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30 June 2011

Unaccompanied migrant children: what rights at 18?

Motion for a resolution
presented by Ms Reps and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

Reaching the age of majority constitutes a crucial turning point in the life of unaccompanied migrant children: their provision of care, living conditions, legal options and perspectives change dramatically from the moment they legally become adults.

The recent Parliamentary Assembly report on “Unaccompanied children in Europe: issues of arrival, stay and return” (Doc.12539) identifies that *“the possibility or not to remain in the country beyond the age of 18, alongside the existence of a life project for the child, is the most determining factor for the fate of unaccompanied children in Europe”*.

Today no legal instrument governs the transition of unaccompanied children to the majority age, and national legal frameworks and administrative practices vary considerably. In most countries the children who were previously under national welfare systems lose their primary support systems. The state responsibility is transferred from children’s/social services to immigration authorities, and the whole context of immigration determination changes: they can no longer benefit from procedural safeguards or have entitlement to family reunification; they are exposed to an increased risk of detention; and the safeguards regarding return cease to exist. Unless their residence permits are extended on individual compassionate or humanitarian grounds, the former unaccompanied children automatically drift into an irregular status.

As the result, the majority of these children simply “vanish” from state care shortly before their 18th birthday, often ending up at the mercy of trafficking networks and criminal gangs, leading to the high likelihood of their exploitation and abuse.

The Assembly cannot afford to close its eyes to this growing phenomenon and is called upon to look into this matter and to seek timely and sustainable solutions in order to safeguard the children’s best interests and to allow them to fulfill their right to development.

Signed (see overleaf)

*Signed*¹:

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¹ EPP/CD: Group of the European People's Party
SOC: Socialist Group
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group