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Court decisions strengthen age assessment procedures through the Pact on Migration and Asylum



As EU+ countries begin implementing the Pact on Migration and Asylum, a new EUAA report provides a comprehensive overview of how European and national courts have shaped practices when assessing the age of applicants for international protection.

Just published, Age Assessments of Applicants for International Protection – Analysis of Case Law (2017–2026) analyses the evolution of safeguards for asylum applicants undergoing an age assessment procedure when there is doubt as to whether an applicant is a minor. The outcome determines whether an individual benefits from the enhanced safeguards afforded to children, including access to guardianship, appropriate reception conditions and child-specific procedural guarantees.

Age assessment procedures, sometimes deemed to be invasive, have been largely regulated by national law, meaning that practices have varied across EU+ countries. While previous EU regulations did not provide explicit guidance on how and when these assessments can be undertaken, the Pact on Migration and Asylum has consolidated many key principles that emerged from case law to define procedures as of June 2026.

Erroneous age determination may result in serious rights violations, including inappropriate reception conditions, denial of care and the examination of an asylum claim without child-specific procedural

safeguards

The report finds that there is growing convergence in undertaking a multidisciplinary approach to age assessments. Courts have consistently held that authorities should first assess documentary evidence, interviews and psychosocial information before considering medical examinations. **Medical methods, when necessary, should only be used as a measure of last resort**, be the least intrusive possible and acknowledge the scientific margin of error associated with age estimations.

The report also analyses the procedural safeguards developed through case law to protect applicants whose age is uncertain. These include the presumption of minority while the assessment is ongoing, the right to a qualified and independent representative, informed consent before any medical examination, access to effective remedies and the obligation for authorities to conduct age assessments without undue delay.

Beyond mapping existing jurisprudence, the report also highlights practical questions that may arise as the new rules are implemented, including the increasing use of multidisciplinary assessments, the evidentiary value of documents, the treatment of age information recorded by other Member States and the need to reconcile comprehensive assessments with efficient asylum procedures.

A first of its kind, the report covers court decisions pronounced by the European Court of Human Rights, UN treaty bodies, particularly the UN Committee on the Rights of the Child, and national courts from 2018 to today. The publication serves as a reference for judges, asylum authorities, legal practitioners and policymakers seeking to understand the evolving legal framework governing one of the most consequential determinations in the asylum process.

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