

2.1.4. Evidentiary weight of age registrations carried out by other EU+ countries

Article 25(1) of the APR establishes that authorities may undertake an age assessment when there are doubts about an applicant's minority, based on their statements, available documentary evidence or other relevant indications. In practice, Member States consult age information recorded by other EU+ countries in European large-scale IT databases, such as Eurodac,21 and therefore foreign age records may constitute one such relevant indication. This practice is further reinforced by the Pact, which has introduced the possibility for authorities to recognise age assessment decisions taken by another Member State on the basis of the principle of mutual trust, pursuant to Article 25(7) of the APR.

However, case law shows that previous age registrations often reflect self-reported dates of birth or information based on documents rather than the outcome of a formal age assessment. It also shows that minors may misrepresent their age for various reasons, including a fear of detention, the wish to avoid separation from adult travel companions, situations in which age information is provided by others rather than by the child and even incorrect entries made by authorities.

Although Dutch case law initially relied more heavily on such information, it has recently shifted toward considering it only insofar as it complies with domestic evidentiary standards. In its judgment of 9 October 2024, the Dutch Council of State held that age registrations from other EU+ Member States may be taken into account but cannot be automatically relied upon. Referring to the presumption of minority recognised by the ECtHR in *Darboe and Camara* v *Italy*, the Council of State emphasised that EU law neither prescribes methods or safeguards for age assessments nor regulates the probative value of foreign age records. Authorities must therefore assess such registrations in accordance with national evidentiary rules and applicable EU law. When doubt persists, applicants claiming to be minors must be treated as such, and authorities must conduct further investigations, possibly in cooperation with other Member States, and must justify the weight assigned to any Eurodac hit. This requires authorities to inquire into the source of foreign registrations, including whether they were based on documents, medical assessments or the applicant's statements, and to assess the credibility of any inconsistencies, since all relevant facts and circumstances must be considered when evaluating a claim of minority.

In the case, a Malian applicant submitted an ID card and birth certificate showing minority. However, checks revealed different dates of birth in Belgium, Italy and Switzerland, and a Belgian bone test indicated adulthood. The Council of State found that the applicant had not adequately explained these discrepancies, casting serious doubt on the authenticity of the submitted documents. It held that, although mutual trust does not apply automatically, the evidence available, including the Belgian age assessment, allowed the authorities to rebut the presumption of minority and conclude the applicant was an adult.

This position has been further developed in subsequent Council of State case law: in August 2025, the council quashed a finding of majority of an Eritrean applicant who had been registered as an adult in Italy because the minister had failed to explain how the Italian authorities had determined the date of birth. The council also noted that the applicant's explanation that he had claimed to be 23 in Italy to remain with adult companions had been disregarded without any reasoning. Likewise, in October 2025, the Dutch Council of State overturned a declaration of majority based on a Swiss registration due to the lack of information on how the applicant's age had been determined. The council also upheld a Guinean applicant's claim to minority because authorities were unable to clarify the weight given to a prior age assessment in Spain, noting the applicant's explanation that the Spanish registration had been based on incorrect information provided by her former guardian. Finally, in November 2025, the council annulled a decision declaring an Eritrean applicant to be an adult on the basis of a previous registration in Italy. Although the applicant had submitted a photocopy of her birth certificate and other documents, they were rejected as unverifiable. The council held that their evidentiary value should nevertheless have been assessed and further noted that the minister had failed to explain how the Italian authorities had determined the date of birth that was subsequently relied upon in the Dutch age assessment.

The Pact has codified standards which were previously developed in international and domestic case law, thus a broad range of documentary evidence, well beyond biometric identity documents, must be considered from the outset of an age assessment procedure. Submitted documents must be presumed to be genuine. While this presumption remains rebuttable, challenges to documentary evidence must be substantive, that is, specific and grounded in material considerations relating to the documents themselves, rather than in general assumptions about documentary fraud or purely formal deficiencies, such as the absence of a translation or legalisation.

National authorities retain a margin of appreciation in the assessment of evidence, but the case law makes clear that this discretion is constrained by procedural safeguards requiring a genuine examination of the documents, including verification with the issuing authority. In the context of international protection, however, such verification may only be undertaken with the applicant's consent and if it does not expose them to risk. As these standards are applied in practice, document assessment may be time-consuming, creating potential frictions with application-processing timelines and the obligation to avoid undue delays.

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  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. Article 14.

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