

EMN Inform

« Transition of unaccompanied minors to adulthood »

« Network on Children and Youth (NCY)»

Adolfo Sommarribas, EMN Luxembourg

Geneva, 31st May 2023





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). Armenia, Georgia, Moldova, Montenegro, Norway, Serbia 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.



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.
- 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.

* 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](#)



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.



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.

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.

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.



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.

Thank you for your attention!

Contacts:

Adolfo Sommaribas

Senior Legal Migration expert of EMN Luxembourg and Senior Legal advisor of the University of Luxembourg



adolfo.sommaribas@uni.lu



<https://emnluxembourg.uni.lu/>



[@EmnLuxembourg](https://twitter.com/EmnLuxembourg)