

1. Introduction

Children continue to arrive in Europe through mixed migration routes, at times unaccompanied and in need of international protection. In 2023, 43,000 unaccompanied children applied for international protection in EU+ countries, the highest number since 2016. In 2024 and 2025, the figure declined to 34,000 and 22,000, respectively, in line with the overall downward trend which was driven by a decline in applications from Afghan and Syrian minors. Nonetheless, the number of unaccompanied children seeking international protection remains higher than in the years immediately preceding the COVID-19 pandemic and poses considerable challenges for Member States.[1]

Asylum-seeking children, particularly those who are unaccompanied or separated from their families, are among the most vulnerable individuals in society.[2] Accordingly, they are protected by a multi-layered body of international,[3] EU[4] and national laws governing both child protection and asylum. Under this framework, EU+ countries are required to protect children's rights without discrimination, ensuring that those rights take precedence over considerations relating to migratory status.[5] Central to this protection system, across both child protection and asylum, is the principle of the best interests of the child – which operates simultaneously as a substantive right, an interpretative principle and a binding procedural rule.[6]

The effective application of these protections depends, however, on the identification of a person as a child. An erroneous classification may lead to serious violations of fundamental rights, including unlawful detention, placement in insecure and inappropriate reception facilities, denial of necessary care and support, and the examination of an asylum application without the procedural safeguards afforded to children.

It follows that countries have a duty to identify children as such as early as possible once they come into contact with authorities. Yet establishing a person's age is not always straightforward. Children in need of international protection frequently face evidentiary difficulties, may lack reliable documentation, and even where verification with authorities in the country of origin is feasible, such enquiries may expose them or their families to risk. They may also be uncertain about their exact age or provide inaccurate information for legitimate reasons, including misinformation, fear, distrust of authorities, trauma or a lack of maturity. These difficulties are compounded by the fact that, in practice, doubts about age often arise in cases involving older adolescents, who may be exposed to reduced levels of protection, treated as adults by default or left in an ambiguous migration status until they reach majority,[7] unless strong safeguards are attached to age determination processes.

Against this background, EU+ countries have relied over time on a variety of methods to determine age, guided by the interpretation of the European Court of Human Rights (ECtHR) and the Committee on the Rights of the Child (CRC Committee) of their respective Conventions, both of which have been ratified by all EU+ countries. Prior to the adoption of the Pact on Migration and Asylum (the Pact), EU asylum law contained only a fraction of the age assessment standards which are now in place. Consequently, the Court of Justice of the European Union (CJEU) has had limited opportunities to address age assessments directly. Nonetheless, the obligation to treat the best interests of the child as a primary consideration, enshrined in Article 3(3) of the Treaty on European Union, Article 24(2) of the EU Charter and throughout EU secondary law, has long informed CJEU jurisprudence on child-related matters and is likely to guide case law on the current EU law provisions on age assessment.

Box 1. CJEU asylum case law concerning the best interests of the child

- The CJEU has consistently recognised the **best interests of the child as a fundamental right** with direct implications for procedures involving children (for instance in *MA, BT and DA*, C-648/11, 6 June 2013, paras 56-58; *LW*, C-91/20, 9 November 2021, para 55; and *XXXX*, C-483/20, 22 February 2022, para 36).

- In *MA, BT and DA* (C-648/11, 6 June 2013, paras 56-58), the CJEU held that, given the particular vulnerability of unaccompanied minors, **Dublin procedures should not be prolonged** more than strictly necessary.

- In *A and S* (C-550/16, 12 April 2018, para 64), the CJEU held that a **beneficiary of international protection** who reaches the age of majority, but was a minor when entering the Member State and applying for asylum, **must continue to be regarded as a minor for the purposes of family reunification**. This approach was subsequently reaffirmed in *CR, GF, TY* (C-560/20, 30 January 2024, para 51).

- In joined cases C-133-19, C-136/19 and C-137/19 (16 July 2020, para 47) concerning a family reunification request of a refugee whose children eventually reached majority by the time it was decided on, the CJEU held that the relevant date to consider the children's age was the date of submission of the family reunification application. In *XC* (C-279/20, 1 August 2022, paras 48-54) concerning a child who reached adulthood while his father's asylum application was pending and was therefore no longer a minor when the family reunification application was submitted, the CJEU clarified that the **relevant age was the child's age at the time of the parent's asylum application, provided that family reunification was requested within a reasonable period** after being granted international protection. While in *XC* the CJEU established 3 months as an indicative period, it later clarified in *YO and CT* (C-571/24, 8 October 2026, paras 41-45) that the reasonableness of the period depends on the circumstances of the case.

- In *TQ* (C-441/19, 14 January 2021, paras 60 and 68), the CJEU held that, before issuing a return decision for an unaccompanied minor, Member States must thoroughly assess the child's situation, taking their best interests into account, and **ensure that adequate reception facilities are available in the country of return**. It further held that countries cannot rely on a child's age alone to decide whether adequate reception facilities are available in the country of return.

- In *SE* (C-768/19, 9 September 2021, para 42) concerning a **child who reached adulthood during asylum proceedings** while included in the family group, the CJEU held that the **relevant age was the child's age at the time of the application for international protection**.

- In *K. and L.* (C-646/21, 22 October 2021, para 73), the CJEU recalled that the **best interests of the child**, enshrined in Articles 3 of the CRC and 24(2) of the Charter, must not only be **considered in the substantive assessment of applications** concerning children but must also **influence the decision-making process leading to that assessment, subject to specific procedural safeguards.**

- In *MD* (C-528/21, 27 April 2023, paras 95, 97 and 104), the CJEU held that Article 5 of the Return Directive, including its requirements to take due account of the **best interests of the child, family life, state of health, and to respect the principle of *non-refoulement*, is sufficiently precise and unconditional to have a direct effect**.

Although the above cases do not concern age assessment procedures specifically, they reflect several principles relevant to them. Authorities must structure and conduct procedures in a manner that safeguards the best interests of the child; procedures concerning children should be conducted swiftly; and delays in decision-making or other factors beyond a child's control must not prejudice the child's procedural position or rights. Lastly, it should be noted that Article 7 of the EU Charter (respect for private and family life) has the same meaning and scope as Article 8 of the ECHR, which is frequently cited in ECtHR case law concerning age assessments.8

The Pact codifies many of the principles and safeguards that had previously emerged through the jurisprudence of the ECtHR, the guidance of relevant UN treaty bodies and the case law of national courts. Under this framework, EU+ countries are required to establish mechanisms for the early identification of children and, in accordance with the principle of presumption of minority, to provide appropriate support and safeguards for applicants whose claims to minority are plausible while their age is being assessed. Implementing these requirements in practice involves coordinating child protection, reception and asylum authorities; providing access to age-appropriate accommodation and information, as well as ensuring qualified and independent representatives. States must also respect the requirements for informed consent and confidentiality, and use age assessment methods that are reliable, fair and timely. The Pact further clarifies the responsibilities of authorities and representatives and harmonises the structure of age assessment procedures across the EU.

Table 1. Provisions of the Pact relevant to applicants subject to an age assessment

Screening Regulation 2024/1356	• **Best interests** of the child are a primary consideration (Article 13). • Age-appropriate **information** must be provided (Article 11). • Right to a qualified **representative** during screening as soon as possible. A representative should not be responsible for more than 30 minors (Article 13).
Eurodac Regulation 2024/1358	• Procedures must align with the EU Charter, the ECHR (Article 13) and the CRC, with the **best interests** of the child treated as a primary consideration (Article 14). • The **minimum age** for taking biometric data is **6 years**. In case of doubt, the child must be considered under 6 (Article 14). • Minors must be provided with age-appropriate **information** (Article 42).
Asylum and Migration Management Regulation 2024/1351	• **Best interests** of the child are a primary consideration (Article 23). • Specific **information** for unaccompanied minors (Article 20). • Interviews conducted by **specialised staff** (Article 22). • Right to a qualified **representative** as soon as possible (provisional) and no later than 15 days from the making of the application (appointed) (Article 23). • **Transfer decisions** must include an **assessment of the best interests** of the child by qualified staff. The Member State of relocation must confirm that appropriate measures are in place to address the child's specific needs (Article 23). • **Responsibility follows legal family presence**, if in the child's best interests. If such a link does not exist, the Member State of first registration is responsible (Article 25).

Table 1. Provisions of the Pact relevant to applicants subject to an age assessment

Amended Reception Conditions Directive 2024/1346	• **Best interests** of the child are a primary consideration (Article 26). • Member States must **assess the reception needs** of vulnerable persons, such as children, as soon as possible and within 30 days of the application (Article 24-25). • Children who have suffered from armed conflicts or who are victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment must be granted **rehabilitation and mental health services** (Article 26). • Right to a qualified and independent **representative** as soon as possible (provisional) and no later than 15 days after making the application (appointed). A guardian must not be responsible for more than 30 minors (Article 27). • Guardians are responsible for providing **information** (Article 5). • Unaccompanied minors who apply for international protection must be placed in an **accommodation suitable for minors**, such as a foster family or reception centre with specific provisions. If in their best interests, those 16 years or older may be placed in a reception centre with adults. Siblings should be kept together (Article 27). • The **detention** of children must be a measure of last resort and may never take place in a prison or law enforcement facility. Unaccompanied minors may be detained only if it is in their best interests and in facilities adapted to their needs (Article 13).
Asylum Procedures Regulation 2024/1348	• **Best interests** of the child must be assessed by the asylum authority (Article 22). • Interviews and preparation of decisions related to minors must be handled by **specialised staff** (Article 22). • Right to a qualified and independent **representative** as soon as possible (provisional) and no later than 15 days from the making of the application (appointed). A representative must not oversee more than 30 minors and is distinct from the legal adviser (Article 23). • The guardian must provide **information and assistance** with the age assessment, Eurodac registration, determination of the responsible Member State and the asylum application, including the interview. The guardian may also receive notifications on the applicant's behalf (Articles 23, 33 and 36). • A **multidisciplinary age assessment** may be carried out only in case of doubt. It must weigh the applicant's statements and documents, which must be presumed genuine unless rebutted. The procedure may include a psychosocial assessment (Article 25). • A **medical age assessment** may be conducted only if the multidisciplinary assessment is inconclusive. It must be the least invasive possible, respect the applicant's dignity and be based on prior informed consent. Its results must be evaluated together with the multidisciplinary assessment. A refusal may lead to a rebuttable presumption of majority (Article 25). • Unaccompanied minors may be subject to **accelerated or border procedures**, or assessed under the **first country of asylum** or **safe third country** concepts, only under the requirements set out in Articles 21 (specific needs) and 42, 53, 58 or 59.

Under the Pact, age assessment follows a two-stage process, moving from the least to more intrusive methods. It begins with a multidisciplinary assessment *(Section 2)*, during which documentary evidence is examined if available *(Section 2.1)*, other indications of age are taken into account, such as age records from other Member States and interviews, and -if required- a psychosocial assessment is undertaken *(Section 2.2)*. Only when these methods are inconclusive to determine age may a Member State proceed to medical methods as a measure of last resort *(Section 3)*. This report also addresses case law on physical medical examinations *(Section 3.1)* and imaging-based methods *(Section 3.2)*.

Section 4 examines how evidence from the multidisciplinary assessment and the medical examination must be assessed together in order to allow for the most reliable result possible. It further analyses the allocation of the burden of proof *(Section 4.1)*, the benefit-of-the-doubt principle during the assessment of evidence *(Section 4.2)* and the standard of proof in age assessment procedures *(Section 4.3)*.

Section 5 focuses on the presumption of minority, which must be afforded to all applicants undergoing an age assessment and the safeguards surrounding the procedure, namely the right to a representative *(Section 5.1)*, informed consent *(Section 5.2)*, access to an effective remedy *(Section 5.3)*, and the requirement for assessments without undue delay *(Section 5.4)*.

The report concludes by identifying the common standards and key gaps emerging from the Pact, international human rights law and national practice for age assessments.

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  EUAA (August 2024). Data Analysis of Unaccompanied Minors in 2023, Fact Sheet No 29; EUAA (August 2025). Data Analysis of Unaccompanied Minors in 2024: Fact Sheet No 36; EUAA (August 2026). Data Analysis of Asylum Applications by Unaccompanied Minors in 2025: Fact Sheet No 46; Eurostat, Asylum applicants considered to be unaccompanied minors by citizenship, age and sex - annual data, as of 21 October 2026; IOM, UNHCR and UNICEF (15 May 2019). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2018; IOM, UNHCR and UNICEF. Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2019; IOM, UNHCR and UNICEF (9 July 2021). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2020; IOM, UNHCR and UNICEF (21 July 2022). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2021; IOM, UNHCR and UNICEF (9 October 2023). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2022; IOM, UNHCR and UNICEF (24 July 2024). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2023; IOM, UNHCR and UNICEF (15 September 2025). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to December 2024; IOM, UNHCR and UNICEF (2 October 2026). Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to

December 2025.

- 2

  UN Committee on the Rights of the Child (1 September 2005). General Comment No 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin, CRC/GC/2005/6, para 1; Council of Europe, European Court of Human Rights (6 March 2025). *F.B.* v *Belgium*, 47836/21, para 79.

- 3

  Council of Europe (4 November 1950). European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, ETS 5; UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (28 July 1951). 1951 Convention Relating to the Status of Refugees, Treaty Series, Vol 189, No I-2545; UN General Assembly (16 December 1966). International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171; UN General Assembly (20 November 1989). Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3.

- 4

  European Union (26 October 2012). Consolidated Version of the Treaty on European Union, OJ C 326/17; European Union (26 October 2012). Charter of Fundamental Rights of the European Union, 2012/C 326/02; European Parliament and Council of the European Union. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA; European Parliament and Council of the European Union. Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection; European Parliament and Council of the European Union. Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council; European Parliament and Council of the European Union. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU; European Parliament and Council of the European Union. Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013; European Parliament and Council of the European Union. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817; European Parliament and Council of the European Union. Regulation (EU)

2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council.

- 5

  Council of Europe, European Court of Human Rights, *Darboe and Camara* v *Italy*, No 5797/17, 21 July 2022, para 173.

- 6

  UN Committee on the Rights of the Child (29 May 2014). General Comment No 14: on the right of the child to have his or her best interests taken as a primary consideration, CRC/C/GC/14; EUAA (March 2026). Practical guide on the best interests of the child in the framework of international protection.

- 7

  UN (16 November 2017). Joint General Comment No 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, CMW/C/GC/4-CRC/C/GC/23, paras 3 and 4.

- 8

  European Parliament, Council of the European Union and European Commission (14 December 2007). Explanations relating to the Charter of Fundamental Rights, (2007/C 303/02).

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