



Transition of unaccompanied minors to adulthood

EMN INFORM

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KEY POINTS TO NOTE

- The **number of unaccompanied minors** lodging first time asylum applications in the EU and Norway sharply rose to 23 420 in 2021 from around 14 000 in both 2019 and 2020. The number of unaccompanied minors who do not apply for asylum is not known across the EU but is considered to be significant and varies greatly between EU Member States and Norway.
- Unaccompanied minors who apply for asylum in the EU benefit from a series of rights and procedural guarantees throughout the asylum procedure and in accordance to the result of its examination; however, the EU *acquis* does not lay down any guarantees or right to support for facilitating transition to adulthood of these persons. As such, the rights and conditions related to unaccompanied minors transitioning into adulthood vary significantly across the EU and Norway.
- When unaccompanied minors turn 18 years old, they are treated as adults in asylum and migration procedures. This means that **if they have a (temporary) status** which is specifically linked to them being a minor, which exists in nearly half of the EU Member States and Norway, they may no longer have any legal grounds to remain on the territory. However, there are alternative ways to regularise their situation in 10 EU Member States.
- The situation of unaccompanied minors who are **still in a status determination procedure**, for example asylum applicants or those seeking humanitarian protection, may also change if minority was one of the grounds put forward to qualify for the status. In most cases, however, the status applied for by unaccompanied minors in the immigration/asylum context is not (strictly) linked to their age, which means that when they reach the age of majority, there are no immediate consequences.
- When it comes to **returns**, the majority of EU Member States issue return decisions to unaccompanied minors while they are still under the age of 18 years old. Of these EU Member States, around half do not enforce the return decisions until the person turns 18, as it is cumbersome to verify and prove that conditions at the place of return are adequate and thus that return is in the best interest of the child. Some EU Member States provide the possibility for unaccompanied minors to apply for a protection status (mostly on humanitarian grounds) upon reaching adulthood, which prevents them, at least temporarily, from having to return them.
- The majority of EU Member States do not have a specific strategy in place to support to transition of UAMs to adulthood, but more than half offer some type of aftercare once they have turned 18. The support and services available for the transition vary between EU Member States and, in some cases, between regional/local authorities. Most EU Member States provide transitional periods during which services and measures are either phased out, or specific forms of support are partially continued throughout adulthood. In a quarter of EU Member States, support and services end on the 18th birthday of an unaccompanied minor.
- The age limit for aftercare services and support to unaccompanied minors who have transitioned into adulthood ranges between 19 and 30 years old, and those with a residence permit may continue to benefit from support and services until then, including access to independent housing and educational or financial assistance. Some EU Member States and Norway reported a general lack of political attention and financial resources to the issue of transition to adulthood, including a lack of specialised forms of assistance and services for (former) unaccompanied minors.

- EU Member States and Norway have experienced challenges in supporting the transition of unaccompanied minors to adulthood, identifying in particular the need to improve support to obtain access to accommodation for those turning 18 years old, as well to increase the overall the level of services and support available.
- Good practices developed by national authorities to ease the transition into adulthood include the continued reception until the age of 21 of young adults in some municipalities of the Netherlands, which may

in the future be rolled out at national level, and the pre-examination of their right to stay in France before they turn 18 years old, to better plan any future support needs. EU Member States also highlighted, among other things, the role of social workers and other specialised professionals until the former unaccompanied minor is self-sufficient; and the importance of mentorship, language training and employment support, to prepare former unaccompanied minors for and support them in the transition to adulthood.

1. INTRODUCTION

This European Migration Network (EMN) inform¹ examined the particular situation of unaccompanied minors who reach adulthood (majority) in the EU and Norway. The inform is based on information collected by the EMN National Contact Points (NCPs) through an EMN ad-hoc query (AHQ) launched in December 2021.²

The aim of the EMN inform is to map the measures, structures and systems in place in the EU Member States and Norway to provide transitional support to unaccompanied minors after reaching the age of majority. It explores the situation of all unaccompanied minors reaching adulthood who are classified as unaccompanied minors in the EU Member States and Norway – including, to the extent possible, both those who do and do not apply for asylum.

The primary focus of this EMN inform is the transition (see Box 1) that unaccompanied minors face as they age out of care systems envisaged to protect (all) children and adolescents deprived of parental care in the EU plus Norway. It also explores, where available, service provision and support for this group of young people during their transition to adulthood.

Box 1: Youth transition

Youth transition refers broadly to the process of underage persons reaching adult age, thus transitioning from dependency to autonomy and living as a full member of society.³ When unaccompanied minors transition to adulthood, they face a double transition: from childhood to adulthood and, possibly, a change in their status. Therefore, the latter could impact different ways on the extent to which they can access education, housing, employment, services, and support.

In particular, the EMN inform looks at the situation of the following categories of unaccompanied minors in their transition to adulthood:

- Unaccompanied minors who have been granted a residence permit based on a status specifically linked to their minor age (e.g. a temporary protection status or other temporary right to remain) which may end when they become adults, on the basis of international or another form of protection (for example, humanitarian protection for child victims of trafficking, etc.), or on a different basis;
- Unaccompanied minors who have been issued a return decision,⁴ including those young adults who cannot be returned immediately, and/or;
- Unaccompanied minors who are still in a status determination procedure as they turn 18.

With regard to the first category, it is important to note that in the Czech Republic, France, and Spain, minors are not required to hold a status or permit while they are underage, as they have an automatic legal right to stay, and that Ireland has no specific legal immigration status for unaccompanied minors.⁵

The inform also shows that there is limited data available at national and European level on the numbers of unaccompanied minors in general and those reaching adulthood in particular in recent years (2019–2020), thereby following up on similar findings in previous EMN studies and informs on unaccompanied minors.⁶ This EMN inform aims to provide further information on the approaches of EU Member States and Norway to the legal transition of unaccompanied minors to adulthood.

1 The following 25 EMN NCPs have participated in this EMN inform: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden, plus Norway.

2 Unless otherwise stated, the information was collected by EMN National Contact Points (NCPs) via an ad-hoc query (AHQ): AD HOC QUERY ON 2021.76 Transition to adulthood requested by LU NCP on 22 December 2021.

3 Gimeno-Monterde et al. *Unaccompanied Young People and Transition to Adulthood: Challenges for Child Care Services* (2021), Children and Youth Services Review – ScienceDirect, <https://www.sciencedirect.com/science/article/abs/pii/S0190740920322805>, last accessed on 28 February 2022.

4 The issue of the follow-up to return decisions concerning unaccompanied minors in transition to adulthood is outside the scope of this EMN inform. Consequently, return is covered insofar as indicating the number of unaccompanied minors transitioning to adulthood subject to this pathway in 2019–2020 (see Table 1).

5 CZ, ES, FR, IE. In Spain, the situation will change with the legal reform approved in 2021 to prevent unaccompanied minors reaching adulthood undocumented. Before the reform, they were already encouraged to obtain a residence permit, which their legal guardian could apply for at the Immigration Office. In the Czech Republic, unaccompanied minors have the option to request a permanent residence permit.

6 The EMN has covered unaccompanied minors' transition to adulthood in a number of reports/studies from 2020, 2018, 2015 and 2010. All reports/studies are available on the EMN website, https://ec.europa.eu/home-affairs/networks/european-migration-network-emn_en, last accessed on 28 February 2022.



2. INTERNATIONAL AND EU LEGISLATION ON UNACCOMPANIED MINORS

The EU *acquis*, provides a general framework for the protection of the rights of the child, including children in migration, whether unaccompanied or accompanied. The EU has incorporated aspects of the 1989 United Nations Convention on the Rights of the Child (CRC) and the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention) into its framework of policies and legislation. The CRC is the most important and nearly universally accepted international instrument with regard to the protection of the rights of children and the Refugee Convention additionally refers to the need to ensure protection of children, including unaccompanied minors, from the perspective of family unity.

At EU level, the legislation adopted in the framework of the Common European Asylum System (CEAS) is particularly relevant to the scope of this EMN inform as it includes specific provisions concerning the treatment of (unaccompanied) minors, i.e. the Qualification Directive (2011/95/EU),⁷ but also the Asylum Procedures Directive (2013/32/EU),⁸ Reception Conditions Directive (2013/33/EU)⁹ and Return Directive (2008/115/EC)¹⁰ among others. Finally, child victims of trafficking are covered by the Anti-Trafficking Directive (2011/36/EU)¹¹ and, optionally, the Residence Directive (2004/38/EC).¹²

Several non-legislative EU instruments also provide important guidance for the status determination, care, integration and (possible) return of unaccompanied minors, including:

- The EU Strategy on the Rights of the Child,¹³ which sets the objective to mainstream children's rights across all relevant EU policies;
- The Council Recommendation of 14 June 2022, establishing the European Child Guarantee,¹⁴ which aims to prevent and combat social exclusion of children in

need by guaranteeing access to a set of key services, thereby also helping to uphold the rights of the child by combating child poverty and fostering equal opportunities;¹⁵

- The EU Strategy for a more effective fight against child sexual abuse,¹⁶ setting out a comprehensive multi-stakeholder approach to safeguarding all children, including the most vulnerable, from both online and offline crimes.

Specifically focusing on migrant children:

- The New Pact on Migration and Asylum,¹⁷ which emphasises the need to protect vulnerable groups;
- The Communication from the Commission on the protection of children in migration,¹⁸ setting out actions to reinforce the protection of all migrant children at all stages of the migration process;
- The EU Action Plan on Integration and Inclusion 2021-2027,¹⁹ which includes the education, training and the integration of migrant children and their families as key aspects;
- The renewed EU Action Plan on Return,²⁰ which includes the possibility of effective remedy to challenge a return decision, respect for family unity and the best interests of the child.

7 Directive (EU) 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed 19 April 2022.

8 Directive (EU) 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=en>, last accessed on 20 March 2022.

9 Directive (EU) 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>, last accessed on 20 March 2022.

10 Directive (EU) 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>, last accessed on 22 April 2022.

11 Directive (EU) 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036&from=en>, last accessed on 20 March 2022.

12 Directive (EU) 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0038>, last accessed on 22 April 2022.

13 European Commission, 'EU Strategy on the Rights of the Child', 2021, https://ec.europa.eu/info/sites/default/files/child_rights_strategy_version_with_visuals3.pdf, last accessed on 17 March 2022.

14 European Council, 'Access to key services for children in need: Council agrees European Child Guarantee', 14 June 2021, <https://www.consilium.europa.eu/en/press/press-releases/2021/06/14/access-to-key-services-for-children-in-need-council-agrees-european-child-guarantee/>, last accessed on 21 September 2022.

15 In 2020, it was estimated that 24.2% of children in the EU were at risk of poverty and social exclusion; Eurostat, 'Children at Risk of Poverty or Social Exclusion', available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children_at_risk_of_poverty_or_social_exclusion

16 Communication on the EU strategy for a more effective fight against child sexual abuse, COM (2020) 607 final, https://ec.europa.eu/home-affairs/system/files/2020-07/20200724_com-2020-607-com-mission-communication_en.pdf, last accessed on 17 March 2022.

17 Communication on a New Pact on Migration and Asylum, COM (2020) 609 final, https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75e-d71a1.0002.02/DOC_3&format=PDF, last accessed on 17 March 2022.

18 Communication on the protection of children in migration, COM (2017) 211 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0211&from=en>, last accessed on 17 March 2022.

19 Communication on the Action Plan on Integration and Inclusion, COM (2020) 758 final, https://ec.europa.eu/home-affairs/sites/default/files/pdf/action_plan_on_integration_and_inclusion_2021-2027.pdf, last accessed on 17 March 2022.

20 Communication on a Renewed Action Plan, COM (2017) 200 final, https://eur-lex.europa.eu/resource.html?uri=cellar:c3ce3318-0ef4-11e7-8a35-01aa75ed71a1.0022.02/DOC_1&format=PDF, last accessed on 17 March 2022.



3. NUMBER OF UNACCOMPANIED MINORS IN THE EU AND NORWAY

It is difficult to find complete and reliable data on the number of unaccompanied minors in the EU plus Norway, including how many of them have reached adulthood in recent years. The number of unaccompanied minors seeking asylum has increased in recent years, from 14 240 in 2019 and 13 625 in 2020, to 23 420 in 2021.²¹ Their share on the total number of asylum applications also went up from 3% in 2019 to 4% in 2021. Data regarding the number of unaccompanied

minors who do not apply for asylum is not collected in a systematic manner across the EU and Norway, and is often fragmented; however, the number of minors falling in this latter category is not negligible.²² 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,²³ Germany, Italy and France.²⁴



4. AT WHAT AGE DO UNACCOMPANIED MINORS REACH ADULTHOOD?

In all participating EU Member States and Norway, unaccompanied minors (like all other children) reach adulthood when they turn 18 years old.²⁵



5. WHAT HAPPENS TO THE LEGAL STATUS OF UNACCOMPANIED MINORS REACHING ADULTHOOD WHO HAVE A STATUS LINKED TO THEIR 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. This situation may occur in cases where the status of the unaccompanied minor is explicitly linked to the fact that they are a minor; when they are still awaiting a decision on a status requested (discussed in section 6 below); where a minor is not obliged to hold a residence permit; or where they have been issued a return decision, but because of their minority they could not be returned immediately (discussed in section 7 below).

Thirteen EU Member States and Norway reported that unaccompanied minors in their country could be granted a status specifically linked to their minority.²⁶ These range from protection for humanitarian reasons,²⁷ on compassionate grounds²⁸ and subsidiary protection,²⁹ to tolerated stay³⁰ and a “no fault” permit³¹ for exceptional cases (see Box 3). In the case of the Czech Republic, France, and

Spain, minors have an automatic legal right to stay and are thus not required to hold a status or permit while they are underage, although in the Czech Republic and Spain they can (and may be encouraged) to obtain a residence permit anyway.³² In Ireland, unaccompanied minors taken into care are under the protection of the Child Care Act 1991, but there is no specific residence permit for them, although a number of options may be explored before the child turns 18 years old.

Unaccompanied minors in these 14 countries are granted a temporary residence permit on account of being underage and on their own, which can last up to several years, but with the exception of the ‘no fault’ permit in the Netherlands, this permit ends when they reach adulthood. With the expiry of their permission to stay, they may be issued a return decision, although there are also alternative ways for them to regularise their situation.³³ For example, in many cases, those who did not apply for international protection or whose applications were rejected or whose residence permit expired are given

21 Eurostat (migr_asyunaa), Asylum applicants considered to be unaccompanied minors by citizenship, age and sex – annual data (rounded), 2021, https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en, last accessed on 28 February 2022.

22 EMN, ‘Report on the state of progress in 2020 of the European Commission communication on the protection of children in migration from 2017’, 2020, p. 11, https://ec.europa.eu/home-affairs/networks/european-migration-network-ern_en, last accessed on 28 February 2022.

23 Unaccompanied minors seeking international protection will be referred to the services competent in the field of child protection and the fact shall be put into the knowledge of the Public Prosecutor’s Office.

24 Ibid.

25 AT, BE, BG, CZ, CY, DE, ES, FI, FR, HR, IE, IT, LV, MT, PL, SE, , NO. In the Slovak Republic, before reaching 18 years of age, majority can also be reached by concluding marriage (and majority reached this way is not lost if the marriage is later dissolved or proclaimed as invalid).

26 BE, BG, CZ, DE, FI, HR, IT, LT, MT, NL, PL, SE, SK, NO.

27 DE, MT, PL, NO.

28 FI.

29 SE.

30 DE, SK.

31 NL (only for minors below 15 years old).

32 The legal guardian can present an application at the Immigration Office.

33 BE, BG, DE, EL, ES, FI, FR, IT, SE, SK.

the possibility to legalise their situation on humanitarian grounds.³⁴ Furthermore, six EU Member States reported that upon reaching adulthood, unaccompanied minors could apply for/be granted a residence permit to pursue work, study or for vocational training.³⁵ Similarly, in Italy, the temporary residence permit granted to these minors can be converted into a study or work permit (including self-employment) when they reach the age of majority.

Box 2: Early examination of applications for residence permits by foreign minors entrusted to the departmental child welfare services in France

In France, to avoid breaks in rights, when pursuing vocational qualifications, and anticipate the procedure at the earliest possible stage, the Government sent an instruction to the prefectures to systematically conduct early examinations of the right to stay for foreign minors entrusted to the child welfare

services (ASE). Thus, if difficulties are identified at this stage, in particular regarding the examination of the documents, the unaccompanied minor has several months, with the support of the Departmental Council, to contact the competent consular authorities in order to obtain the requested documents allowing the prefecture to assess that the conditions for the admission of residence are met.

As well as the early examination of the right to stay, the support provided to young adults has been strengthened and French legislation provides that unaccompanied minors who were placed within ASE, or in the care of a trusted person before the age of 16 years old can apply for a residence permit until the day before their 19th birthday. Those between the ages of 16 and 18 years old may also be issued a residence permit by the Prefect until the day before their 19th birthday.



6. WHAT HAPPENS WITH UNACCOMPANIED MINORS REACHING ADULTHOOD WHO ARE IN A STATUS DETERMINATION PROCEDURE?

The situation of unaccompanied minors who are still in a status determination procedure, for example asylum applicants or those seeking humanitarian protection, may change if minority was one of the grounds put forward to qualify for the status. In most cases, however, the status applied for by unaccompanied minors in the immigration/asylum context is not (strictly) linked to their age,³⁶ which means that when they reach the age of majority, there are no immediate consequences.³⁷

The reception conditions offered to the unaccompanied minors in these situations may change however;³⁸ for

example, those in the asylum procedure may no longer be hosted in a facility specifically adapted to children. In Italy, unaccompanied minor asylum applicants, who are included in projects of the Reception and Integration System (SAI) and who reach the age of majority, are entitled to stay until their application has been processed. In case of a subsequent negative decision, they are allowed to remain for another six months, while if they are under a form of protection, they can remain for the timeframe that is applied to all beneficiaries of protection (maximum 18 months).



7. WHAT HAPPENS TO UNACCOMPANIED MINORS WHO HAD BEEN ISSUED WITH A RETURN DECISION BEFORE THEY BECAME ADULTS?

The return and removal of unaccompanied minors is specifically covered under Art. 10 of the Return Directive,³⁹ which allows for the return of unaccompanied minors insofar as this solution would be in line with the best interests of the child, but provides for specific guarantees to the benefit of the unaccompanied children, who belong to the wider category of ‘vulnerable persons’ (Art. 3(9)). Before issuing a return decision for an unaccompanied minor, EU Member States must ensure that “assistance by appropriate bodies other than the authorities enforcing

return” is provided. In addition, authorities must give “due consideration to the best interests of the child” (Art. 10). Before enforcing the removal of an unaccompanied minor, States “shall be satisfied that [they] will be returned to a member of [their] family, a nominated guardian or adequate reception facilities in the State of return”. Upon return, the minor must be handed over to a family member, an appointed guardian or an appropriate care centre.

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

34 BG, EL (humanitarian grounds based on vulnerability), FI (compassionate grounds), HR, IE, LU (private reasons based on humanitarian grounds), PL, NO.

35 DE, ES, FI, FR, IE, SK.

36 AT, BE, CY, CZ, EE, EL, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, SE, SI, NO.

37 BE (the transition to adulthood has no impact on a temporary residence permit delivered in an ongoing procedure (e.g. international protection, regularisation), with the exception of the special procedure for unaccompanied minors (durable solution) which ends at the age of 18 years old), CY, CZ (unaccompanied minors are in most cases granted permanent residence before they reach adulthood), FR, HR, LU, PL, SE, NO.

38 AT, BE, BG, DE, FI, IE, IT, LT, MT, NL, PT, SE, SK.

39 Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF>, last accessed on 19 March 2022. IE does not participate in the Return Directive, and is not bound by its provisions. NO, while not a member of the EU, is bound by the Return Directive as part of the Schengen *acquis*.

unaccompanied minors, namely: those which do not issue return decisions to unaccompanied minors until they reach adulthood; those that issue return decisions but do not make them operational until the person turn 18 years old, or only in a very limited set of circumstances; and those that issue and enforce return decisions,

as presented in the figure below. Reaching the age of adulthood thus has an impact in particular on the first two categories, and somewhat less on the third category, apart from the fact that the safeguards put in place as part of Art. 10 of the Return Directive no longer apply.

Table 1: 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, ⁴⁰ FR, IT, ⁴¹ SK	BE, CY, EE, EL, HU, IE, IT, MT, SI, SK ⁴²	AT, DE, ⁴³ ES ⁴⁴ , FI ⁴⁵ , HR, LU, LV, LT, NL, PL, SE, NO

In the EU Member States that issue return decisions to unaccompanied minors while they are still under the age of 18 years old but do not make these operational, the execution of the decision is usually suspended, or the terms of the decision prolonged until the minor reaches adulthood. In Belgium, unaccompanied minors who stay in a reception facility and who receive a return decision before they reach the age of majority have a guaranteed right to remain until then. Additionally, the implementation of the return decision can be prolonged for as long as the preparations for return are ongoing. If they opt for voluntary return, they retain the right to reception for the period that they are preparing their return. They also retain the right to reception if they turn 18 years old while the return preparations are ongoing.

Box 3: “No fault” residence permit for unaccompanied minors in the Netherlands

In exceptional cases, unaccompanied minors below the age of 15 can be granted a special “no fault” residence permit if they are unable to return during a period of at least three years (for example, due to a lack of adequate care in the country of origin) without it being their fault. This permit is valid for a maximum of five years, which means that it continues to be valid when the unaccompanied minor reaches the age of 18. Due to recent jurisprudence of the Council of State on return decisions concerning unaccompanied minors, the “no fault” policy will be adjusted.⁴⁶ Currently the policy changes are still being developed.

Lastly, about a third of EU Member States issue and enforce return decisions for unaccompanied minors before they turn 18 years old, provided the conditions laid out in Article 10 of the Return Directive are met.⁴⁷ In Norway, minors between the ages of 16 and 18 years old may receive a time-limited residence permit on humanitarian grounds (only if they do not have access to proper care in their home country), however they must return when they turn 18 years old. Similarly, in Luxembourg, a residence permit for private reasons based on humanitarian grounds of exceptional gravity can be issued until the minor reaches 18 years old. In Spain, the timespan for proving the impossibility of return for unaccompanied minors to their country of origin in case of a return decision was reduced from 9 to 3 months, after which they will be granted a temporary authorisation to remain, without this procedure interfering with a possible repatriation.

Upon turning 18 years old, in most cases, the return procedure is implemented in the same way as for all adult migrants.⁴⁸ 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. a lack of adequate care is no longer a reason for non-returnability and the return can take effect).⁴⁹ From the age of 18 years old, the specific guarantees for minors provided by the EU *acquis* with regard to detention pending removal are also no longer applicable.⁵⁰ Nevertheless, a few EU Member States can reconsider and re-evaluate the case of the young adults, especially where special circumstances apply.⁵¹ For example, in Cyprus, when a minor reaches adulthood and they have not been

40 The Czech Republic does not carry out forced returns of unaccompanied minors. Unaccompanied minors are only returned if they have expressed the will to do so.

41 In Italy, art. 19 of the migration act (Testo Unico Immigrazione, TUI) prohibits the refusal of entry of an unaccompanied minor at the border. More generally, the refoulement of a minor is forbidden, except in cases of national security/public order or the right of the minor to follow his parent or guardian who is deported.

42 In Slovakia, a return decision is issued only in cases when it is in the best interest of the child, otherwise minors are not issued a return decision.

43 In Germany, pursuant to the ruling of CJEU on 14.01.2021 on C-441/19, the issuance of a decision to return an unaccompanied minor is only admissible if the competent authority has first satisfied itself that the return will take place under the conditions of Art. 10 of the Return Directive.

44 In Spain, return is possible if the family of the minor can be found. Additionally, the granting of a residence permit shall not preclude subsequent repatriation when it is in the best interest of the child.

45 In Finland, return is possible if the conditions laid down in Art. 10 of the Return Directive are met. In practice, the vulnerable situation of unaccompanied minors and the difficulties in ensuring a safe and secure return mean that unaccompanied minors are rarely issued return decisions.

46 EC LI: NL:RVS:2022:1530.

47 AT, DE, ES, FI, HR, LU, LV, MT, NL, SE.

48 AT, BG, CY, EL, FI, HR, IE, LT, LU, NL, PL, SE, NO.

49 Article 10, Return Directive.

50 Article 10, Return Directive.

51 CY, EL, FI, HU, SI (e.g. finishing a school year), SK (each case would be assessed on an individual basis, however there are possibilities for regularisation).

returned on the basis of the best interests of the child, a new evaluation of the possibility to return may occur. In Norway, former unaccompanied minors qualifying for assisted return will receive a supplementary reintegration grant when returning from Norway to country of origin; this applies until they are 23 years old. In some cases, EU Member States reported that young adults are allowed to finish the school year before being returned.⁵²

In some EU Member States, minors reaching adulthood who have been issued a return decision can be granted a tolerated status,⁵³ be offered a possibility of regularisation⁵⁴ or receive a temporary residence permit.⁵⁵ Those

who are issued a return order once they reach majority may also be able to stay after reaching adulthood on humanitarian or compassionate grounds.⁵⁶

Finally, some EU Member States noted that the vulnerable situation of unaccompanied minors and the difficulties in ensuring a safe and secure return meant that they were rarely issued return decisions.⁵⁷ Others reported that they had not had any (recent) cases of unaccompanied minors reaching adulthood and being returned;⁵⁸ or that no specific provisions or procedures were in place with regard to their return.⁵⁹



8. NATIONAL STRATEGIES IN PLACE TO SUPPORT THE TRANSITION TO ADULTHOOD OF UNACCOMPANIED MINORS

A majority of EU Member States and Norway do not have a national strategy in place to support the transition to adulthood of unaccompanied minors,⁶⁰ although a few reported having relevant references in more general strategies and policies for the protection of unaccompanied minors or children in general.⁶¹ The continued support and services offered by the State to unaccompanied minors when they transition into adulthood is also known as ‘aftercare’. Greece has included references to the transition in its strategy for the protection of unaccompanied minors, while other EU Member States apply their general aftercare policy for children in State care to unaccompanied minors coming of age (see Box 4),⁶² or as part of their wider strategy for the protection of children.⁶³ 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 (see also section 9).

In Ireland, eligible unaccompanied minors can benefit from the mainstream National Aftercare Policy for Alternative Care. The Child Care (Amendment) Act 2015 strengthened the legislative framework relating to aftercare and guarantees that all eligible care leavers are entitled to an assessment of needs and an aftercare plan, which is conducted by Tusla (the Child and Family Agency). 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.

Box 4: Belgium’s approach to a gradual transition of unaccompanied minors to adulthood

In Belgium, the reception for unaccompanied minors is structured around three stages, which gradually promotes independence:

- In a first phase, unaccompanied minors are accommodated in an ‘Observation and Orientation’ centre. This gives the Guardianship services the chance to review whether the unaccompanied minor is indeed unaccompanied and a minor. Additionally, a first medical, psychological and social profile can be made in order to detect potential vulnerabilities and orient the unaccompanied minor to a reception facility most adapted to their needs.
- In a second phase (Stabilisation), unaccompanied minors are guided to a collective reception centre. The unaccompanied minors live in a separate group, with their own team of educators and social workers. They are accompanied in their school trajectory and prepared progressively for more autonomy. Unaccompanied minors below the age of 15 years old or with a clear vulnerability are accommodated in specific reception centres.
- In the third phase (Assisted autonomy), unaccompanied minors who are beneficiaries of international protection above 16 years old can move to a local reception initiative with more freedom and

52 CY, EL, LT, LU, LV, SI.

53 DE, EL, SI.

54 EL, SK.

55 EL, LT.

56 BG, FI, LV.

57 DE, IE, MT.

58 EE, IE, SI, SK.

59 HU.

60 BE, BG, CY, DE, EE, HR, HU, IE, LT, LU, LV, MT, NL, PL, SE, SK, SI, NO.

61 CZ, EE, EL, FI, FR, IE, LV, MT, NL, SK.

62 FI, IE, LV.

63 CZ, EE, FI, FR, MT, NL, SK (relevant legislation and Decree of the Ministry of Labour, Social Affairs and Family of the Slovak Republic).

autonomy, but with enough guidance to prepare them for an independent life.

Currently, Fedasil, Belgium's Federal Agency for the reception of asylum-seekers, is working on the implementation of a new strategy to support the transition to adulthood. The strategy aims to extend the three-staged approach to the 18-21 age group by offering continuing support based on the degree of autonomy of the young person.⁶⁴ The Youth Care Network (the regional Youth Care Departments of the Flemish⁶⁵ and French⁶⁶ Community in Belgium) have also developed strategies for a more progressive transition by ensuring continuity of support after the age of 18 years old.

Box 5: Reform of legal regime of minors and previously in foster care in Spain

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:

- If they are documented, they can continue the authorisation they held as a minor, and the condition to have sufficient financial means is reduced to a more appropriate amount, meaning that they need to meet Minimum Vital Income threshold, or be supported through a programme developed by a public or private institution. Income from employment, from any social system, as well

as other amounts that may be received, will be computable.

- For undocumented minors who reach the age of 18 years old, a new system is established to document them, whereby they will be granted an authorisation to reside and work, with the same requirements mentioned above.
- For young people who are between 18 and 23 years old and are undocumented, a procedure is launched so that they will also be authorised to reside and work, following the provisions stated above for undocumented minors. This prevents them from remaining in an irregular situation and from being socially excluded as a result.

In addition, all three groups will be able to have access to social services like any other foreigner in a regular situation (this would include the minimum living income).

Six months after the reform, the new legal framework has led to the granting of authorisations to more than 9 300 people, 3 504 minors and 5 817 young people in foster care. In addition, the reform has led to the integration into the labour market of many of the young people who received documentation thanks to the new system put in place. In the first four months of the implementation of the reform, the number of minors and ex-custodians in employment had already doubled (4 599 registered with the Social Security, compared to just over 2 700 before the reform).



9. PROVISION OF SUPPORT AND SERVICES TO UNACCOMPANIED MINORS ONCE THEY REACH ADULTHOOD

When providing support and services to unaccompanied minors, EU Member States and Norway have adopted different approaches to the provision of support and services to unaccompanied minors who turn 18. As detailed in the sections below, in about a third, this moment marks a clear cut-off point, at least for some services, whilst another third offers a period of transition. More than half offer some type of aftercare once they become adults.

Cut-off point for support and services

In about a third of the EU Member States and Norway, the moment an unaccompanied minor reaches

adulthood marks a cut-off point for the provision of any form of support and services that were specifically related to their age.^{67,68} This means that any guardianship and/or legal representation arrangements in the administrative proceedings for international protection or another status no longer apply.⁶⁹ Unaccompanied minors reaching the age of majority are from that moment onwards also responsible for their own care, education and financial management. In exceptional cases, when their legal capacity has been revoked, minors who have reached the age of majority may be entitled to a special guardian,⁷⁰ or they may appoint a proxy to represent them in the administrative proceedings.⁷¹

64 More information is available in French and Dutch on the website of Fedasil. (<https://www.fedasil.be/fr/asile-en-belgique/mineurs/trajet-daccueil-des-...>).

65 Flemish Community: https://www.jeugdhelp.be/sites/default/files/documents/actieplan_jongvol... (in Dutch).

66 French Community: http://www.aidealajeunesse.cfwb.be/index.php?eID=tx_nawsecuredl&u=0&g=0&... (in French).

67 AT, BE (only for unaccompanied minors in a status determination procedure or those who have received a negative decision on their application), BG, ES (they will have access to the social services as any other foreigner in a regular situation, such as the minimum living income), FI, HR (special guardians appointed to unaccompanied minors do not represent the unaccompanied minors when they reach the age of majority), LT, LU (in practice, specific support and services provided by the National Children's Authority (ONE) and others are continued, please see section 8.3), MT, NL, PL, SE, SI, NO.

68 In the Netherlands, this will change with the new form of prolonged shelter and guidance for unaccompanied minors with a status who reach the age of majority (see chapter 8).

69 AT, BG, FI, NL, PL, SE, NO.

70 DE, HR.

71 PL.

As mentioned under section 6 above, if the legal status of the unaccompanied minor was based on their minority, if they did not apply for asylum or their application has been rejected, they may be treated as irregularly-staying migrants upon reaching adulthood and lose the right to reception and other support.⁷²

Period of transition

About another third of EU Member States offer a period of transition to former unaccompanied minors.⁷³ This can take the form of aftercare for a limited period of time, such as allowing the young adults to stay in the same accommodation⁷⁴ or moving them to reception centres for adults⁷⁵ for a limited period. In Lithuania, this applies only if the unaccompanied minors applied for and have been granted international protection. A few EU Member States provide assistance and information on the transition thanks to multi-disciplinary teams, consisting of the minor's guardian, social workers and/or other staff at the accommodation centre such as educators, and the information and assistance begins ahead of the transition. Other EU Member States offer counselling.⁷⁶

Box 6: Monitoring and assistance with the transition to adulthood in Sweden

In Sweden, the Migration Agency's reception units monitor, on a weekly basis, a list of unaccompanied minors turning 18 years old who are still in the asylum process. They request information from the relevant municipalities concerning any plans for extended care of the applicant, which will be based on an individual assessment. In case the municipality notifies the Migration Agency that care is to be ended, the applicant and their guardian are invited to an '18-year-old appointment,' which should take place four to six weeks before the applicant turns 18 years old. Applicants who remain in municipal care facilities after reaching the age of majority are also called for the '18-year-old appointment.' Similarly, municipal social services assess the need for continued care and accommodation of those unaccompanied minors who have a residence permit when reaching the age of majority. Supported accommodation (*stödboende*) tends to be the most common form of transition assistance offered.

Box 7: Self-sufficiency support for former unaccompanied minors in Utrecht, the Netherlands

The municipality of Utrecht supports a project from the Dutch Council for Refugees called the "Ex-ama Team". The team is made up of former unaccompanied minors who, together with local partners, support unaccompanied minors during the transition to adulthood, to foster their self-sufficiency. This support is provided regardless of the status of the former unaccompanied minor and starts after the transfer by Nidos, the Dutch guardianship institution for unaccompanied and separated children. It entails guidance by social workers and/or legal professionals in different areas, such as education, financial stability, legal guidance and psychological well-being. Until the former unaccompanied minor is self-sufficient, the guidance will continue.

According to a representative from the Municipality of Utrecht: "...the approach has proven to be very effective over the years. Many of the unaccompanied minors who benefitted from legal assistance obtained a legal status, and 75% of all the documented migrants who end the programme no longer needed social welfare, as they became self-sufficient and got a job or started educational training."⁷⁷

Continued support and services

More than half of the EU Member States offer some type of aftercare to unaccompanied minors after they turn 18 years old,⁷⁸ which is usually provided up to a specific age and dependent on the situation of the young adult. It mostly concerns beneficiaries of international protection but not exclusively, as shown in the table below. As mentioned previously, some EU Member States provide specific support and services for a shorter period immediately after the unaccompanied minors reaches adulthood or until the end of the school year.⁷⁹

- 72 BE, BG, CY, NL (this applies to minors not applying for asylum, turning 18 marks a cut-off point. When an asylum application of an UAM is rejected, support after 18 only continues in certain reception locations for a limited amount of time when it is certain the UAM will return).
- 73 AT (depending on provincial regulations and in exceptional cases), CY, EL, FI, HR, IE, IT (if, on reaching the age of majority, an UAM needs prolonged support aimed at the successful completion of the social integration process already undertaken, the Juvenile Court may order, also upon request of the social services, by means of a motivated decree, foster care to the social services, until the age of 21 years old (the so called "administrative continuation), LT, LV, SK (non-asylum seekers).
- 74 AT (in exceptional cases), CY (The Social Welfare Services has developed the programme of semi-independent living in cooperation with IOM. The scope of the programme is to provide those services to the minor, that will assist him/her with his/her transition to adulthood. A minor can remain in the programme until the age of 21 years old), CZ (most unaccompanied minors stay in the Facility for Children of Foreign Nationals until the end of their studies (secondary school or university), IE (dependent on residence status), IT (unaccompanied minors who reach adulthood can remain in the SAI system for six months after reaching the age of majority if they are not asylum-seekers), LT (beneficiaries of international protection are allowed to continue residing at the Refugee Reception Centre for up to three months, receiving financial assistance for relocation and integration support thereafter), LU (for those with no authorisation to stay and no access to supervised accommodation SLEMO, an extension of care of six months (renewable) can be requested by the National Children's Authority (ONE)). BE, IE, NO.
- 75 BE, IE (for persons with protection applications still pending, except for very vulnerable cases), NO.
- 76 NL counselling for up to a month for unaccompanied minors with a residence permit in small-scale reception centres of guardianship organisation Nidos, only if no direct transition concerning housing, counselling and finances is possible) after turning 18 years old), SE, SK (a lump-sum to facilitate the process of independence and counselling is provided if an unaccompanied minor is not studying/preparing for a profession or employment and is granted some kind of residence and thus does not stay in Centre for children and Families).
- 77 Oxfam and Greek Council for Refugees, *Teach us for what is coming. The transition into adulthood of unaccompanied minors in Europe: case studies from France, Greece, Ireland, Italy, and the Netherlands*, 2021, <https://www.oxfam.org/en/research/teach-us-what-coming>, last accessed on 21 December 2021.
- 78 AT, BE, CY, CZ, DE, EE, EL, FI, FR, HU, IE, IT, LU, LV, PL, SK.
- 79 IT, EL (if temporary/permanent residence status, aftercare may be extended until the end of the school year), LT, LU, NL (this only concerns counselling for up to a month for unaccompanied minors with a residence permit in small-scale reception centers of guardianship organisation Nidos, only if no direct transition concerning housing, counselling and finances is possible). Please note that this will policy change due to the announced changes of the Dutch government concerning the creating of a form of prolonged shelter and guidance for unaccompanied minors with a status who reach the age of majority).

Age until which aftercare measures may be provided	EU Member State and examples of aftercare measures
19	MT: Accommodation is provided for up to one year to former unaccompanied minors who cannot afford to pay rent.
21	<p>AT: Child and youth welfare services may continue providing support, depending on the province. Furthermore, NGOs offer aftercare places to former unaccompanied minors.</p> <p>BG: Residential care may be continued for former unaccompanied minors granted international protection if this service was already made available to them before adulthood</p> <p>CY: Access to housing support services.</p> <p>FR: Access to support and services is continued for former unaccompanied minors who were in the care of child welfare services.</p> <p>HR: Access to housing support services.</p> <p>HU: Aftercare services can be granted (upon application) to former unaccompanied minors unable to provide for themselves.</p> <p>IT: Support to social integration can be prolonged for former unaccompanied minors who are in need and who already were taking part in a social integration process.</p> <p>SE: Access to aftercare.</p>
22	HU: Aftercare services can be granted (upon application) to former unaccompanied minors if they are awaiting admission to a social residential institution.
21 (23 if in full-time education)	IE: accommodation through foster care, supported lodgings, aftercare units and independent living; education through further education/training and employment; financial support through an aftercare allowance paid to the care leaver, as well as financial assistance with housing; external therapeutic support which may be funded by Tulsa on a sessional basis, or may be provided by an NGO.
24	<p>HU: Educational aftercare services for young adults if they have student status or are enrolled in adult education.</p> <p>LV: Access to aftercare.</p>
25	<p>EE: Access to aftercare and support services ensured by local authority.</p> <p>FI: Access to aftercare, the content of which depends on the needs of the young person in question.</p> <p>HU: Educational aftercare services for young adults if they have a student status with a higher education institution.</p> <p>SK: Accommodation is provided by the Centre for Children and Families for both asylum- and non-asylum-seeking unaccompanied minors reaching adulthood; the latter must continue to study/prepare for a profession or employment and be granted residence.</p> <p>NO: Aftercare is considered only in cases where an unaccompanied minor has received measures pursuant to the Norwegian Child Welfare Act.</p>
26	<p>CZ: Accommodation is provided to unaccompanied minors enrolled in education—they can stay in the Facility for Children of Foreign nationals until the end of their studies or until the age of 26 years old (end of the student status). They have the same rights as Czech minors in institutional care. They are provided with full direct support, and they have access to adequate conditions for living and studying.</p> <p>SI: Healthcare is provided to unaccompanied minors enrolled in education turning 18 years old. They remain eligible for healthcare equivalent to that of other children under mandatory health insurance, as long as they keep studying and up until they reach 26 years old.</p>
27	LU: Housing support services are provided to unaccompanied minors who may retain access to services by the National Child Authority, if deemed particularly vulnerable.
30	HU: Access to aftercare services for a former unaccompanied minor in vocational or academic education may be extended until this age by the institution overseeing child protection.

Box 8: Age limit for aftercare in Finland, Hungary and the Slovak Republic

In Finland, the age threshold for unaccompanied youth entitled to support services was raised to 25 years old in 2020, from 21 years old previously. Raising the age threshold was supported by all relevant stakeholders when the legislative amendment was under way.

In Hungary, it is now possible to extend aftercare services to individuals up to the age of 30 years old, if they are students, following adult education or students in higher education. This aims to prepare them for independent living. This measure has been a significant progress for all aftercare recipients, not only for unaccompanied minors. It was introduced in 2020 for students in higher education and in 2021 for those following adult education.

In the Slovak Republic, it is possible to extend the stay of children at the Centre for Children and Families to individuals of up to 25 years old, if they are studying or preparing for a profession. This measure is also allows them to apply for a permanent residence permit valid for five years if they studied in the Slovak Republic for at least three years prior to the application and received tolerated stay status as unaccompanied minors.

Aftercare can take different forms, with nearly a third of EU Member States providing access to assisted independent or semi-autonomous housing.⁸⁰ In Luxembourg, assisted housing⁸¹ is provided by the National Children's Authority (ONE), together with NGOs such as the Red Cross and Caritas. It is made available to former unaccompanied minors provided that they have encountered difficulties in their physical, mental, psychological or social development, that they find themselves in physical or moral danger, or risk social exclusion. In the Netherlands, the national guardianship institution for unaccompanied and separated children, NIDOS, cooperates with municipalities (which are responsible for finding accommodation for former unaccompanied minors) and other care providers to facilitate the transition of unaccompanied minors with a residence permit into adulthood. This process notably involves finding housing in the same area as the last reception facility to ensure continuation of care and social contacts, as well as a joint preparatory conversation ahead of the unaccompanied minors 18th birthday to assess needs in housing and related matters (such as in education and employment, or for financial and psychological support). The duration and degree of support after reaching the age of 18 years old is provided according to the insight of the municipality and varies per municipality. This policy will be adjusted as a result of

the aforementioned policy changes to create prolonged shelter and guidance for unaccompanied minors with a status who reach the age of majority.

Other services and support offered include allowing former unaccompanied minors to continue their education (started when they were a minor) under the same circumstances and conditions as national citizens,⁸² and preparing them to enter the labour market,⁸³ for example by finding a suitable apprenticeship or employment,⁸⁴ recognising foreign educational qualifications,⁸⁵ and delivering adult education related to employment and professional development.⁸⁶ Some EU Member States also provide school maintenance grants for the duration of the school year⁸⁷ and school health services.⁸⁸ A few interesting additional services are further elaborated in Boxes 9, 10 and 11 below.

Box 9: Language and career support in Germany

In Germany, the Munich project "School-analogous lessons for young refugees" (SchlaU) has set itself the goal of supporting unaccompanied beneficiaries of international protection aged 16 to 21 years old (in exceptional cases up to 25 years old), through – *inter alia* – intensive one-to-one educational supervision in addition to normal lessons. In 2016, the school was awarded the "German Engagement Prize," sponsored by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, in the category "Creating Opportunities."

Box 10: Mentorship by former unaccompanied minors in Greece

Since July 2021, the Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) in Greece has launched a mentorship programme to support minors who are reaching majority and are hosted in the accommodation scheme for unaccompanied minors. The mentorship is expected to enhance their socialisation and empowerment, and to increase their employability and integration in the host community, as well as facilitate their access to education and vocational training.

The mentorship programme is implemented by former unaccompanied minors – now adults – who act as role models in terms of building resilience and improving capacities to support the successful transition to adulthood of third-country nationals or stateless unaccompanied minors under the overall protection of SSPUAM. Cooperation with UNICEF is about to be launched to design a comprehensive social integration programme for all teenagers living

80 AT (NGOs offer aftercare places for former unaccompanied minors, e.g. in shared apartments), BE (assisted independent living for unaccompanied minors with a residence permit provided by Fedasil can be continued under certain conditions), CZ (Facility for Children of Foreign nationals), CY, DE, EL, FI, HR (organised housing), IE (dependent on residence status) LV (a childcare institution may set up separate apartment-type spaces (youth houses) for children left without the care of their parents who have reached the age of 15 years old), LU (supervised housing called SLEMO).

81 The housing assistance is called SLEMO – an abbreviation of Service Logement En Milieu Ouvert meaning Housing facility in a form of supervised accommodation.

82 CZ, FI, FR, HR, NL (however, financial support, e.g. travel costs, can expire and this education does not prevent return), NO (right to complete upper secondary school, as long as they have not received a return decision), SE, SK.

83 CZ, FI, FR, HR, LU.

84 CZ, FI, FR.

85 HR.

86 HR, IE.

87 LU (unaccompanied minors in a regular situation (beneficiaries of international protection, residence permit for private reasons) and in school).

88 NO (those who have not yet received a decision when they turn 18 years old have access to the school health services until the age of 20 years, or until they receive a rejection on their application for protection).

in all types of accommodation modalities, oriented towards successful transition to adulthood.

Box 11: Aftercare for unaccompanied minors reaching adulthood in Ireland

In Ireland, eligible unaccompanied minors can benefit from the mainstream National Aftercare Policy for Alternative Care. The Child Care (Amendment) Act 2015 strengthened the legislative framework relating to aftercare and guarantees that all eligible care leavers are entitled to an assessment of needs and an aftercare plan, which is conducted by Tusla (the Child and Family Agency). Eligible children are those who have been in the care of the State for at least 12 months between the ages of 13 and 18 year old. Apart from the general eligibility criteria, residence permission/status impacts on access of (former) unaccompanied minors to certain aftercare supports and other State supports. There are two broad categories – either young people with some form of status/residency or young people whose final determination on their protection application is still pending.

Aftercare support is available to eligible care leavers until the age of 21 or 23 years old if in full-time education. Aftercare includes access to an aftercare worker, the National Standardised Aftercare Allowance of €300 per week for living expenses, if in full time education, continued support with the international protection process (where applicable – including interviews, appeal hearings, and court appearances, with the care leaver's consent), and support with family reunification applications (where applicable). A drop-in clinic for advice, is available to all care leavers, including those who do not meet the

eligibility criteria for other aftercare support. Preparation for leaving care begins at 16 years old, when the child is introduced to their aftercare worker and the needs assessment is conducted when the child is 17.5 years old. Tusla also carefully considers and applies a child-centred approach when it comes to unaccompanied minors who reach 18 years and are in care placements and still have to complete their second level education.

The key responsibilities of the aftercare team include supporting the care leaver throughout the international protection process. For example, a member of the aftercare team attends all interviews, any appeal hearings and any court appearances even after the care leaver turns 18 years old, with the care leaver's consent. A member of the team can also represent the young person on their behalf to support their application, if appropriate to do so.

Box 12: Aftercare for unaccompanied minors reaching adulthood in Finland

In Finland, aftercare is offered to young residence permit holders who are transitioning into adulthood and who have arrived in Finland unaccompanied, either as asylum seekers or under a refugee resettlement scheme. The contents of the aftercare depend on the needs of the young person in question. Different forms of the aftercare include organising education, providing help in finding a suitable apprenticeship or employment, financial support and cash available for studies, hobbies, personal needs and becoming independent, supported housing, guidance given by a personal contact person, support person or family, peer support group, etc.



10. STAKEHOLDERS AND/OR ORGANISATIONS INVOLVED IN THE DELIVERY OF SUPPORT AND SERVICES FOR THE TRANSITION TO ADULTHOOD

A wide range of public authorities, agencies and civil society organisations are involved in the delivery of supports and services to unaccompanied minors transitioning to adulthood across the EU and Norway, playing different roles from one country to another.

Local authorities play a primary role in aftercare and integration, including municipalities⁸⁹ and local youth care agencies,⁹⁰ and in some cases they have overall responsibility for organising, supervising and supporting the transition to adulthood of former unaccompanied minors eligible to receive such assistance. Civil society organisations also play an important role in providing (additional) support,⁹¹ such as language courses, legal, social and/

or psychological counselling, transition to adulthood and aftercare services for aged out minors.

In most cases, Member States reported that the same authorities were responsible for both asylum- and non-asylum-seeking unaccompanied minors⁹² although some States indicated that they did not have any special institutional arrangements in place for the latter group, given that all unaccompanied minors arriving on their territory applied for asylum.⁹³

Overall, the organisations involved in the delivery of support and services for the transition of unaccompanied minors can include:

89 BE, EE, FI, IT, LV, NL, SE.

90 BE (Youth Care Network services provided by the Flemish and French Community), DE, NL.

91 AT.

92 CZ, DE, EE, FR, HU, IE, LV, NL, SK.

93 CY, FI, MT, SE.

- Ministry of Interior or Migration or other specialised ministries, especially education, youth and sports, health, labour and social affairs, etc.,⁹⁴
- Agencies or departments for the reception of asylum-seekers,⁹⁵
- Local authorities/Municipalities,⁹⁶
- Special child/youth protection services,⁹⁷ such as youth welfare offices and guardianship authorities,⁹⁸
- Reception or accommodation centres, including special accommodation centres for children/young people,⁹⁹
- Social welfare services,¹⁰⁰
- Specialised support by NGOs¹⁰¹ and intergovernmental organisations (IGOs), such as the International Organisation for Migration (IOM), UNICEF, etc.,¹⁰²
- Private sector providers.¹⁰³

11. KEY CHALLENGES FACED BY EU MEMBER STATES AND NORWAY IN PROVIDING SUPPORT AND SERVICES FOR THE TRANSITION TO ADULTHOOD

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 and integration.¹⁰⁴

Accommodation challenges

One of the most commonly cited challenges concerned the housing of those reaching adulthood,¹⁰⁵ such as the lack of suitable housing options.¹⁰⁶ Another frequently cited challenge related to variations in the quality and coverage of the services offered by municipalities, in terms of how they were organised and resourced.¹⁰⁷ Both issues can result in inequalities in the treatment of young adults. Both the Netherlands and Italy reported having faced issues at local level, mentioning the need for increased assistance for unaccompanied minors transitioning into to adulthood, with the Netherlands in particular experiencing a lack of funding and housing for unaccompanied minors with a residence permit who reach the age of majority.

Linked to the challenge of housing is the issue of differentiated treatment of young adults depending on their status,¹⁰⁸ and where they have been accommodated.¹⁰⁹ As mentioned previously, former unaccompanied minors residing in Youth Care Network facilities in Belgium can rely on extended support services as young adults,¹¹⁰

which are not yet available to those residing in Fedasil's federal reception centres. In other cases, each municipality is at liberty to decide on the kind of support and information to be offered to legally residing unaccompanied minors turning 18 years old.¹¹¹ In terms of legal status, those who do not apply for asylum, or for the 'durable solution' status specifically for unaccompanied minors, lose their right to reception altogether in Belgium when they reach adulthood. Similarly, in some EU Member States, unaccompanied minors who reach the age of majority without being granted international protection will become illegally staying migrants and be subjected to return procedures.¹¹² These unaccompanied minors may disappear from the accommodation premises, or leave the country altogether, thus also being at a higher risk of trafficking in human beings.¹¹³

Governance challenges

A few EU Member States highlighted the lack of a national strategy or policy governing the transition to adulthood, or reported facing challenges to implement in a timely manner these policies where available.¹¹⁴ According to a report from Oxfam and the Greek Council for Refugees, in the Netherlands there is a lack of policies governing support once unaccompanied minors turn 18 years old. This lack has not only led to a lack of coordination and problems with the division of responsibilities of

94 CZ, EL, FR, HR, IE, IT, LT, LU.

95 AT, EL, IE, NL, SE.

96 BG, EE, FI, IE, IT, LT, LV, NL, SE, NO.

97 BG, DE, FR, IE, IT, LU, SK.

98 HU, LV, NL, SK.

99 CZ (Facility for Children of Foreign nationals), HU (state-run Károlyi István Children Centre supervised by the competent guardianship authority), LT, LU, LV, NL, SI, SK.

100 CY, DE, EE, IT, LT (non-asylum seeking), MT.

101 AT (aftercare places in shared apartments for former unaccompanied minors), CZ (e.g. legal counselling, leisure activities, socialising support, etc.), DE, IT, NO (cultural and physical activities, and practical skills training), LT (various types of integration support), LU, LV, NL (guidance during process of family reunification and guidance by contract partners of guardianship organisation Nidos for becoming independent – think of counselling, cooking, handling money etc.), SI, SK.

102 EL, IT, LU, SK.

103 FI.

104 BE, BG, CZ, DE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, SE, SK, NO. Except for CZ, EE, HU, LT, LV who reported that due to the low number of unaccompanied minors in their country compared to others, no challenges around the provision of support and services for the transition to adulthood could be identified.

105 BE, FI, HR, IE, IT, LU, NL.

106 IT, NL.

107 FI, NL.

108 BE, LT.

109 BE, FI, NL.

110 The conditions differ between Youth Care facilities in the Flemish and French Community.

111 FI, NL (this policy will change due to new developments announced by the Dutch government), SE.

112 LT (in practice, only those under international protection reach the age of majority at the Refugee Reception Centre in LT, while those who do not apply for asylum tend to leave the country before the transition to adulthood, therefore they may be at a higher risk of trafficking in human beings), LV, NL (in general).

113 LT (non-asylum-seeking unaccompanied minors), LV (unaccompanied asylum-seekers).

114 EL, HR, IT, NL.

the actors involved in supporting the transition of unaccompanied minors to adulthood, but also to differences in the (type of) support offered by municipalities. However, the policy changes announced by the Dutch government to grant extended reception and guidance for minors with a residence permit are expected to address these issues. Other Member States also pointed out the need to improve governance and streamline cooperation and coordination of measures, involving all actors playing a role in the reception and transition of unaccompanied minors to achieve true autonomy and integration.¹¹⁵ Challenges were identified in Ireland related to inter-agency and inter-departmental protocols and procedures for family reunification.

Integration challenges

EU Member States also identified several challenges with regard to the integration of unaccompanied youth, particularly into the labour market.¹¹⁶ Language barriers are a major issue in this regard, and hence several countries underlined the need for language training, as well as for interpreters/translators, to help the young adults obtain general access to services.¹¹⁷ In Germany, specific challenges arose when looking for training places for unaccompanied minors, given that the limited duration of the tolerated stay status, and the unclear outcome of the asylum procedure, had a partly deterrent effect on both the young adults and the training companies involved.

Many EU Member States see the period available for the transition as too short and challenging, particularly as

they consider that unaccompanied minors do not have sufficient time to prepare for independence and build their self-sufficiency.¹¹⁸ The short duration of the residence permit or restrictions on family reunification may also cause uncertainty, and make the integration process challenging.¹¹⁹ For example, most unaccompanied minors are between the age of 16 and 18 years old, which shortens the duration of the transition support. Similarly, the right to reception and support services in the Netherlands changes significantly when an unaccompanied minor turns 18 years old. According to experts, further support is needed, preferably by means of extended reception.

A few EU Member States also mentioned that the lack of transitional arrangements, not only leads to significant changes in the support available, but also to a lack of continuity and follow-up for unaccompanied minors transitioning into adulthood,¹²⁰ which may lead to a 'hard transition' from one day to another;¹²¹ including social benefits being stopped.¹²² For example, when reaching majority, unaccompanied minors in Luxembourg are relocated to a new accommodation centre with new supervising staff, bringing challenges to their follow-up. In the Netherlands, young adults do not automatically receive further guidance beyond 18 years old, and it can be an obstacle to ask for help once they are referred to another mentor or organisation. However, due to the aforementioned development of a new policy, this will change in the future. Finland also highlighted the lack of continuity of the support networks for unaccompanied minors reaching adulthood, at a difficult moment in their life when they have to live on their own and manage their own lives.

115 IT, SK.

116 BG, DE, ES, HR, LU, SK.

117 BG, DE, HR, LU, SK.

118 LU, NL (this will change due to the development of new policy).

119 FI.

120 LU, NL.

121 LU, NL.

122 This applies to all young adults between the ages of 18 and 20 years old (including former unaccompanied minors) in NL, with benefits lower than for those of 21 years and older. It is the result of the consideration that in NL parents are financially responsible for young adults between the age of 18 and 20 years old.

Disclaimer

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Explanatory note

This inform was prepared on the basis of national contributions from 25 EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, SE, SI, SK, and NO) collected via an EMN Ad Hoc Query developed by the EMN NCPs to ensure, to the extent possible, comparability.

The listing of the EMN Member and Observer Countries in the inform following the presentation of synthesised information indicates the availability of relevant information provided by those EMN Members and Observer Countries.

Statistics were sourced from Eurostat, national authorities and other (national) databases.

It is important to note that the information contained in this inform refers to the situation in the abovementioned EMN Members and Observer Countries up to January 2022 and specifically the contributions from their EMN National Contact Points.

EMN NCPs from other EMN Member or Observer Countries could not, for various reasons, participate on this occasion in this inform, but have done so for other EMN activities and reports.

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Finland www.emn.fi/in_english

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2

Germany <https://www.bamf.de/EN/Themen/EMN/emn-node.html>

Greece <http://emn.immigration.gov.gr/en/>

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Poland <https://www.gov.pl/web/europejska-siec-migracyjna>

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Spain <https://extranjeros.inclusion.gob.es/emn-Spain/>

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Norway <https://www.udi.no/en/statistics-and-analysis/european-migration-network---norway>

Georgia https://migration.commission.ge/index.php?article_id=1&clang=1

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