Parliamentary Assembly
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COUNCIL OF EUROPE
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**Resolution 1996 (2014)**[1]
Final version

# Migrant children: what rights at 18?

Parliamentary Assembly

1. While reaching the age of majority is a milestone to be celebrated for most young people, for unaccompanied migrant children it means losing their rights and, in many cases, being obliged to leave the country where they have lived and forged relationships.

2. Consequently, it is necessary to fill this legal void in order to help those young people make a successful transition from childhood to adulthood, including in the case of young refugees or asylum seekers.

3. The Parliamentary Assembly observes that there is no legal instrument, or even consensus, with regard to procedures for assessing a person's age and stresses the need to apply the benefit of the doubt, bearing in mind the higher interest of the child.

4. The Assembly emphasises the positive aspects of initiatives taken by certain Council of Europe member States, such as France, Hungary, Ireland, Spain and the United Kingdom, to provide alternative care and support solutions.

5. The Assembly notes, however, that the lack of harmonisation of administrative procedures engenders a great many inconsistencies, in most instances leaving young migrants with no other choice than to take on undeclared work in poor conditions, as they have no financial support.

6. The impossibility of accessing justice, decent work or housing makes these young migrants even more vulnerable by preventing them from attaining financial independence and exposing them to the risks of being caught up in the nets of drug trafficking, prostitution or trafficking in human beings.

7. The Assembly recalls Committee of Ministers Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors and also the European Union's Stockholm Programme 2010-2013, which aim to help young migrants become fully responsible for themselves and achieve a good level of autonomy.

8. The Assembly is convinced that establishing a life project taking account of a young migrant's past and cultural identity constitutes an important basis for developing their autonomy and sense of responsibility.

9. In this context, establishing a transition category would facilitate successful economic, social and cultural integration while guaranteeing support and assistance measures.

10. In view of the above, the Assembly calls on member States of the Council of Europe to:

10.1. take due account of the specific situation of unaccompanied young migrants who are reaching adulthood, bearing in mind the higher interest of the child;

10.2. give young migrants the benefit of the doubt when assessing their age and ensure that such assessment is made with their informed consent;

10.3. bear in mind that family reunion remains an integral component of the life project, including through voluntary return;

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1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 23 May 2014 (see Doc. 13505, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Mailis Reps).

10.4. establish a transition category, between the ages of 18 and 25, to help young migrants, and take political measures geared to:

10.4.1. welfare assistance and education;

10.4.2. access to information on the relevant administrative procedures;

10.4.3. extensions of housing assistance;

10.4.4. access to health care;

10.5. provide for specific training measures for social workers and anyone dealing closely or remotely with young migrants;

10.6. raise the awareness of civil society, as an intermediary between the public administration, the authorities and young migrants;

10.7. introduce a school programme – along the lines of the European Union's Leonardo da Vinci programme – enabling young migrants to have a special document allowing them to travel.

11. The Assembly also recommends that local authorities demonstrate empathy and creativity in drawing up a policy for the integration and participation of young migrants in local public life.