
TEACH US FOR WHAT IS COMING

The transition into adulthood of unaccompanied minors in Europe

Thank you to the young people who told us about their journeys to help create this research.

Summary

This report looks at what it is like to be a young person alone and seeking safety in Europe when turning 18.¹ It paints a difficult situation with many shortcomings but also some promising practices. The main finding is there is no legal framework or specific support schemes for unaccompanied minors (UAMs) entering adulthood. This leaves many young people to fall through the gaps.

The report hones in on five issues: the right to stay in the EU, housing, access to information on rights, employment and education, and guardianship schemes in five European countries (France, Greece, Ireland, Italy and the Netherlands).

What protections are available for young people?

Not one country examined has a systematic framework on the transition into adulthood. Rights previously enjoyed shrink when turning 18. The legal basis covering the protection of minors varies - some countries like France and Ireland use the ordinary laws on child protection, other countries like Greece rely solely on sporadically applied EU law with specific Greek law on UAM guardianship pending enforcement since 2018. Italy and the Netherlands both have specific frameworks, but the actual effect in Italy varies due to patchy implementation.

What are the issues when minors turn 18?

The main concern for these young people at the age of 18 is retaining their right to live in the country and finding accommodation, education and employment. Procedures to gain residency and access services vary from country to country and in some cases, department to department. Across the focus groups, there was a notable sense of disorientation along with difficulty understanding bureaucratic processes often due to lack of information and language barriers. In almost all countries, there is a risk of unemployment, homelessness, adverse risks to mental health and exploitation.

France

In France, the main issues are unreliable age assessments, barriers to professional training which impact applications for residence and access to information on the asylum system. This is compounded by the inconsistent and uncoordinated management of policies resulting in a 'do-it-yourself solution' in the different regions. This has a real impact on people's lives.

¹ Please see the full report which breaks down data on UAMs.

'I accompanied a young man who had given up a fixed-term contract for a permanent one. At the Prefecture they refused this young man a residence permit because of the change of the contract. They said that since he was on a trial period in the CDI [a type of employment contract], he could not have the permit. In short, bureaucracy is very peculiar and difficult.' (C., UAM hub coordinator)

The sole and controversial method of bone testing to assess age in France, as well as in other European countries, has a high margin error of 18 months. The appeal process can last for months during which there is no provision for taking the young person into care making them vulnerable to homelessness, human trafficking and exploitation.

'I was left in a reception centre... The day after, I will never forget it, the centre coordinator asked me to collect my things and he told me that the prosecutor had rejected my request and that I had to leave the centre. A birth certificate is not enough to justify my being underage; they did not consider me a minor, despite the existence of the only document that I had on me!' (A., aged 19, from Guinea)

The options to apply for residence depend on what age the minor was taken into social care (ASE). As most arrive after the age of 16, the options are: private and family life residence; employment permit if doing professional training and education if pursuing higher education; or asylum application.

The Contrat jeune majeur (CJM), a type of grant provided to those enrolled in apprenticeship programs is a good practice. These apprenticeship programs are key to gain the professional training needed for the employment permit. While considered a good transition tool, there are difficulties in applying for it. One particularly stringent requirement is the applicant must have received assistance from ASE for a year and a half. This halves the number of eligible applicants as most UAMs arriving in France are too old to apply. Language barriers and duration also pose a concern.

'The CJM contract is difficult to obtain and is often only granted for two months. For example, I have a case of a young man who does not speak the language, has not been placed in a schooling system and by the time he turns 18 years old, it will be difficult to get the CJM. The main inconsistency [is] that the CJM is granted for only two months, without considering that teenagers may be on a one-year apprenticeship contract. How are they supposed to pay for housing, food, and a living?' (C., volunteer)

Another concern is the limited number of ASE staff and their limited knowledge of the asylum system. This can have an undue influence on the development of the young person as well as their right to apply for asylum.

'ASE is a saturated system; there are a limited number [of] social workers for the number of youth in the system. Similarly, ASE's legal representative has too many individuals to manage.' (L., orientation counsellor for young people between 17-21 years old)

Greece

Greece has a fragmented asylum system, on account of the 2016 EU-Turkey Statement and relevant EU policies, which is compounded by a challenging financial situation and a lack of sufficient EU responsibility-sharing. Project-based NGOs dependent on funding fill the gaps left by the state. This means that access to services and basic rights is frequently determined by NGOs' finite capacity and ultimately chance.

Despite age assessments procedures being laid down in the law, they are unevenly applied depending on location and have a margin of error by up to two years the minor's actual age. Appeals against erroneous age assessment are almost impossible due to the lack of state-provided legal support and limited NGO capacity. UAMs, that have been wrongly registered as adults, are treated as such and can be kept in facilities alongside unknown adults until an age assessment confirms they are minors.

While there has been a significant improvement in living conditions, many UAMs are still without access to secure accommodation, either living in informal settings, on the streets or in refugee camps. Some are kept in 'protective custody' (i.e. administrative detention), though a significant decrease in the duration and extent to which this measure is applied has been observed since December 2020, when "protective custody" was abolished by law. At the age of 18, UAM's who have been granted refugee status must largely secure their own accommodation, those not recognised can be detained for return and those without a clear legal status can frequently remain in unsuitable camps. The youth who took part in the research had been living for prolonged periods of time in a safe zone in a camp in mainland Greece and at the age of 18, they had been moved in with the camp's adult population.

'After the safe zone there is nothing. We cannot find work; we still don't have an apartment; we continue to live in the camp. We haven't managed to secure what we need to live.' (A., aged 18, from Afghanistan)

While there was a great desire to leave the camp, there was also a fear of the outside world and a sense of hopelessness for the future due to the many barriers they face in accessing education and employment.

'I cannot make a life for myself in this country. There are minors [here] with skills, but all that many of them do is sit and smoke, because there isn't anything to do; no means to [access] work. How can I buy what I need to survive? It's either work or illegality.' (M., aged 20, from Afghanistan)

The main theme was the need to secure UAMs' basic needs such as housing, education, access to healthcare and legal support. There is a clear need for a support mechanism such as a guardian who can help 'in making a proper programme, a schedule, a life plan'. As there is no state-led guardianship scheme with laws still to be enacted, the ongoing gap continues to be filled by public prosecutors, who are overloaded by cases, and funding-dependent NGOs.

'The issue is not just that UAM have not been assisted in becoming responsible adults that can take care of themselves. It is rather that they have been forced to learn from a very young age that they need to take care of themselves through any means.' (A., Greek Council for Refugees)

Ireland

In Ireland, access to rights shrinks drastically at the age of 18. To prepare for this transition, a social worker assists in all aspects of the young person's life (education and employment, family reunification procedures, psychosocial support) until the age of 21 or, if in full-time education, 23. UAMs who have been granted refugee status are responsible for securing their own accommodation with their aftercare allowance, and some remain with their foster families. Many of those who are in the asylum process are moved to direct provision – a flawed and harshly criticised reception system.

'You're not fully an adult at 18, most Irish kids are still living with their parents at 18.' (L., aged 25) in Ireland.

While there is some flexibility in postponing the move if the youth is in their final year of schooling or alternative accommodation for vulnerable cases, the overarching recommendation was the creation of other transition systems to avoid the stress caused by leaving their foster family as soon as they turned 18, 'a very dark time in their life until everything was sorted out'.

There are some barriers to accessing higher-level education as student grants are only available to those living in Ireland regularly for at least three years. This precludes many who arrive in their late teens from getting study grants, limiting their prospects. Ireland offers a strong support network by assigning social workers to UAMs. While their work is praised, questions remain whether they are best placed to decide when and if the minor should apply for asylum due to the lack of training on the asylum system, a pattern of asylum applications being made close to the age of 18 causing undue stress, and their already overloaded schedules.

'The separated children's team at Tusla is focused almost exclusively on international protection and there are a lack of legal aid options for UAMs to access advice in relation to alternative immigration permissions that may be more suitable.' (T., academic)

Italy

In Italy, gaining a residence permit is a cause of concern. There are three paths for unaccompanied minors to gain residency. The path chosen has a very different impact on the possibility to have a permit of stay once they turn 18: (a) seeking asylum, (b) asking for a permit for minor age, and (c) asking for a family permit or foster care. The path chosen must be carefully considered as should an asylum claim be denied once the minor has turned 18, he is not able to gain residence through the two other paths and receives a return order. The other way largely used to gain residence – permit for minor age – also comes with challenges because it needs to be converted into a permit for work or study once turned 18, and time frames for providing necessary paperwork of studies or employment contract are usually very short.

Indeed, other issues in Italy include barriers to gaining professional training and education despite it being required to apply for a study or work permit. A further barrier is the length of the administrative process and the refusal by many service providers and companies to accept proof provided by the police of residence permit applications. This leaves young people in limbo for many months. Another key concern is the limited information on accessing rights and the complex rules governing traineeships.

Housing security is a cause of concern. Turning 18 normally means the loss of right to housing. The Italian authorities offer a six-month buffer period to find housing options after turning eighteen, but only a few young people are offered this option. This scheme provides a good steppingstone to autonomy and may help mitigate general concerns on economic difficulty and discriminatory housing market.

'I've been here for three years, I've always worked but I've never had a steady job, and without a steady job you can't do anything ... problem with documents, problem with finding a house.' (Y., aged 21, from Ivory Coast)

The role of voluntary guardians is crucial and often fills the gaps left by the state. While this new initiative of voluntary guardianship has given minors more support than previously, there are some concerns of the role and interaction of the voluntary guardians.

'We need a 360-degree approach to the path that young migrants take in Italy, with a more structured involvement of schools, communities, courts, social workers ... It is generally the guardians who act as a link between these aspects, even though they no longer have a legal role.'
(C., voluntary guardian)

Netherlands

UAMs in the Netherlands, like other European countries, see a massive reduction in the support available to them upon turning 18. UAMs who have been granted refugee status lose access to services provided by the Dutch guardianship institution (Nidos) and undocumented minors lose their right to shelter, social services and education. Those going through asylum procedures are moved to reception centres.

Upon turning 18, UAMs with a permit to stay are provided with housing through a special scheme, just like all other refugees who have a permit to stay. Despite this, the lack of information on tenants' rights, can pose a risk for exploitation. There is also a risk of debt and homelessness despite their access to social welfare and services. This risk is far higher for those without a recognised status - they are often unable to access legal advice hindering their efforts to gain residency. Some undocumented UAMs disappear and there is a real risk of exploitation, human trafficking, and marginalisation.

'The transition into adulthood didn't feel like a transition for us. It felt like our whole support system fell away.' (A., aged 20, from Eritrea).

Another issue is the sudden overload of financial and overall responsibility and accompanying red tape without any information or training given.

'It would be good to start courses on how to manage our finance when we are 17, so that we can learn how to manage our finances when we turn 18.' (A., aged 20, from Eritrea) in Netherlands.

Positive practices

The research identified several good practices to bridge the gap between childhood and adulthood. In France, Italy and Greece, **transitional housing** offered young people an option to learn how to live in semi-autonomy. In the example of Greece, the Semi-Independent Living programme for UAMs, piloted initially by UNICEF and UNHCR in collaboration with the NGO METAdrasi, has become increasingly mainstream. Four UAMs between the age of 16-18 live in supervised accommodation, receive a small subsidiary, and NGOs assist them in accessing services to support their gradual autonomy.

Specialised training to staff working with UAMs to improve knowledge on the asylum system was a good practice seen in France. This helped improve access to asylum rates in France. Another strong practice was knowledge sharing and network building amongst professionals working with UAMs from other fields. This helped to provide a holistic overview of the services available from different sectors ranging from health, social work, and legal work.

Guardianship schemes are vital for UAMs to feel supported in their life. All countries examined had some form of guardianship either run by NGOs or the state. Another good practice seen in Ireland, Netherlands and Greece was a buddy or mentorship system run by NGOs. This linked minors with local people in the community fostering inclusion and integration as well as providing a space to engage in extracurricular activities.

'My guardian is important to me, she stayed in touch even after I turned 18 ... if I have a problem, I call her.' (M., aged 20, from Senegal in Italy)

'My educator's support will remain clear in my memory. She was more than a contact person, she became a role model, even more important for me today after I turned 18 years old. Even though I no longer live in the centre, she still helps and supports me. I tell her my successes and my failures, my joys and sorrows. I just turned 21, an age at which the CJM contract can no longer be renewed, but now I have a scholarship and a roof over my head, food to eat and I can continue my studies. This is enough for me.' (B., aged 21, from Cameroon) France

Conclusions:

These national contexts have similar challenges, despite their significant differences, with not one of the countries analysed having a standard framework on UAM's transition to adulthood. Currently, turning 18 is often an abrupt and traumatic change in their lives. Not only in terms of losing a roof over their head but also losing their social support structures and a real risk of losing their right to live in the country they call home. For these young people, reaching adulthood is characterised by widespread anxiety, frustration, isolation, and a lack of prospects.

The administrative sectors responsible for guiding minors towards autonomy (school, access to the world of work, social services, civil society organizations, juvenile courts, etc.) are not coordinated. Attempts to establish a coherent system are limited to the local level or carried out on a case-by-case basis with NGOs and (voluntary) guardians stepping in to fill the cracks. All of this leads to widespread discretion in the support strategies for the transition to adulthood and a lack of consistency across European countries and this will have with severe consequences for the chances and opportunities that young people will have in their lives, which are very unequal from one country, or one municipality, to another.

What needs to be done?

There are many steps available to create a better support system for young migrants. **Some key suggestions are:**

- Simplification of the administrative procedures for residence permits.
- Support to help these young people understand the bureaucratic system, management of finances and searching for accommodation. Both legal guardians and voluntary guardians play a fundamental role in helping the young person adjust and get on their feet.
- Accessible professional training which is not limited to a minority of sectors (culinary, agriculture etc). Transitional social housing with support from services.
- Coordination mechanisms at local and national levels to allow actors involved to communicate and interact effectively.

What can the EU do?

While this transition to adulthood falls mainly under the responsibility of EU countries, the European Commission has begun to address issues related to UAMs turning 18. These have focused on exchanging good practices, providing funding for integration projects, encouraging EU countries to facilitate access to education and training, strengthening guardianship systems as well as promoting national strategies

to move away from a reception centre approach towards family and community-based care services with an adequate focus on preparing UAMs to leave care.

While the EU funding can play a crucial role in identifying and promoting good practices, research and promotion is not enough. There is a need for a determined approach. Our suggestion is three-fold: (i) use the new cycle of EU funding to address the issues highlighted in this research and implement key recommendations; (ii) promote and coordinate data collection on the transition to adulthood to ensure sustained commitment by all EU countries on their promise of employment and education for all young people; and (iii) continued mainstreaming of UAMs specific issues into broader social policies and, most importantly, a Commission Guidance on the transition into adulthood taking a holistic approach on the needs, concerns and considerations in this complex process.

These actions both at an EU level and a national level are crucial to improving the transition process, to create a child-centred support system coordinating local and national competencies and to make a period of intense anxiety more manageable.

Methodology:

Oxfam Italy and the Greek Council for Refugees directly carried out the qualitative research in Italy and Greece. In the Netherlands, France and Ireland, the RISE UP consortium relied on the Dutch Council for Refugees, ACLI France, and Oxfam Ireland, respectively.

Data were collected through qualitative research, combining desk analysis, semi-structured interviews and focus groups of key informants. Interviews aimed to gather responses from civil servants (both at national and local levels), professionals working with UAMs and young migrants, legal guardians and mentors, and researchers from NGOs or academic institutions.

For the full methodology, see the report.