an applicant is identified as needing such support, they are provided with adequate assistance, including sufficient time to ensure that the conditions are met for them to access the asylum proceedings and present the necessary information to substantiate their claim.

Special attention is given to ensure that applicants with vulnerabilities have the necessary support throughout the interview process to ensure fairness and the effective exercise of their rights.

Interviews with applicants with special needs or vulnerabilities are conducted by a caseworker, specialized in interviewing vulnerable persons. For specific reasons, the applicant may choose the gender of the caseworker and/or interpreter. However, if the applicant wishes to be interviewed by an agent of the same gender, they need to give valuable reasons, and their lawyer must send an official request to the Ministry which will take a decision on that topic.

According to Article 13 (4) of the amended Asylum Law, the personal interview on the merits of the application may not take place, among others, where the Minister considers that the applicant is unable or unwilling to be interviewed due

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to enduring circumstances beyond the applicant's control. If in doubt, the Minister will consult a health professional to determine whether the circumstances that make the applicant unfit or unable to be interviewed are temporary or permanent.

Legal assistance

In Luxembourg, legal assistance and representation for applicants for international protection is governed by the general rules for legal assistance provided for by the Law of 7 August 2023 on the organization of legal assistance and repealing article 37-1 of the amended law of 10 August 1991 on the legal profession (hereafter law of 7 August 2023). Article 17 of the amended Asylum Law refers to the now-repealed Article 37-1 of the 1991 Law, which has since been replaced by the provisions of the Law of 7 August 2023.

According to article 1 of the law of August 7, 2023 on the organization of legal aid and the abrogation of article 37-1 of the amended law of August 10, 1991 on the legal profession (hereafter law of 7 August 2023), the President of the Bar Association or the member delegated by the President of the judicial district of the applicant's place of residence is the competent authority to grant legal aid to persons whose resources are insufficient to defend their interests.

According to article 3 of the law of 7 August 2023, any foreign national whose resources are insufficient is entitled to legal aid for procedures relating to applications for international protection within the limits of article 17 of the amended Asylum Law.

The financial resources of an applicant introducing a request for full legal aid are assessed in relation to the full gross income and assets of the applicant and of the persons living with him or her in domestic community, in accordance with the provisions of Articles 9 and 10 of the amended law of July 28, 2018 on social inclusion income and within the limit of the amounts set in its article 5 of the aforementioned law.

The amended Asylum Law mentions under article 17 specific provisions for free legal assistance and representation for first and second instance determination as well as its limitations.

Guarantees for unaccompanied minors

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Articles 3(2), 14(3)(e), 19(3), 20(1) and (2), and 22(1) of the amended Asylum Law constitute the main legal provisions governing special procedural guarantees for unaccompanied minors in the international protection procedure.

These articles make it clear that the best interests of the child must be a primary consideration throughout every stage of the procedure. Authorities are obliged to ensure the early and effective identification of any vulnerabilities. It is essential that qualified legal representatives or ad hoc administrators—free from any conflict of interest—are appointed to act in the name of and on behalf of the minor and safeguard their rights. All interviews involving unaccompanied minors must be conducted in a child-sensitive manner, with the presence of appropriate personnel to ensure the minor's well-being. The detention of unaccompanied minors is strictly limited and allowed only in exceptional circumstances, as a measure of last resort and for the shortest possible duration. Moreover, unaccompanied minors are entitled to timely access to education, healthcare, and reception conditions that fully respect and uphold their rights as children under both national and international law.

Furthermore, Luxembourg limits the use of accelerated asylum procedures for unaccompanied minors to exceptional cases, such as when the minor comes from a designated safe country of origin, in cases of subsequent applications, or when national security or public order is at stake.

Furthermore, Article 103 of the amended Immigration Law stipulates that a return decision cannot be issued against an unaccompanied minor unless it is in the best interest of the child or based on serious public security concerns. According to this article, the best interest of the child must be assessed individually by an advisory commission, whose composition and functioning are determined by Grand-Ducal regulation. The mission of the Commission is to provide an opinion by assessing, on a case-by-case basis, the best interests of unaccompanied minors present on Luxembourgish territory, in view of a possible return decision to the child’s country of origin.

Therefore, in November 2020, the Grand-ducal regulation of 4 November 2020 concerning the composition and functioning of the advisory commission for the assessment of the best interests of unaccompanied minors was published. This regulation was amended by the Grand-ducal regulation of 12 August 2022.

According to that regulation, the Commission is composed by:

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- a representative of the minister having Immigration and Asylum within their responsibilities,
- a representative of the National Reception Office,
- a representative of the National Office for Children,
- a magistrate from the Luxembourg Public Prosecutor's Office or the Diekirch Public Prosecutor's Office, and
- a representative of a civil society actor.

Members are appointed by the Minister for a period of three years.

The Advisory Commission for assessing the best interest of unaccompanied minors is a collegial body to assess whether it is in the best interest of the child to remain in Luxembourg until reaching the age of majority or to return to the country of origin.

Making, registering and lodging an asylum application

Unaccompanied minors must lodge their application through their ‘ad hoc administrator’, in their presence. The role of the administrator is to assist and represent the minor throughout the asylum procedure.

Information provision

Applicants are provided with information through a combination of written, oral, and digital means, ensuring that communication is accessible and adapted to different needs. Written materials, such as brochures and leaflets, present the main procedures and rights in a clear and structured manner. Oral briefings are delivered by trained officials, who are available to explain procedures, answer questions, and provide clarifications.

In addition, a dedicated website in 13 different languages serves as a central platform where applicants can find detailed information. In order to reach applicants with specific needs, the website’s read-aloud functionality covers most sections and is intended to improve accessibility for persons with visual impairments.

Luxembourg also makes use of information brochures produced by the European Union, particularly those designed for children and young people. These brochures employ a child-friendly approach, combining simple language, visual

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elements, and step-by-step explanations, so that unaccompanied minors can better understand their situation, their rights, and the procedures they may face.

These measures reflect Luxembourg's commitment to ensuring that all applicants, regardless of age or personal circumstances, have equal access to information that is clear, reliable, and suited to their needs.

Best interests of the child in the Dublin procedure

Before applying the conditions outlined in Article 8 of the Dublin III Regulation, it must be ensured that any option provided under this article is in the best interest of the child.

The representative or "ad hoc administrator" described in "Making, registering and lodging an asylum application" section above, has an active role in the best interest of the child assessment and serves as a safeguard throughout the procedure to ensure that it is given primary consideration.

A qualified member of the Dublin Unit, trained on the use of interviewing vulnerable persons and children conducts an interview with the unaccompanied minor. The representative is present during the interview and the child may also be accompanied by a guardian/social worker from the reception centre. The interviewer uses a specific interview template in the context of the best interest assessment, focusing on questions related to the identification of family members and the child's relation to these family members.

Based on the child's statements and views, the General Department of immigration cooperates closely with the legal representative and/or the guardian/social worker to assess whether a family reunification is in the best interest of the child and, when necessary, to collect and assess the available evidence to send a take charge request to another Member State.

Personal interview

The amended Asylum Law does not prescribe a minimum age for the interview. Nevertheless, only the child capable of forming his own view will be interviewed. The ad hoc administrator attends the interview together with the unaccompanied minor and is authorised to ask questions or make observations within the framework set by the agent responsible for conducting the interview. The unaccompanied minor must be personally present at the interview even if

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the ad hoc administrator is present.

Legal representation during the asylum procedure

In case of an unaccompanied minor, in order to guarantee the child's best interests, a lawyer listed on a special panel for representing children, is designated by the family court judge as an ad hoc administrator to assist and act in the name and on behalf of the minor in proceedings relating to their application for international protection (Article 20 of the amended Asylum Law).

The ad hoc administrator registered in one of the two Bar Associations (Luxembourg/Diekirch), can provide legal counselling and act in the name and on behalf of the unaccompanied minor after being appointed.

Either way, the minor is entitled to legal aid and article 4 of the law of 7 August 2023 provides that full legal aid is guaranteed.

The ad hoc administrator assists the minor during the personal interview. The interview is undertaken by a specially commissioned case officer for unaccompanied minors. The questions must be adapted to the presumed age of the minor.

According to Article 20(2) of the amended Asylum Law, the ad hoc administrator may ask questions and make observations during the personal interview, within the framework set by the case worker responsible for conducting the interview. For minors under the age of 16, the interview is recorded and transcribed.

Legal assistance and counselling

According to article 20 of the amended Asylum Law, a lawyer listed on a special panel for representing children, designated by the family court judge as an ad hoc administrator, provides legal assistance and counselling to unaccompanied minors.

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