

2.2.3. National requirements for age assessment interviews and visual inspections

Two lines of national case law stand out when referring to age assessment interviews and visual inspections. Both Dutch and German jurisprudence have given particular weight to the need for independent, well-reasoned conclusions following an age assessment interview, with German case law stressing the child's right to meaningful participation in the process and the limited reliability of these methods in cases close to the age of majority.

Under Section 42(f) of Book VIII of the German Social Code, an applicant's claim to minority must first be assessed through documents and the applicant's statements. When this is insufficient, the law requires officers, typically from the Youth Welfare Office *(Jugendamt)*, to conduct a visual assessment and an interview, where necessary with the assistance of an interpreter. If the assessment remains inconclusive, that is, if it cannot be excluded that medical methods may indicate minority, a medical age assessment must be conducted, particularly when the estimated age falls within the typical 1- or 2-year margin of error above the threshold of 18 years (Higher Administrative Court of Bavaria, 5 April 2017).

German case law suggests that this age assessment interview can be carried out when the applicant's statements and documents do not conclusively establish minority, as the Higher Administrative Court of Rhineland-Palatinate found (26 January 2024) in a case where an applicant produced only a photograph of an extract from the civil register. Interviews must follow the 'four-eyes principle', meaning that two officers are responsible for the interview. The officers must be qualified by having sufficient expertise in the area, without requiring a specific academic background such as that of a pedagogue or a social worker (Higher Administrative Court of Bremen, 27 June 2024). Several Higher Administrative Courts, such as in Bavaria (5 April 2017) and Bremen (4 June 2018), have stressed that applicants must be provided with an officer's doubts about their age claim and allowed to clarify any points. They have also highlighted that the individual steps and the underlying reasoning of the report following the visual assessment and interview must be documented in a transparent, traceable manner, enabling a review of the conclusions.

These rulings have also established that interviews and visual assessments are only able to conclude majority in obvious cases and, for instance, the Bavarian court dismissed certain conclusions based on external appearance (voice, body hair, facial features) or demeanour (confidence, demanding behaviour) as insufficiently conclusive, noting that the report did not

explain why these could not show up in mature minors. The court also noted that in many countries of the southern hemisphere, a person's date of birth may not carry particular significance and may not be formally registered and, consequently, inconsistencies in an applicant's statements about their age cannot automatically be interpreted to their detriment.

For its part, Dutch case law has analysed the Netherlands' interview policy prior to the Pact, where instructions required two age assessment interviews to be carried out independently by staff of the Aliens Police Identification and Human Trafficking Department (AVIM) and the Immigration and Naturalisation Service (IND) (District Court of The Hague seated in Rotterdam, 20 November 2019). AVIM interviews were carried out by uniformed, armed officers as part of identification procedures, and they focused on identity, nationality, travel route, fingerprints, documents, and public order and security concerns, whereas IND interviews were carried out during registration for unaccompanied minors aged 12 or older, and they addressed identity, nationality, origin, religion, ethnicity, travel history and documentation. Reports drawn from both interviews carried equal weight and were both required for a complete age assessment. Thus, if either one was flawed, the Minister for Asylum and Migration could not classify the applicant as an adult. Under this policy, input from both the AVIM and the IND was required, and the officers involved in the assessment had to independently evaluate the applicant's age and arrive at the same conclusion for their report to be conclusive (Council of State, 9 May 2019 and Council of State, 20 August 2025).

The Dutch Aliens Circular was amended following the entry into application of the Pact and now requires a single age assessment interview, carried out by IND. Based on the circular, IND's Work Instruction 2026/15 notes that: the initial interview is not part of the multi-disciplinary assessment, which can be conducted later if needed; the interview's findings must be based on external and physical characteristics, behaviour and statements of the applicant; and the conversation concerns age-related topics, including documents, education, employment, leisure and the age of relatives. It further requires that applicants are given the opportunity to respond to any doubts or contradictions, and conclusions in the report must be clearly linked to the observations and findings.26 This latter requirement, also reflected in the German case law discussed above, is well established in recent Dutch Council of State case law concerning the former two-interview policy. The council has consistently demanded that the reasoning underlying both the AVIM and the IND reports be clearly explained, by specifying which findings support the conclusions reached about minority or majority and how, thus ensuring more transparency and contributing to more effective judicial review (see judgments of 13 October 2025, 23 October 2025 and 17 November 2025).

Interviews and psychosocial assessments are an essential step in ensuring that applicants who may be children are properly identified. However, the increased reliance on such methods under the Pact poses challenges, as authorities that previously did not utilise them may need to invest in specialised resources.

Moreover, the evidentiary weight of psychosocial assessments remains insufficiently defined (see Norwegian Court of Appeal, 29 April 2019), and their use may be affected by factors such

as trauma, which can require additional time to assess and may therefore conflict with the requirement that age be verified promptly.

In sum, these methods are not uniformly standardised across EU+ countries and may require harmonisation, particularly if common standards for mutual recognition are to be established.

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  Dutch government, Vreemdelingencirculaire 2000(C), C1/2.1, [Aliens Circular 2000C], valid until 11/06/2026; Dutch government, Vreemdelingencirculaire 2000(C), C3/5.3, [Aliens Circular 2000C], valid from 11/08/2026; Dutch Immigration and Naturalisation Service (15 June 2026). Werkinstructie SBJZ 2026/15.

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