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Where to? A critical reading of European soft law on young refugees' transitions in the Fortress Europe

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Abstract:

This article critically examines the Council of Europe's Recommendation on Supporting Young Refugees in Transition to Adulthood of 2019 against the background of the transition perspective – without disregarding the generation and cultural approaches –, elaborated within the multidisciplinary field of the Youth Studies. Inter alia, age, precariousness of the legal status, gender, and race belong to the identity grounds intertwining in ways that hinder the rights, well-being, and autonomous life of young refugees in transition to adulthood in national contexts characterized by strict binding legislations and the spread of anti-refugee resentment. While acknowledging the relevance of the Recommendation, which represents the only European legal text targeting this youth group, this contribution suggests taking an integrated approach to young refugees' transition in order to hopefully strengthen its beneficial effects for them.

Keywords:

Youth refugees, transition to adulthood, youth work, Youth Studies.

Resumen:

Este artículo examina de forma crítica la Recomendación de 2019 del Consejo de Europa sobre el apoyo a los jóvenes refugiados en la transición a la edad adulta con el trasfondo de la perspectiva de la transición –sin dejar de lado los enfoques generacional y cultural–, elaborada dentro del campo multidisciplinar de los Estudios de la Juventud. Entre otras cosas, la edad, la precariedad del estatus legal, el género y la raza forman parte de los fundamentos identitarios que se entrecruzan de manera tal que dificultan los derechos, el bienestar y la vida autónoma de los jóvenes refugiados en transición a la edad adulta, en contextos nacionales caracterizados por legislaciones vinculantes estrictas y por la

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propagación del resentimiento contra los refugiados. Sin dejar de reconocer la relevancia de la Recomendación, que representa el único texto jurídico europeo dirigido a este grupo de jóvenes, este artículo sugiere adoptar un enfoque integrado de la transición de los jóvenes refugiados para, esperamos, reforzar los efectos beneficiosos para ellos.

Palabras clave:

Jóvenes refugiados, transición a la edad adulta, trabajo en el ámbito de la juventud, Youth Studies.

1. INTRODUCTION

Turning 18 is a moment in life to celebrate for many young people in Europe but not for all. Among this latter group, separated and unaccompanied minors coming of age are confronted with legal, socioeconomic and psychological challenges that are often overlooked in the public and political debate. The urgency for engaging with young refugees'[1] transition to adulthood is not only raised by the high percentage of minors forcibly fleeing their countries and risking their lives in a journey towards a hopefully better future but, more importantly, by the changing legal protection and national support occurring at this age, preventing many of them from really planning and realizing such a future.

The so-defined "refugee crisis", having its apex in 2015–2016 with unprecedented inflows to European Union (EU) Member States – unprepared or unwilling to give prompt, adequate assistance to refugees – fueled a public perception of Europe being invaded by newcomers. Although media representations and political debates about the inflows differ substantially from country to country, it was soon blatantly clear that a human rights crisis was happening in Europe, whose lights and shadows are far from new. For a long time considered the cradle of human rights, the walls of the "Fortress" have become thickened over time along the (racialized) line of EU/non-EU citizenship (Rigo 2017).

The number of first-time asylum seekers in the EU countries doubled between 2014 and 2015 (from 563,000 in 2014 to 1.26 million in 2015, Eurostat 2022) mainly due to the war in Syria, while they are estimated to be 535,000 in 2021 (Eurostat 2021). Young refugees significantly outnumber adults. In 2015, they amounted to nearly 83% of all first-time asylum requests, 4 out of 5 asylum seekers were less than 35 years old, and around 32% were under 18 (Eurostat 2022). In 2021, 81.4 % of first-time asylum seekers were under 35 years (around eight-in-ten), of whom 50.2 % were in the age range 18–34 years (half of the total number of first-time applicants), while almost 31.2 % (one third) of the total number of first-time applicants were under 18 years. Disaggregating data by gender, boys still outnumber girls. In 2021, male children aged 0–13 years were 51.4 % of the total number

[1] For the aim of this paper, "child" and "minor" refer to all persons until 18; "young" addresses people turning 18. Also, by "refugees" I refer to the working definition of the CoE's Recommendation on Supporting Young Refugees in Transition to Adulthood of 2019, on which the present contribution focuses: see para 3.1.

of applicants, while among the age groups 14–17 or 18–34 years old, the percentages raised to, respectively, 79.7 % and 77.5 % (Eurostat 2021).

These data show that many young people experience their transition towards adulthood in host countries, in contexts of human rights crises to the detriment of their individual rights in terms of precarious legal status,[2] housing, education, employment, and economic support (Fundamental Rights Agency of the EU Union – EUFRA – 2019).

Hence, until 18 they fall into the legal category of "child" and the related specific legal protection for unaccompanied minors in many EU countries; after this age, they enter labyrinths of general hard-law and diversified bureaucratic practices that particularly hinder their transition to adulthood. Furthermore, high rates of youth unemployment and the rise of populism and anti-refugee discourse in many areas are among the contextual factors that hamper young refugees' long-term social inclusion in countries of destination.

Considered jointly, the intersecting transitions based on age (from childhood to adulthood) and legal protection (from that provided for the legal status of unaccompanied minor to the general one applied to adult refugees) unveil gaps in rights and services that are further complicated by the gender-dimension and "racial"[3] connotation of the phenomenon. In fact, while young female refugees are particularly at risk to fall into the trap of trafficking for sexual exploitation and sex work, boys are also exposed to these and other forms of exploitation, such as those related to labor. Furthermore, social constructions of male newcomers as a threat to European women – fueled by such events as Silvester in Cologne in 2015/2016[4] (Schuster 2021, Wigger *et al.* 2022) and media coverage making violence against women allegedly committed by refugees hypervisible – have contributed to creating sexual moral panic (Maneri and Quassoli 2018, Giuliani *et al.* 2020) about them and instigate anti-refugee rhetoric that particularly impacts on young male refugees.

If the existing EU and national hard law does not seem to be responsive to this particularly vulnerable[5] subset of young people's intersecting needs, the analysis of the Council of Europe (CoE)'s and, to a lesser extent, EU's soft-law in the specific field of youth policy highlights some insightful guidelines for governments and non-governmental stakeholders, while, at the same time, unveiling pitfalls that do not seem to adequately counter-balance

[2] The precariousness of the legal status depends on many contextual, structural and bureaucratic factors, which leave this subset of young people in limbo for years. The long delays in the processing of asylum requests prevent many unaccompanied minors and young refugees from part-taking in society (e.g., because they lack the required documentation).

[3] Terms as "racial" and "race" are critically used as result of social construction, emptied by any biological meaning, following the principles underpinning the Critical Race Theory, see Crenshaw *et al.* (1995).

[4] The still contentious events that happened on New Year's Eve 2015/2016 in Cologne involved several sexual assaults on women at the Cologne station and around it, allegedly perpetrated by young men with North African backgrounds. Similar facts were reported in other German cities, such as Hamburg and Dusseldorf, although to a lesser extent.

[5] "Vulnerability" has attracted scholarly interest and lead to a wealth of insightful conceptualizations and interpretations: *ex multis*, Mackenzie *et al.* (2013); in the legal field, Arnardóttir (2017); among authors warning about the interpretation of "vulnerability" in a neoliberal perspective, see Chandler and Reid (2016). In relation to youth, "vulnerability" has "both a structural and a relational component". It mainly means that "some persons/groups become vulnerable as a consequence of the social organisation of a given society" and that "[a]n accumulation of negative experiences in contact with social institutions leads towards a negative social perspective" (EU-Council of Europe Youth Partnership 2022; see also Vettenburg *et al.* 2013).

the rigid hard law provisions. At both levels, youth work is considered a key area in supporting young refugees, which is worth exploring.

Literature in the field of migration – broadly understood beyond economic migration – often addresses the conditions of young refugees in European countries in multiple areas, both before and after turning of age. Some key-areas are education, mental health, access to work and accommodation. In the field of education, scholars focus on exploring how different European educational systems respond to refugee and other migrant young people's specific needs and challenges, or how education may create a safe space for them to be in, e.g., on rethinking education in a way that support them in case of resettlement (Pastoor 2017, De Haene *et al.* 2018, Koehler and Schneider 2019). Well-being is covered across disciplines, and the need to promptly provide effective help to the traumatised refugee youth is highlighted, as it can impact their development capacity and their life projection in the long-term (Hebebrand *et al.* 2016, Papadopoulos and Shea 2018). Parts of research on the access to work and accommodation seem to zoom in on just one or few countries, and to point out the social perceptions preventing these young people from being absorbed by the labor market, while focusing on good practices. This may be explained by national welfare systems, and economic policies influences on the sectors mentioned above. However, a much wider and a gender/intersectional lens would allow understanding more clearly, which measures would need to be implemented in order not leave anyone behind (EUFRA 2019). Interestingly, the CoE's *Recommendation on Supporting Young Refugees in Transition to Adulthood* of 2019 (in the following referred to as "the *Recommendation*") is hardly discussed.

In light of the above, this paper aims to fill a knowledge gap, by critically looking at the aforesaid *Reccomendation*, which can be considered the only currently existing *ad hoc* text on the issue at the European level.

The article will focus on three main areas: education-work; independent housing and family sphere; then, the role played by youth work in enhancing their participation in society will be examined. Where deemed useful, some reference to EU's soft law in the specific field of youth will be integrated.

The theoretical framework adopted is based on literature developed in the field of Youth Studies (see para. 2), rather than that in relation to migration, in order to hopefully bring the "age" category (specifically "youth") to the debate, which allows to better focus on young refugees' challenges and needs. Intersectionality will also be integrated in order to analyze how the interaction between identity categories, as well as barriers, makes these young people's experiences of exclusion "qualitatively different" (Crenshaw 1991, p. 1245) than those of their national peers.

Within the field of Youth Studies, I will mainly focus on the transition perspective (see para. 2.1) – developed since the Seventies – while exploring in parallel the potential embedded in the generational perspective, particularly, and the cultural perspective –, also elaborated within the Youth Studies (respectively, para. 2.2 and para. 2.3).

The hypothesis guiding my research is that taking an integrated approach – i.e., including all aforesaid perspectives – to the *Recommendation* and to young refugees' rights may be key to implement current legal provisions in a way that can benefit this target group. An

"integrated approach" implies to question the scope of transitions within this heterogeneous group of young people, while discussing how the elaborations stemming from the generation and culture literature may enrich the debate on young refugees' rights. The following reflections become especially relevant in 2022, declared the European Year of Youth (European Youth Portal 2022).

2. YOUTH STUDIES' PERSPECTIVES

The field of Youth Studies emerged from the 1970s onwards and continues to gather scholars engaged in analyzing young people's experiences through a wide array of approaches and methodologies. Most contributions in this area of study stem from the so-defined "Global North" of the world and, therefore, they delve into social and structural changes, as well as new subjectivities and cultures, in these geopolitical contexts.

The choice to explore three of the main perspectives developed in the Youth Studies – i.e., *transition*, *generation* and *culture* – in relation to the *Recommendation* is based on two observations: firstly, they are not commonly used in literature related to migration; secondly, they appear to be in the lexicon and contents of international and supranational soft law/policy texts concerning youth rights. These heuristic categories even happen to coexist within the same documents, though to different extents and in different ways.

The most traditional and dominant focus of such documents (including the *Recommendation* examined here) is on *transitions*, on the increasing obstacles and structural barriers confronted by young people in transition to adulthood, and on the need to strengthen their rights. The reason why I will also mainly rely on this perspective is that it takes into consideration structural factors that challenge youth development and agency. As clarified in the previous paragraph, I also suggest that this approach needs to be integrated with generation and culture.

At the same time, the narrative of a *generation* of youth has mainly surfaced in the last decade – after the recession of 2008–2009 particularly hit on young people – within the EU with the aim to prevent a "lost generation of disillusioned and disengaged young people". In 2021, the European Youth Forum (EYF) called on the EU not to leave "our generation" (young people) out in the allocation of funds foreseen in the Next Generation Europe, the package for recovery from the COVID-19 pandemic.

Culture instead seems integrated to either protect specific youth groups' rights and enhance the intercultural dimension of youth soft law and policy or to take a culture-sensitive approach in supporting minority youth.

While reconstructing the rich and multifaceted configuration of the Youth Studies – characterized by multivocality, heterogenous approaches, as well as multi- and-interdisciplinarity – is beyond the economy of this contribution, in the following I'll concisely give account of the aforesaid three main lenses through which youth has been examined.

2.1. YOUTH IN TRANSITION

The *transition perspective* can be traced back to the Seventies with the aim to investigate the education-work transition: this was a period of economic boom and optimism, generated by widespread job security and strong welfare systems (Parsons 1942, 1962).

Over time, studies have extended to youth transitions in other areas, such as leaving the parental home to move to one's own housing and having one's own family, stages that once tended to happen simultaneously with entering the labor market and were characterized by a linear and irreversible path (Spanò 2018; cf. Evans and Furlong 1997).

In this perspective, adulthood and full autonomy[6] can be considered complete when at least three thresholds are reached: school-to-work transition, leaving the parental home, and the creation of one's own family unit. However, these "classic" markers of adulthood were shaped by young adults who lived in the Fordist society.

Due to the rise of neoliberal capitalism and high rates of youth unemployment (not only in the Western world), these transitions have started not to occur simultaneously and be very diversified, non-linear and reversible in the various spheres of life. Consequently, the complete transition from young to adult status is prolonged, postponed and characterized by interruptions and fluctuations. Scholarly interest has thus expanded to rethink transitions, and the implications of social changes for "non-linear, irregular, delayed, disordered" paths (Collins and Cuzzocrea 2014, Spanò 2018, p. 58). The expression "yo-yo transitions" captures the discontinuity of so defined "young adults"' lives, characterized by reversibility, fragmentation, simultaneity/in-betweenness, diversification, and, lastly, individualization (Weiler *et al.* n.d., Stauber and Walther 2006; on "individualisation" see Furlong and Cartmel 1997 and 2006; on "Emerging Adulthood" see Arnett 2000 and 2015).

In general, studies conducted in the transition perspective are connoted by a deep interest in social structures of inequality. In the changed economic scenario, researchers have been focusing on the growing difficulties that young people face in their multidimensional transition to adulthood by increasingly taking into consideration their diversity in terms of social, economic, political conditions and geographical contexts. All in all, young people have been defined as placed in a condition of semi-dependence (Ahier and Moore 1999), facing the dilemma of being on the road to settle down for an unpredictable time despite their chronological age and biological maturity.

[6] In the field of Youth Studies "autonomy" may have another meaning as well, i.e., "agency", which can be understood as a specific articulation of "autonomy". It is often defined as "ability to navigate" the transition and cope with contemporary challenges (Spanò 2018, pp. 104–106, Cuzzocrea 2020, p. 64). Interestingly, this definition of autonomy shares some commonalities with the notion of "autonomy" in relation to migration. Particularly insightful is the departure from the abstract and liberal notion autonomy to embrace a "historically specific" view linked to "social formations of human mobility that manifest themselves as a constitutive (subjective, creative, and productive) power within the more general capital-labor relation" (De Genova *et al.* 2018, p. 241; cf. Papadopoulos *et al.* 2008, Mezzadra 2011).

2.2. YOUTH GENERATION(S)

The *generational perspective* places major attention on the emergence of new subjectivities in the changed socio-economic scenarios, beyond the traditional young/adult dichotomy, rather than on structural conditions *per se*. Not only contemporary youth, adulthood and transitions are very different from those of the past, but the poles of the transitions themselves should be questioned. Scholars in the generational perspective leave room for new ways in which youth think of themselves; new systems of values and priorities that redefine their lives; and, ultimately, to young people's points of view, new paths, and new ways of experiencing this phase of their life and actively participating in the processes of change (White and Wyn 2004, Wyn and Woodman 2006, Woodman and Wyn 2015, Woodman 2016).

Scholars of the generational perspective recognize three crucial characteristics of the new way of understanding the relation of youth to adulthood: young people are aware of having to assume responsibilities and make choices in almost every area, as they can no longer rely on "traditional" linear paths; work is not conceived as the only area in which to invest, due to its uncertainty; and an investment in social relations and friendship becomes crucial, following the deinstitutionalization of the family (White and Wyn 2004).

Looking at young people as a "generation" highlights peculiar and updated aspects that decision-makers should consider to tailor measures in specific geopolitical and historical contexts. However, it has been underlined that the generational perspective tends to overlook intra-generational inequalities and emphasize the elements of commonality among the youth of the post-1970s generation (Bello 2021, p. 56).

Some scholars maintain that it is still precocious to be able to understand whether we can actually speak of a "new generation" (Spanò 2018, p. 80). On the contrary, some others suggest that it is possible to speak about "a global generation" (Edmunds and Turner 2005, Beck and Beck-Gernsheim 2009), which shares transnational communications allowing young people to create a *global generational consciousness* and activate global movements in response to traumatic events such as environmental disasters, wars and pandemics such as the COVID-19. This idea has been criticized because the contexts where young people grow up and live do exert an influence on their choices, lives and possibilities (Woodman 2016) and, consequently, on their consciousness and belonging.

Both the transitional and generational perspectives prove to be fruitful for examining young people's conditions and rights, and they complement each other: the former investigates more (but not exclusively) social structures that reproduce inequalities and obstacles in the trajectories towards autonomy; the latter gives voice to new subjectivities, needs and demands for rights.

2.3. YOUTH CULTURE(S)

Lastly, the cultural *perspective* was initially connoted by a functionalist approach until the 1970s, later challenged by the interest in subcultures developed at the Center for Contemporary Cultural Studies (CCCS) of the University of Birmingham. Starting from US with studies on gangs and the European neo-Marxist perspective. Scholars of

subcultures started to oppose the conception of the existence of a single mainstream youth culture, which would distinguish the youth of a historical period from the previous one and delve into hegemonic relationships, where "class" plays a crucial role. This approach was criticized because the focus on class can divert attention from other stratification grounds. Additionally, the subculture perspective's focus on groups based on shared interests (e.g., dance, art, styles) as class resistance wouldn't provide heuristic tools to understand how young people cope with social change and structures. Youth subcultures are credited with generating "autonomous spaces in which [young people] can define themselves, creating their own identities and communities" (Hall and Jefferson 2006, Kellner 2014, p. 9) and a sense of belonging of young people to a specific group. In this debate, it has been highlighted that the "neo-tribal" sense of belonging is discontinuous and increasingly a means to adhere to a lifestyle rather than to a concrete group (Maffesoli 1996). Studies on subcultures certainly have the merit of giving space to youth voice, but to the detriment of the structural aspects of reproducing inequalities.

2.4. PERSPECTIVES OF THE COE'S *RECOMMENDATION*

Concerning youth refugees, the CoE's *Recommendation* places the main emphasis on "transition" rather than on the heuristic categories of "generation" and "culture".

One may wonder why this occurs for this target group, and I tentatively identify three issues at stake.

Firstly, as para. 4 will show, young refugees' transition to adulthood does represent a crucial phase in their lives that has long been disregarded at the national level, making the vulnerability of their rights invisible in the public and political domains. The intersection between age (turning 18) and precariousness of legal status – not to mention other characteristics of identity, such as racial origin, gender, sexual orientation, disability and psychological health – seem to be disregarded by law and policy with the consequence of producing gaps of rights protection that urgently need to filled in. On the contrary, literature has started to look at particular intersections and provides insights for policy- and law-makers at different levels of governance (Brekke 2008, Fruja Amthor 2017, Pisani *et al.* 2018, Otto and Kaufmann 2020). More broadly, recalling governments to adopt targeted measures lies at the heart of Kimberlé W. Crenshaw's "structural intersectionality", that is, *mutatis mutandis*, the way in which the location of young refugees at the intersection of the aforesaid categories of identity make their experiences "qualitatively different" (Crenshaw 1991, p. 1245) than those of national young peoples (based on legal status) and adult refugees (based on their age).

The second explanation concerns the relation between young refugees and the term "generation", used in the CoE's and EU's soft-law and policy, referring to "a generation of youth". By taking a critical approach to these documents, one may wonder whether young refugees living in Europe fit into this idea since it is far from clear whether these texts are limited to young Europeans only or extend to all young people living in Europe. One may also question whether young refugees' own claims for planning a future safely in the host country would be considered too specific, due to their multiple-burden, for representing young people who may be disadvantaged based on age only and refugees based on their status. In other words, the "specificity" of young refugees can make them unsuitable to represent the "universal", meaning all "young people" and all refugees in general. This is

not a new issue in the intersectionality debate. The analysis of case-law accomplished by Crenshaw unveils that, because the Black woman in the case *Moore v Hughes Helicopter* I "was unable to represent white women or Black men", she could not use "overall statistics on sex disparity (...), nor could she use statistics on race" (both quotations in Crenshaw 1989, 145–146).

It is undeniable that young refugees experience specific challenges once they become of age. That is both due to a reduction in their legal protection as children (unaccompanied minors), and the simultaneous harsher conditions under the general rules and practices for adult refugees, with the risk of possible transition to "illegality". At the same time, they, as "young people", share more commonalities than differences with non-refugee youth. They think about themselves, plan their future and aspire to realize their life projects. This may vary from person to person but can include studying, working, having their own house and a family (if they desire it), building relations, travel, cultivating their sport and cultural hobbies. All in all, while the focus on the transition to adulthood of a specific subset of young people (as refugees) can be fruitful to implement their substantive equality through targeted measures, I nonetheless suggest that this should not be the only realm where they are considered. If European international/supranational organizations refer to the generation of young people, they should explicitly recognize young refugees living in Europe as being part of it and a vital component of the peer's community – beyond the certainly relevant concern for their integration – in order to rethink the roots of established social hierarchies.

Lastly, privileging transition rather than culture/subculture (even in the neo-tribal elaboration) could lie in the *Recommendation's* very *ratio* that primarily consists in ensuring young refugees' support in a very sensitive phase of their lives. Undoubtedly this latter approach would promote consideration for situated young refugees' ways to articulate their networks and sense of belongingness in host countries within and across their communities' lines or interactions with national or other third-country youth groups based on common lifestyles, tastes, passions (e.g., music, dance, art, sport), interests (e.g., human rights, environment, politics), socio-economic conditions, or areas of the cities where they happen to live, but it would probably divert attention from structural obstacles that need long-term institutional responses.

The *Recommendation* stresses the need to take a cultural- (and gender-) sensitive approach to the inclusion of young refugees, vis a vis a Euro-centric perspective. This process is bi-directional since it also suggests developing their skills for intercultural and interreligious dialogue in plural societies. All in all, "culture" is linked to young refugees' background and diversities among young people rather than to "youth culture", as variously conceived in the cultural approach within the Youth Studies.

In the following, I'll try to describe how the transitional perspective could better serve in relation to young refugees in *Recommendation*'s implementation and the potentiality of complementing it by integrating the generational and cultural lens as well.

3. SUPPORTING YOUNG REFUGEES SOFTLY

A very complex hard law system at both international and European level regulates the access to the status and rights of asylum-seekers, subsidiary protection beneficiaries and refugees.[7] Children – i.e., every person under 18 years of age, according to the UN Convention on the Rights of the Child of 1989 – enjoy a specific protection based on the fundamental principle of the child's best interest, with a peculiar attention for separated or unaccompanied minors because of the concrete risk of violence and exploitation (Pasic 2017).[8]

Although the persuasiveness of soft law in the field of human rights can be questioned, this is the current international and supranational legal arena explicitly focusing on young refugees in transition to adulthood. The Council of Europe (CoE) measures are especially worth considering due both to the long-lasting tradition in promoting human rights – one of the three principles underpinning its foundation, together with "democracy" and "rule of law" – and the large number of State parties (46)[9] addressed, including all EU Member States.

The *Recommendation* of 2019 marks the CoE's response to the specific needs of this under-researched subset of young people, considered among the most vulnerable groups, because of violence and violations of human rights many of them may experience.

While the CoE's commitment to enhancing the increasingly difficult transitions to adulthood of young people overall in contemporary plural and complex societies is not new, the peculiar engagement with young refugees germinated from four main concerns: after 18 they are no longer entitled with the fully-fledged protection of being unaccompanied minors; many of them are confronted with the precariousness of their legal status while waiting for unpredictable decisions on their claims for refugee status or subsidiary protection; the length of these procedures; many of them may suddenly face lower or no support in accessing rights and services.

3.1. STRUCTURE, MAIN DEFINITIONS AND LENGTH OF TRANSITION

The text of the *Recommendation* consists of five paragraphs that, in summary, recommends State parties to apply, disseminate and monitor the implementation of the detailed guidelines – containing specific measures – developed in the 50 paragraphs of its

[7] Respectively: European Parliament and the Council, Regulation No 604/2013 of the of establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 26 June 2013; European Parliament and the Council, Directive 2011/95/EU 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), 13 December 2011; UN Convention Relating to the Status of Refugees, 28 July 1951. It is worth remembering also the EU New Pact on Migration and Asylum (2020), which aims to promote, inter alia, more effective procedures, as well as solidarity and collective responsibility.

[8] At the EU level, the EU Strategy on the Rights of the Child calls upon States to "provide assistance for the inclusion of unaccompanied children, in particular by ensuring the rapid designation of a legal guardian or appropriate representation, by accompanying them in their schooling and vocational training", Council, Conclusions on the EU Strategy on the Rights of the Child, 9 June 2022 (10024/22), para. 3(iv).

[9] The Russian Federation ceased to be part of the CoE on 16 March 2022.

Appendix. The guidelines are articulated around two main axes: *safeguarding the rights and opportunities of young refugees in transition to adulthood* and *recognizing and supporting the role of youth work*, respectively discussed in para. 4 and para. 5 of the present article.

For the purpose of the *Recommendation*, "young refugees in transition to adulthood" encompass "young people having reached the age of 18 who arrived in Europe as children and *have obtained or qualify for* refugee status under the United Nations Convention Relating to the Status of Refugees of 1951, or for subsidiary protection under European Union or national legislation" (para. 1 of the *Appendix*, emphasis added). However, State parties are *also encouraged* to apply the guidelines to young people above 18 who arrived in Europe as children and *just have applied for* such status or protection. Being a non-binding document, which leaves governments a large margin of discretionary power in whether and how to implement the guidelines, including all situations mentioned above without distinctions could widen the possibility to sensitize those countries that are less prone to integrate refugees.

Of paramount importance is the advice to grant additional temporary support to young refugees after they turn 18 as a crucial way to foster their access to rights. Although, according to para. 3 of the *Appendix*, the length of the support depends on two potentially conflicting elements: on the one hand, "national or regional policy frameworks" and, on the other one, "the individual needs of the young refugees concerned".

Even para. 30 ("Life projects") is confined to projects developed before the age of 18 and recalls the conditions set by the *Recommendation on Life Projects for Unaccompanied Migrant Minors* of 2007 (CM/Rec(2007)9), which require young people reaching the age of majority to show "a serious commitment to their educational or vocational career and a determination to integrate into the host country" (para 26) to be granted a temporary residence permit to stay for the time needed to complete the life project.[10] In other words, many young refugees with a precarious legal status experience an abrupt paradigm shift: from deserving a special protection *per se* as *unaccompanied minors* – a paradigm based on childhood – to the need to prove they are deserving of support when they reach the age of majority (a paradigm based on adulthood). Furthermore, they need to show the will to integrate into the host country, which implies embracing a long-term perspective about their future, although the support to stay is just temporary. In practice, this discrepancy translates into pressures on them to accumulate social and cultural capital (Bourdieu 1986) as well as investing energy in building human relations without any certainty about whether their expectations to stay permanently in the country will be met.

Even a cursory literature review shows the impact of many young refugees' triple trauma – in the country of origin, the journey to reach Europe, and the change of status (Pasic 2017, p. 11) – on their paths of integration.

All in all, it is up to the States to establish the duration and conditions of the additional temporary support during the age of majority, which may enormously differ from country

[10] Within the EU, para. 6, titled "Ensuring lasting solutions", of the European Commission Communication to the European Parliament and the Council on the Protection of Children in Migration, 12 April 2017 (COM(2017)211 final), just encourages Member States to "provide support to enable children in the transition to adulthood (or leaving care) to access necessary education and training".

to country and create unequal treatment between young refugees depending on the national approach.

In today's Europe, there is a real risk that the implementation of these soft law provisions on considering young refugees' individual needs is overridden by governments' resistance to include refugees in a long-term perspective by leaving many young people to face the conundrum of coping with their present and future educational and work path with no or very short-term support. For example, the Italian Law on unaccompanied minors (Legge 47/2017), considered by many scholars and NGOs as a model for the EU in numerous aspects, provides that juvenile courts may order, even at the request of social services, to assign young refugees who reached the age of majority to such services if they need additional support aimed at the successful outcome of undertaken paths of social integration pursuing their autonomy, albeit *until the age of 21* (three years). For those youngsters arriving in the country in their late adolescence, this provision is particularly problematic in practice because they have a very short time to start integration paths and enjoy the protection foreseen for unaccompanied minors.

With regard to this point, the *Recommendation* could have upheld the suggestion of the earlier Resolution of the CoE Parliamentary Assembly *Migrant Children: What Rights at 18?* to introduce a "transition category, between the ages of 18 and 25" (para. 10.4) and frame political efforts accordingly to support migrants of this age in such fields as welfare assistance and education, housing assistance and health care. Widening the age range for support would be consistent with the evidences on today youth's prolonged transitions.

3.2. GENDER PERSPECTIVE

In adopting a gender perspective, para. 2 of the *Recommendation* calls upon States to consider "the specific needs and situations of young women and young men" when implementing the guidelines: an explicit focus on LGBTQI+ young refugees should have been emphasized in the document. Of particular concern is women's higher risk of experiencing gender-based/sexual violence or being trafficked for the purpose of sexual exploitation, as witnessed by a wealth of studies (Yonkova *et al.* 2017, UNODC 2020). In fact, these latter forms of violence continue to disproportionately affect women and girls worldwide. Young boys, however, are not immune to either sexual or labor exploitation (David *et al.* 2019, UNICEF *et al.* 2021). The real gender dimension of both phenomena – the "bummock" of the iceberg – is difficult to assess since the data concerned identified victims.

Social constructions based on race and gender, rooted in a widely shared "orientalist and colonial archives" (Giuliani *et al.* 2020, p. 162), concerns both girls and boys. In 2000, Peter Kelly warned that

> youth has historically occupied the 'wild zones' in modernity's imagination. In these 'zones', certain groups of young people have been perceived as being 'ungovernable' and lacking in 'self-regulation'. These representations of 'deviancy', 'delinquency' and 'disadvantage' have always been fundamentally shaped by race, class and gender and situated in relation to conceptions of 'normal' youth. (Kelly 2000, p. 303)

An analysis of this idea particularly interests young refugees. The hypersexualization of "available" Black women's bodies (Crenshaw 1991) – often understood as docile bodies in need of "saving" and stripped of agency –, on the one hand, and the racialization of sexual assaults by "other" men – be they Black, refugees or economic migrants – who are young, lonely and represented as an embodiment of a culture of disrespect for women's rights, on the other hand, creates social tensions around the integration of newcomers and "moral panic" of these "evil people" (Cohen 1973/2011) threatening values and public security of Western societies. If refugee girls are at serious risk of being exposed to violence, refugee boys undergo processes of stereotyping, not least spread by the rise of femonationalism – resulting by the contradictory convergence of nationalism, some strands of feminism, and neoliberalism (Farris 2017) – which stigmatizes "other" men in the name of women's rights to pursue their own anti-immigration political agenda.

Furthermore, the reasons why male and female refugees might be prevented from seeking and accepting help when facing discrimination and exploitation are complex. In both cases, the perception of suspicious attitudes towards them and the fear of being returned when getting in touch with governmental apparatuses, can refrain them from reporting cases (EUFRA 2019).

In another perspective, the guidelines consider it crucial for State to integrate a cultural- and gender-sensitive approach in support and assistance services (para. 8). In fact, women and girls may distrust unknown operators' help because of the traumatic events they have endured (Brunovskis and Surtees 2017). This may include rejecting help even from female operators, given the significant – albeit heterogenous – women's role in recruitment along some routes, as it happens for the so-called "Madams" in the case of Nigerian trafficked women crossing the Mediterranean Sea (Mancuso 2014).

On the other hand, an internalized masculine role, fear of stigmatization and shame may hinder boys to denounce sexual exploitation (OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings 2021, p. 35).

4. SAFEGUARDING THE RIGHTS AND OPPORTUNITIES OF YOUNG REFUGEES IN TRANSITION TO ADULTHOOD

The principles of non-discrimination and protection can be considered the cornerstone of all other support provision within the first axis around which the guidelines are articulated. Additionally, the specific needs of all young refugees in transition to adulthood should be taken into consideration: meaning that "one size does not fit all".

Other suggested measures relate to the access to rights in key areas of these young people's transition to adulthood: social services, accommodation and welfare benefits; education; health care and psychological support; access to information and legal advice; right to family reunification; employment; and – already discussed in the present contribution – life projects.

Support in accessing the labor market and accommodations – corresponding to two out of three transitions described in para. 2.1 of the present contribution – appears to be particularly relevant for young refugees transitioning to adulthood. The third transition –

from parental housing to own family unit – is not really addressed by the *Recommendation*: family reunification is covered instead. Due to the biographies and trajectories of this youth group, the focus shift deserves a closer inquiry.

My choice to delve into these areas, which are crucial in the transition perspective, by no means implies underestimating the need to enhance other young refugees' life spheres and rights which intertwine with the access to education and labor market and, consequently, the impact on their full transition to adulthood. For instance, access to healthcare and services for their mental well-being is carefully considered by the *Recommendation* due to possible multiple traumas they might experience in their countries, the journey and coping with a new – not always welcoming – society.

4.1. EDUCATION-WORK TRANSITION: RIGHTS "AT WORK"

As far as the access to the labor market is concerned, governments are called upon to ensure access to occupation "in the same conditions as nationals" (para. 28). This poses questions about how States should effectively implement the principle of substantive equality by starting with their responsiveness to young refugees' genuine needs to be concretely able to enter and compete on equal footing with their national peers and also with States' interventions to remove or at least reduce *de facto* or *de jure* obstacles to inclusion. Among possible measures is providing guidance, information, and skills development, including ICT and digital skills (para. 29).

Discrimination based on racial origin and precarious legal status, command of the language of the host countries and discontinuous education (including vocational education) upon 18 intersect with the issue of high rates of youth unemployment in many countries (EUFRA 2019). The vicious circle of exclusion linked to low access to education and long-term unemployment is hard to break. Youth unemployment in the EU has remained "more than twice as high as general unemployment" (COM/2020/276 final, p. 2), and this supranational organization has stepped up efforts to support the education-work transition through the Youth Guarantee scheme,[11] abstractly accessible to young refugees as well. However, based on the outcomes of Youth Guarantee 2014–2020 (Eurocities 2020), young people with a refugee background do not easily access the local Youth Guarantee programmes since they lack knowledge and information. Their participation in the scheme depends, on one hand, on the national and local measures undertaken to involve those groups that are the hardest to reach; and on the other hand, on the cultural/social capital (Bourdieu 1986) that can greatly vary among young refugees, and in comparison to young citizens of the country where they live.

Following the European Parliament's *Resolution on the implementation of the Youth Employment Initiative in the Member States* (2017/2039(INI), governments are called upon to "establish appropriate and tailored outreach strategies to reach all NEETs – Not in Education, Employment or Training – and to take an integrated approach towards making more individualized assistance and services available to support young people facing multiple barriers; (...) to pay special attention to the needs of vulnerable NEETs and

[11] Acronym for "Neither in Employment or in Education or Training", see Cuzzocrea 2014.

to eliminate prejudiced and negative attitudes towards them" (para. 17), a concern that has held up by the Reinforced Youth Guarantee (2020/C 372/01) (Whereas 10).

Even though young refugees are not explicitly mentioned, this latter document highlights the need to reach vulnerable groups, including those with "multidimensional problems" (para. 7), and adopt "a multivariate, gender-sensitive approach to profiling and screening that takes into account the preferences and motivation, skills and previous work experience, barriers and disadvantages of the young person concerned, including the reasons for being unemployed or inactive or those related to their residence in rural, remote and disadvantaged urban areas" (para. 8).

According to the EUFRA (2019, p. 58), local youth employment agencies may offer specific opportunities to young beneficiaries of international protection, such as language training, which can support them to access the labor market and, consequently, housing.

Dan Woodman and Johanna Wyn (2015, pp. 30–31), two prominent scholars within the generational perspective, explain that the role of education in ensuring development and competitiveness in the labor market – on which the transition regime is based – is currently undermined. In the global scenario, the "neoliberal promise of a close nexus between education and employment for young people was never realized" (Woodman and Wyn 2015, p. 31). At the same time, their empirical studies show that young people plan their future in the short -term and take into account that they may change several jobs over their lifetime. The generational perspective brings to light new ways in which young people think of themselves, often diverging from their parents' ones, and new forms of interconnectedness among young people worldwide. Lastly, scholars carrying out research in countries of the so-called "Global South" show that the metaphor of transition is hardly applicable to many youth from these areas, who leave the educational path early and whose well-being and health are impacted by extreme poverty (Woodman and Wyn 2015, p. 25). This perspective can help in raising European and national policy-makers' awareness that young refugees in transition to adulthood face additional obstacles to plan their life in a long-term perspective. They also can re-imagine their job path as changing over their lifetime and, consequently, the rules on "temporary support" should accommodate new youth conditions, otherwise they'll be always confronted with the risk of not being able to access or maintain a regular legal status. All in all, the vicious circle created by the pressure put on them by national legislation to highly commit to achieve education goals and enter an ungenerous labor market during the short temporary permit period can be broken by de-linking their quest for legal status when they turn 18 from seldomly realistic pre-conditions to obtain it.

4.2. INDEPENDENT HOUSING: A NEW HOUSE TO CALL "HOME"

In its turn, accommodation represents a very sensitive one in young refugees' lives since they are usually relocated in different receptions or even cities when they turn 18, depending on the national legislation and practices. These factors cause a severe backlash in these youngsters' inclusion process and psychological well-being. Regarding this, the *Guidance on Reception Conditions for Unaccompanied Children*, created by the European Asylum Support Office (EASO), suggests that upon the age of majority, young refugees should be allowed "to stay in the same place/area if possible. Special measures should take place when transferring unaccompanied children reaching the age of majority

to an adult reception facility. The transfer should be carefully organized together with both reception facilities and the unaccompanied children" (European Asylum Support Office – EASO – 2018, p. 29). The EASO's Guidance recommends to "hear the child and the representative" when organizing the new housing; to consider "continuity of education and personal curriculum as well as school semester into account" as best practice.

From their point of view, the CoE's guidelines emphasize the importance to protect young refugees' privacy, tackle violence against them, and find alternative solutions to detention facilities. All these suggestions are rarely followed up in reality (EUFRA 2019).

Being relocated from dwellings for unaccompanied minors to those for adults – characterized by reception standards spanning from low to inhuman and largely denounced by human rights activists – corresponds to a downward trajectory of rights protection that may dramatically impact young people. As an example, they may find themselves sharing rooms with a high number of adults of different ages (EUFRA 2019, p. 59). The fear of the new situation may lead some young refugees to end up homeless rather than move to these facilities, with high risks of being trapped in a shadow economy and exploitation or becoming *invisible*.

For this reason, some countries (e.g., Italy) try to postpone this moment, while local authorities and civil society engage in supporting them in this transitional phase (EUFRA 2019).

There are some local good practices that provide refugees with career counselling and information on access and affordable housing.[12] The problem with such projects is the long-term sustainability in terms of funding, while institutional interventions should be made continuously available.

If compared to youth transitions in general, as described in para. n. 2.1 of this essay, the main concern of the *Recommendation* is to ensure *safe* housing arrangements for young refugees – be it in community-based facilities, family households or alternative solutions – rather than navigating them to a general access to own or rented housing. Individual, social, complex and intersecting structural factors interact in making the transition to independent housing hard to realize. At the personal level, the precariousness of socio-economic conditions, lack of long-term job contracts, and legal status interplay in a way that severely impacts young refugees' autonomous lives; social (mis)representation and stereotypes of newcomers as dangerous are spread, with racism paving the way to discrimination in the access to housing (EUFRA 2019); and the high prices of the private housing market and discriminatory practices concerning the access to public housing exacerbate the situation. However, in implementing the *Recommendation*, governments should consider young refugees' aspirations to complete this transition as well, in the same way as their national peers. With this purpose, the generational perspective highlights that new youth subjectivities redefines such concepts as "security" and "balance" in new ways, for example, through investing huge amounts of energy and time on multiple areas (employment, study, leisure and social relationships) simultaneously (Woodman and Wyn 2015, p. 88). To make social relations across groups possible for young refugees implies supporting them in

[12] *Inter alia*, the pilot programme for refugees' integration titled "Curing the Limbo", co-funded by the EU, started by the municipality of Athens since 2015 (EUFRA 2019, p. 58).

living "within the society" rather than in ghetto-like receptions or housing located at the outskirts of a city. Undoubtedly, material resources are necessary to get independent housing, but the non-material, psychological plus value of having a house to call "home" cannot be underestimated in order for them to build such relations. Studies carried out in the US show that this generation "redefines adulthood in non-material terms as development and as the resilience built through surviving tough times" (*ibidem*). The resilience that young refugees in transition to adulthood need to develop undergoes ongoing tests: how they cope with pull factors and leaving their homeland, the journey they undergo, the situation they face in the countries of arrival. Of course, they have space to choose and exert their agency over structural and institutional barriers, but Sandra Fredman (2016, p. 738) reminds us that "[s]ubstantive equality has brought with it an acknowledgement that an individual should not be made to pay an unreasonable price for her choices". Integrating a generational perspective in the implementation of the *Recommendation* could hopefully help to "lower this price" in young refugees' lives.

4.3. FAMILY SPHERE

Further, the third transition towards autonomy, as described in para. 2.1 – leaving the parental home and having own family unit – seems to be disregarded by the guidelines that are more focused on the right to family reunification for young refugees "in accordance with their obligations under the European Convention on Human Rights and international law, and strive for efficient administrative procedures to ensure this right" (para. 27). According to EUFRA data (2019, p. 39), the transition to adulthood particularly hits on beneficiaries of subsidiary protection's rights to family reunification, but refugee status holders also are often prevented from applying for family reunification with their parents under some strict national legislation, aimed at preventing that this path becomes a pull-factor for migration (EUFRA 2019, p. 35). The Court of Justice of the European Union (CJEU) has partially solved this issue in 2018 (CJEU, *A and S v Staatssecretaris van Veiligheid en Justitie*), ruling that a third country national "who is below the age of 18 at the time of his or her entry into the territory of a Member State and of the introduction of his or her asylum application in that State, but who, in the course of the asylum procedure, attains the age of majority and is, thereafter, granted refugee status must be regarded as a "minor" in the family reunification procedure" (para. 64). It is worth noting that not all applicants will be granted protection, with harsh consequences on their "interrupted" paths.

In addition to restrictive law provisions, practical obstacles hinder family reunification, such as dearth of information; complex, expensive and long procedures; difficulties in accessing embassies (EUFRA 2019, p. 41).

For young refugees, many of whom have endured harm and trauma, family reunification would provide psychological and emotional stability, a sense of security and may also foster their integration (EUFRA 2019, p. 35), but an underestimated aspect of these young people's lives is their affective life and the support they need to build their own family unit if they wish so.

The implementation of measures for young families in work-life balance, including childcare facilities, and for providing guidance on family and work perspectives are covered by other CoE's Recommendations (CM/Rec(2015)3), but they would deserve attention in

the implementation of the *Recommendation* analyzed here too, because one's own family unit also contributes to strengthening young refugees' sense of belongingness and stability.

4.4. A QUICK LOOK AT EU'S ENGAGEMENT

In the specific area of youth at the EU level, the *European Union Youth Strategy 2019–2027* (2018/C 456/01) deals with challenges in youth transitions in general. While it does not explicitly address youth refugees' experiences, its goal of "Inclusive societies" considers the multiple barriers faced by young migrants and the need to include "the most marginalized and excluded". On the other hand, both the new Erasmus+[13] and European Solidarity Corps[14] programs have developed an *Inclusion and Diversity Strategy* to provide guidance to organizations to involve a wider range of participants with fewer opportunities, facing one or more exclusion barriers.

Refugees are specifically addressed under the "Cultural differences" point by highlighting that cultural and language differences may prevent many participants from applying and partaking in learning opportunities, "all the more for people with a migrant or refugee background – especially newly-arrived migrants" (European Commission 2022a, p. 8; 2022b, p. 8).

Outside the youth field, particular attention to the transition to adulthood and from school to work is given by the European Commission's *Integration and Social Inclusion Action Plan 2021–2027* (COM/2020/758 final). The document acknowledges the challenges confronted by newly arrived migrant children, in particular unaccompanied ones, "not least because support measures often stop when a child reaches 18 years of age" (Subsection I "Education and training" of Section 4 "Actions in main sectoral areas"). Therefore, tools to support children in such transition should be complemented by education (including vocational paths), training, coaching and mentoring. The Youth Guarantee is intended, within this Action Plan, to realize such objectives. Among the purposes of the Action Plan is the achievement of more inclusion (Section 3 "Key principles and values of the EU Action Plan on Integration and Inclusion"). Subsection "Inclusion for all" underlines the importance to make mainstream policies respond to the needs of different groups, above all vulnerable and disadvantaged groups, and minorities. At the operational level, this means adopting a cross-cutting approach to existing anti-racism, gender, and LGBTIQ[15] equality policies. In reference to young people, this document seeks specifically to promote inclusion and to provide opportunities for "young people at risk through education, culture, youth and sports", while addressing unconscious bias and stereotypes in EU countries. Section 4 "Actions in main sectoral areas" highlights the role of the Youth Sector and youth work in supporting young migrants in acquiring skills and competences through non-formal learning.

[13] Erasmus+ Programme is the EU's program to support education, training, youth and sport in Europe.
[14] The European Solidarity Corps Programme fosters young people's involvement in solidarity activities, volunteering, to enhance social cohesion, solidarity, democracy, and active citizenship in the EU Member States and beyond.
[15] The acronym "LGBTIQ" refers to lesbian, gay, bisexual, transgender/transsexual, intersexual and "queer" or questioning people.

5. RECOGNIZING AND SUPPORTING THE ROLE OF YOUTH WORK

The second axis of the guidelines enhances youth work based on non-formal learning to promote active citizenship and the active participation of young refugees in the transition to adulthood. The promotion of such active citizenship may sound oxymoronic in relation to many young refugees, often living in limbo for years before eventually obtaining any long-term legal status in their host countries. Supporting the development of their competences in active citizenship and democratic participation is intended as a tool for improving their social inclusion in European societies, but it may also create a feeling of frustration due to the fact that they often are not *de jure* full part of these very societies, and in some cases they may never be.

A caveat on youth work is needed to appreciate the importance attached to it in enhancing young refugees' autonomy.

"Youth work" encompasses activities "*with* and *for* young people of a social, cultural, educational or political nature" (emphasis added, EU-Council of Europe Youth Partnership 2022; cf. Lauritzen 2006) based on non-formal learning.[16]

The general aim of youth work is to offer opportunities to young people and foster their inclusion in society: e.g., it aims at enhancing social inclusion and active participation of young people in disadvantaged situations, such as drop-outs, those living in marginalized neighborhoods, or migrant youth including refugees and asylum-seekers (specifically on this latter group, see Bello 2016, Perera 2017, Pisani 2017, Pisani *et al.* 2018). Although it is considered to belong to both the social welfare and educational systems and is largely promoted by both the CoE and the EU, the recognition of youth work – inextricably linked with that of non-formal education on which it is predominantly based – significantly differs from country to country with situations spanning from regulation by law of professional to voluntary youth work. These forms can coexist, but the status held by youth work impacts the resources allocated to it and on the recognition (or not) of the activities in young participants' curricula.

Therefore, the CoE's and EU's soft law in the youth field often deals with youth work under two profiles: the valuable support it can concretely offer to young people, especially to most marginalized groups, and the need to support youth work through recognition and adequate resources. This also occurs in Part III of the guidelines, titled "Recognising and Supporting the Role of Youth Work in Assisting Young Refugees in Transition to Adulthood to Access their Rights and in Furthering their Inclusion in Society". For the economy of this contribution, I'll confine the analysis to measures to support young refugees' transitions through youth work, which promote their personal and social development and their intercultural competencies through a holistic approach (para. 31), centered on the genuine conditions, histories, and aspirations of young refugees in transition to adulthood. In fact, not only should this youth group be consulted – or at least

[16] "Non-formal learning is a purposive, but voluntary, learning that takes place in a diverse range of environments and situations for which teaching/training and learning is not necessarily their sole or main activity. These environments and situations may be intermittent or transitory, and the activities or courses that take place may be staffed by professional learning facilitators (such as youth trainers) or by volunteers (such as youth leaders). The activities and courses are planned, but are seldom structured by conventional rhythms or curriculum subjects" (EU-Council of Europe Youth Partnership 2022).

involved – in the same way as other youth organizations when governments design "policies and projects affecting, or directed towards" them (para. 48) and should effectively have access to national and European youth programs, e.g., through adequate information and encouragement to apply (para. 41), but these very programs should be "tailored to the needs of young refugees in transition to adulthood" (*ibidem*). In a transition perspective, this implies that policy makers learn the structural obstacles directly from young refugees who face them in daily life, while in a generational one, it means that policy-makers need to take into account their voices expressing also new in/formal and creative strategies to cope with them. This can be ways in which they rearticulate their identities and social relations and how they think of themselves, their life paths and priorities. Despite the criticisms raised towards the cultural perspective, it suggests that class does matter in young refugees lives: even though they shall not be considered as a homogeneous and immutable group, the interplay between their frequent low socioeconomic conditions and other grounds (legal *status* being among the most relevant ones) can represent a barrier to liaise with local young people while, at the same time, providing them a site of intra-group resistance and belonging. These and other elements cannot just be based on abstract constructions of young refugees vis a vis national youth in transition to adulthood. In this regard, integrating an intersectional approach in the implementation of the *Recommendation* sheds light on intertwining obstacles that have real material effects on young people's lives.

Member States are encouraged to sustain activities pursuing aims that can be grouped in three main areas:

> a) providing opportunities for education, including human rights education; mentoring and peer education; sport, cultural, artistic, leisure and recreational activities: particularly the latter ones are deemed useful for this and others at risk of exclusion youth group's development, mental well-being and integration into society;
>
> b) developing participants' skills, such as those related to intercultural and interreligious dialogue in plural societies, IT and information, language and communication, as well as leadership;
>
> c) supporting the expression of young refugees in transition to adulthood in cultural or social activities and their self-led projects (para. 32).

Aware of youth refugees' precariousness based on age, legal status and housing, youth work should reach all young refugees, including those in detention centers, regardless of their legal status, and take place "in or near all places where young refugees in transition to adulthood reside, no matter how transitional such arrangements might be" (para. 38).

To reach these groups would certainly represent a step further in the daily practices at local/national level, but the reality is that the most vulnerable and "invisible" refugees are seldomly reached, namely those whose applications for a legal status have been rejected, who will hide to not be returned or those who renounce to move from receptions for unaccompanied minors to adults' ones, ending up homeless.

Young refugees should also be endowed by relevant stakeholders with *spaces* where they can meet, express themselves, interact with peers of the hosting country and initiate self-led

associations. Spaces should allow spontaneous and informal communication among youth, along with interests that are meaningful for them, and help strengthen their sense of belonging in a bottom-up way – embracing a cultural/subcultural approach to the implementation of such measures. The concrete role played by youth work thus depends on local/national contexts. As Filip Coussée (2014, p. 10) notes, it can be apolitical and recreational somewhere, "instrumentalised and is required to contribute to employability and prevention" elsewhere. Moreover, meaningful interactions and activities, taking place in informal/non-organized and non-institutionalized settings, have proven to be "both challenging and attractive to young people" (EU-Council of Europe Youth Partnership 2022).

Lastly, young refugees in the transition to adulthood should receive aid to establish relations with the local population to enhance their inclusion and participation in their new communities (para. 46). Youth work proves to significantly contribute to helping young refugees navigate these relations, which may be hampered by prejudices towards them (Pisani *et al.* 2018), above all in those countries where political discourses are permeated by racism and anti-refugee statements. For this purpose, the guidelines stress the importance for Member States to raise awareness and tackle misconceptions, stereotypes, harassment and discrimination against young refugees (para. 50). Still, governmental gaps are filled in by that part of civil society engaged with refugees' advocacy.

Good practices from several European countries prove that youth work initiatives involving young refugees have the potential to provide them with better opportunities and safer places to live, than formal or other contexts (Perera 2017, Pisani *et al.* 2018, Ribeiro and Palhares 2018). At the same time, in order to have a real impact on their lives and to best support them in their own activities, youth workers need to develop specific sensitiveness and skills (Pisani 2017), an area on which both the CoE and EU seem to be willing to invest on.

6. CONCLUDING REMARKS

This critical analysis of the CoE's *Recommendation on Supporting Young Refugees in Transition to Adulthood* intends to bring the attention, within public and political debates, to the challenges faced by underrepresented youth groups on their path to a non-dependent life. Although the level of persuasiveness of soft law within the human rights field can be questioned, this document is a landmark, providing guidance to Member States, enabling them to better respond to the needs of young refugees in transition to an autonomous life, by focusing their main efforts on social, structural and institutional barriers that young refugees are faced with. The previous paragraphs aim to underline how crucial transitional areas could have been thought by the CoE decision-makers and could be rethought by governments implementing the *Recommendation*, in order to effectively respond to the specific needs of young refugees. In fact, this is a heterogeneous group along many intersecting lines: for instance, non-binary gender and sexual orientation should be taken into consideration due to both the persecution that some young refugees may undergo in their country of origin, and to avoid taking a blind eye to their needs in the European States where they currently live.

The integrated approach proposed by this article suggests that the "transition" lens applied to youth should be broadened to encompass other needs and rights than those covered by

this text. The exacerbated precariousness of their conditions, if compared with that of most youth, should elicit adequate solutions to the vicious circle locking them into a long-term emergency. Such adaptations and insights of the generational perspective and the cultural perspectives may pave the way to this subset of youth's right to be protagonists – not background actors – of contemporary European societies: for instance, the former one suggests to rethink young and adult subjectivities and delves into new ways to build security and balance; the latter one implies to consider the interconnections between young people that are based on class, styles and other factors.

As their peers in Europe, young refugees in transition to adulthood are in a life phase characterized by their passions and aspirations, their need for experimenting in fast-evolving societies where young people's lives are increasingly characterized by contingency, precariousness and short-term perspectives. Given their circumstances, broadening the age range of young refugees receiving support would play a pivotal role in opening up possibilities of inclusion in new countries. When considering their education-work transition, they should be integrated into existing schemes, to prevent the vicious circle of exclusion. Being active in the labor market would also allow them to afford to cover for their own housing expenses, therefore dignity, privacy and a family relations if they wish to.

Additional future participatory research should aim to contribute to evidence-based policies that mirror the multifaceted challenges faced by young refugees, as well as acknowledge, value and support their own coping strategies, and their imagination to build the life they aspire to.

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