

Transition of unaccompanied minors to adulthood

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The European Migration Network

The European Migration Network (EMN) is a network of migration and asylum experts who work together to provide objective, comparable policy-relevant information and knowledge on emerging issues relating to asylum and migration in Europe.

The EMN is composed of National Contact Points in all EU countries (except Denmark). Albania, Armenia, Georgia, Moldova, Montenegro, North Macedonia, Norway, United Kingdom and Ukraine are EMN observer countries and have each established a National Contact Point.

NCPs are located within different Ministries (e.g. Ministry of Interior, Ministry of Justice, ...) specialised government agencies dealing with migration (e.g. FIS, IND, SMA), research institutes, a university and international organisations (IOM)



Focus of the EMN Inform « Transition of unaccompanied minors to adulthood »

Particular situation of unaccompanied minors (UAM) who reach adulthood (majority) in the EU and Norway

Transition that UAMs face as they age out of the care systems envisaged to protect (all) children and adolescents deprived of parental care

Measures, systems and structures in place to provide transitional support to UAM after reaching the age of majority

Source: EMN Inform « [Transition of unaccompanied minors to adulthood](#) », November 2022.



General information

- Challenging to provide reliable data on the number of UAMs in the EU and Norway
- Data of UAMs who do not apply for asylum (international protection) is not collected in a systematic manner, but their numbers are quite significant *
- In all participating countries UAMs (like all other children) reach adulthood at 18 years.

* For example, in 2020, the number of unaccompanied minors recorded within child protection systems, i.e. outside of the asylum procedure, ranged from fewer than 20 minors in Cyprus, Estonia, Latvia, to between 3 000 to 9 000 minors in Spain, Germany, Italy and France.

Source: [EMN Report: Children in Migration. Report on the state of implementation in 2020 of the 2017 Communication on the protection of children in migration](#)



Categories of UAMs covered by the Inform

- UAMs who have been granted a residence permit based on a status specifically linked to the minor age
- UAMs who have been issued a return decision
- UAMs who are still in a status determination procedure as they turn 18.



Legal status specifically linked to minority

In principle, when unaccompanied minors turn 18 years old, they are treated as adults in asylum and migration administrative proceedings. This also means that if they do not have any legal grounds to stay in the EU and Norway, they can be returned to their country of origin.

- There are several forms of protection used by countries specifically linked to minority:
- Protection for humanitarian reasons (DE, MT, PL, NO)
- Protection on compassionate grounds (FI)
- Subsidiary protection (SE)
- Tolerated stay (DE, SK)
- “no fault” permit (NL only for minors below 15 years old)
- CZ, FR, ES minors have an automatic legal right to stay and are not required to hold a status or permit while they are underaged.
- IE UAMs are under protection of the Child Care Act 1991.



Transition into adulthood

- Generally, when UAMs reach the age of majority, they are required to leave the child protection system (i.e. childcare facilities and guardianship system -> some MS transfer them to adult accommodation).
- Some Member States allow those who turn 18 years of age to stay in their care placement or child-specific accommodation until they finish the school year, and in some cases, until they complete their vocational training or higher education studies.
- Some Member States grant UAMs a residence permit to pursue vocational training or employment when turning 18 years of age.
- Some Member States carry out a care assessment when UAM turn 18 years of age -> evaluate the young adults' needs to elaborate an integration plan.
- Some Member States and Norway begin to organise the transition to adulthood a few years before the UAM actually turn 18.



Issuance of a return decision to UAM

Roughly, three groups of EU Member States can be identified in terms of how they deal with return decisions for UAM

Issuance and enforcement of return decision when a minor reach adulthood		
EU Member States which do not issue return decisions to unaccompanied minors until they reach adulthood	EU Member States which can issue return decisions to unaccompanied minors but do not (usually) enforce / operationalise these	EU Member States which can issue return decisions and may return unaccompanied minors
BG, CZ, ¹ FR, IT, ² SK	BE, CY, EE, EL, HU, IE, IT, MT, SI, SK ³	AT, DE, ⁴ ES ⁵ , FI ⁶ , HR, LU, LV, LT, NL, PL, SE, NO

Upon turning 18 years old, in most cases, the return procedure is implemented in the same way as for all adult migrants. This means that the concerned EU Member State no longer has to verify and ensure that the young adult will be received by a family member, guardian or adequate reception facility in the country of return (i.e. lack of adequate care is no longer a reason for non-returnability and the return can take effect). (Art. 10 Return Directive)

Some EU MS (CY, EL, FI, HU, LT, SK) can reevaluate the return, especially when special circumstances apply.



Support and services to UAMs after they reach adulthood

Three main approaches adopted by EU Member States and Norway to provide support and services to UAMs after they have reached adulthood:

- Cut-off point
- Period of transition
- Continued support and services



Key challenges

Most EU Member States and Norway reported having faced challenges in providing support and services for the transition of unaccompanied minors to adulthood, which related to:

- accommodation
- governance
- integration.



National strategies to support transition to adulthood of UAMs

Mainly, there are no dedicated national strategies in place to support the transition to adulthood of UAMs, but there are relevant references made in other more general strategies and policies.

Greece has developed a five-year General Strategy for the Protection of Unaccompanied Minors, accompanied by an annual action plan. Under Pillar 2 on durable solutions, special reference is made to minors coming of age, to assist them in their transition to adulthood and to develop a safety net for these young adults, notably in the form of aftercare up to 21 years old.

Update (2023-2026): Greece's Migration Code (Law 5038/2023) now grants former UAMs a 10-year residence permit (Art. 161) if they completed at least three years of secondary education in Greece before turning 23. The Helios Junior programme (for 18-21 year-olds, 2 000 beneficiaries) and the Compass programme (five support centres for 18-21 year-olds) provide structured counselling, language courses, mentoring and referral to autonomous-living support.

In 2021, **Spain** modified the legal regime of unaccompanied minors who reach their majority in order to avoid the situation of supervening irregularity and social exclusion and to favor their integration.

Update (2025): under the reformed Reglamento de Extranjería (Royal Decree 1155/2024, in force since 20 May 2025), a minor's residence authorisation no longer lapses automatically at 18 and its validity was extended from one to two years, with access to employment as an employee or self-employed worker. However, the same reform lowered the upper age limit for the transitional regime for former wards (extutelados) from 23 to 20 years, a change child-rights organisations have criticised.

In June 2022, the **Dutch government** announced it would create a form of prolonged shelter and guidance for unaccompanied minors with a form of protection who reach the age of majority. The shelter and guidance will be provided by the guardianship agency Nidos and will be provided to those unaccompanied minors that are in need of this additional guidance. They can receive this guidance up to the age of 21 years old.



Update – Key legal developments (2024-2026)

Since the original EMN Inform (2022/January 2023), the EU asylum and return acquis has moved forward substantially. The developments below complement, and in some respects supersede, the information presented in the preceding slides.

Pact on Migration and Asylum (Asylum Procedure Regulation and Reception Conditions Directive, both of 14 May 2024) applies as of 12 June 2026. It guarantees UAMs continued access to secondary education and to ongoing health treatment after they reach majority, requires a permanent guardian to be appointed within 15 working days, and excludes UAMs from border procedures and from safe-third-country arrangements.

New Return Regulation: on 1 June 2026, the Council and the European Parliament reached a provisional agreement on a Regulation replacing the 2008 Return Directive cited on the previous slide. UAMs remain excluded from the new third-country “return hubs”, but their detention as a measure of last resort is now expressly provided for at EU level – a more permissive standard than several Member States previously applied. Formal adoption is still pending.

EUAA mapping report (January 2026), “Transitioning into Adulthood”: based on a survey of 19 EU+ countries and Serbia and on consultations with guardians and young people, it builds directly on this EMN Inform and sets out six priority areas – best interests of the child; structured pre-transition support with a coordinated phasing-out of guardianship; stability in accommodation; access to education, employment and mentorship; exchange with the host community; and family tracing and reunification.

SCREENING PROCEDURE

Luxembourg Law of 11 June 2026

Transposing Regulation (EU) 2024/1356 | EU Pact on Migration and Asylum (Bill 8684)

3-7

days
screening
window

~350

persons/month
expected
through centre

12

weeks max
for border
procedure

WHAT IS THE SCREENING PROCEDURE?

DEFINITION

A mandatory pre-procedure applied to third-country nationals (TCNs) who arrive at an external border without authorisation or are apprehended on the territory without valid documents.

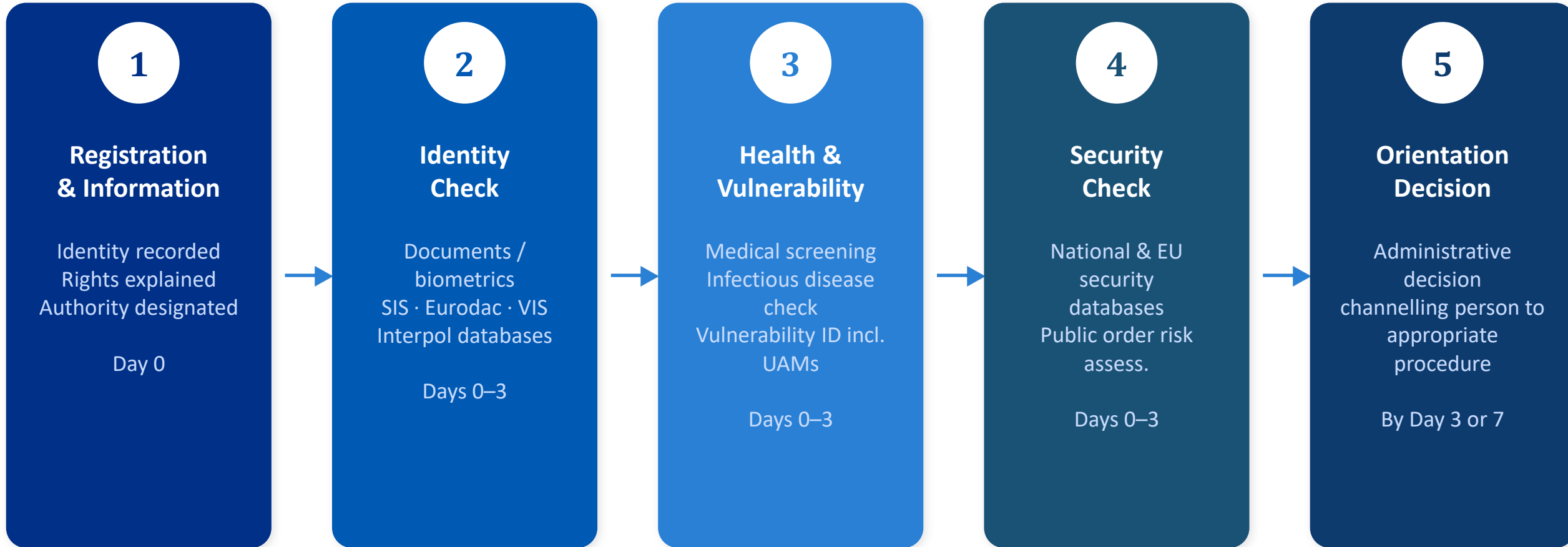
Its purpose is to rapidly establish identity, conduct security/health/vulnerability checks, and channel persons to the appropriate procedure.

PERSONS COVERED (3 CATEGORIES)

- ① AIP without valid documents already on the territory
- ② TCNs without valid documents apprehended by police on the territory
- ③ AIP without valid documents at the external border (Findel Airport)

Luxembourg specificity: No external land or sea border. The Luxembourg International Airport (Findel) is assimilated to an external border under the Screening Regulation. Approx. 350 TCNs/month expected.

SCREENING PROCEDURE — STEP BY STEP



🕒 Standard deadline: 3 days (border / Findel) | Extended deadline: 7 days (territory) | Liberty regime: assigned residence (detention only for public security threat)

OUTCOMES AFTER SCREENING

NORMAL ASYLUM PROCEDURE

Trigger condition:

Admissible application | Reasonable prospect of protection

Full examination on the merits
Automatic suspensive effect of appeal maintained
Faster access to procedure under new Dublin IV rules
Right to remain on territory during examination

 Standard timeframes

BORDER ASYLUM PROCEDURE

Trigger condition:

Manifestly unfounded or inadmissible application at external border

Accelerated examination at border
All procedural steps completed within 12 weeks
No automatic suspensive effect of appeal (unless granted by court)
Person remains at the screening centre or border zone

 Max. 12 weeks from registration

RETURN PROCEDURE

Trigger condition:

No application lodged or application declared inadmissible

Return decision issued
Removal proceedings initiated
No automatic suspensive effect of appeal
Accelerated procedure
Coordination with Dublin determination if applicable

 Accelerated proceedings

Key change: Appeals no longer have automatic suspensive effect, except in the normal asylum procedure. Luxembourg opted for relatively favourable appeal timeframes vs. EU minimum standards.

SPECIFIC PROVISIONS — UNACCOMPANIED MINORS (UAMs)

⚠ UAMs are subject to screening but benefit from enhanced guarantees at every stage of the procedure, beginning from the moment of first contact with authorities.

DURING SCREENING

- ▶ OKaJu (Ombudsman for Children) access guaranteed at all times at the screening centre
- ▶ Legal representative / guardian appointed as early as possible — prior to or at start of screening
- ▶ Age assessment carried out where age is in doubt; benefit of the doubt applies
- ▶ Best interests of the child assessment conducted before any channelling decision
- ▶ UAMs may not be held in the detention unit except in exceptional circumstances
- ▶ Vulnerability check specifically adapted to detect child-specific risks (trafficking, abuse, exploitation)

AFTER SCREENING — PROCEDURE

- ▶ Guardian must be present throughout the asylum or return procedure
- ▶ Additional safeguards provided during the asylum procedure
- ▶ Border procedure: UAMs channelled to border procedure only in exceptional cases; normally directed to normal procedure
- ▶ Ombudsman of the Grand Duchy (IMM) monitors conditions at the screening centre; access may not be restricted
- ▶ Family tracing initiated without delay where applicable
- ▶ Transition to adulthood: monitoring and continuity of protection ensured

FUNDAMENTAL RIGHTS GUARANTEES



Legal access

Access to a lawyer guaranteed at all times at the screening centre. Legal aid is available.



Independent oversight

Ombudsman (IMM) and OKaJu access guaranteed at all times. External monitoring of places of detention.



Liberty safeguards

General regime: assigned residence (not detention). Detention only where person represents a genuine public security threat.



Health & care

Medical examination upon arrival. Specific provisions for persons with special reception needs.



Non-refoulement

Screening does not prejudice the outcome of any asylum application. Non-refoulement fully applies throughout.



Decision-making

Decisions taken at administrative level (General Department of Immigration), not by the Minister — ensuring procedural regularity.

INSTITUTIONAL FRAMEWORK & KEY ACTORS



SCREENING CENTRE — Anciens bâtiments ADEM, Quartier de la Gare, Luxembourg-City

General Department of Immigration

Administrative decisions; identity check; channelling decision

Grand Ducal Police (Police Grand-Ducale)

Apprehension; referral to filtering centre; security database checks

Detention Center (Centre de Rétention)

Operational management of the screening centre

Ministry of Home Affairs

Political responsibility; regulatory framework

Ombudsman

Independent monitoring mechanism -> oversight of screening centre; fundamental rights monitoring

OKaJu (Ombudsman for Children)

Oversight for minors; access guaranteed at all times

NGOs / Legal Counseling/Legal aid

Access guaranteed; provision of legal information and representation

Asylum & Immigration Tribunal

New specialised court (16 magistrates) for judicial review of decisions (pending)



KEY TAKEAWAYS

01

New paradigm

Screening is a pre-procedure: it does not determine the outcome of any asylum application but determines the applicable procedure.

02

Speed & efficiency

Tight deadlines (3 or 7 days) reduce the legal limbo upon arrival. Border procedure must be completed within 12 weeks.

03

Rights-based

Fundamental rights guarantees are built into every step: legal access, oversight by Ombudsman/OKaJu, non-refoulement, no automatic detention.

04

UAM protection

Unaccompanied minors enjoy enhanced safeguards: early guardian appointment, OKaJu oversight, best interests assessment, restricted use of border procedure and detention

05

Institutional change

Creation of an Asylum & Immigration Tribunal (pending), decisions at administrative level, screening centre under Detention Centre management.

Thank you for your attention!

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