

2.1. Assessment of documentary evidence

Case law related to age assessments underscores the pre-eminence of documentary evidence in age determination, with recurring issues centred around the evidentiary value attached to documents and the need to take them into consideration before resorting to more intrusive methods. This approach is now reflected in Article 25(1) of the APR, which establishes a presumption of authenticity of documentary evidence by providing that documents submitted for the purposes of an age assessment are to be presumed genuine unless proven otherwise.

Taken as a whole, the jurisprudence related to age assessments of applicants for international protection indicates that:

- In accordance with the principle of progressing from the least to more intrusive age verification methods, available documentary evidence must be considered first (see the previous sub-section).
- A wide range of documents, and not only biometric identity documents, must be taken into account and presumed genuine for the purpose of an age assessment (e.g. the broader category of civil status documentation and even copies of documents).
- This presumption of authenticity is rebuttable by means of substantive and specific challenges to the content of the documents. Statements on the general reliability of documents issued in a given country have typically been regarded as insufficient, as have formal objections such as the absence of a translation or legalisation.
- The assessment of evidence rests largely with national authorities, which may resort to various methods like expert reports or verification of the documents with the issuing authorities. This verification may only be conducted when it does not pose a risk to the applicant.
- Article 25(1) of the APR provides that, in addition to the applicant’s statements and documentation, authorities may take into account other relevant indications, such as records contained in European large-scale IT databases. Dutch case law has assessed these indications in accordance with national evidentiary rules.

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