



Assessing the age of minor applicants for international protection

The information presented in this fact sheet is extracted from the [EASO Asylum Report 2021](#). Direct link to the section: <https://www.easo.europa.eu/easo-asylum-report-2021/section-5-children-and-applicants-special-needs>

Once arrived in an EU+ country, it is critical to promptly identify children who are travelling alone as unaccompanied or separated from their families. When children are not identified early in the asylum procedure, they may face inadequate support or even detention, and they are at greater risk of falling into the hands of traffickers or becoming victims of crime or exploitation.

The identity and age of migrant children is often unclear as many do not have documentation. If there are substantial doubts about a child's age, an age assessment may be carried out by national authorities to determine the correct path for the applicant and ensure best interests in the case of a minor.

Data at a glance

Total asylum applications in EU+ countries, 2020	485,000
Asylum applications by unaccompanied minors, EU+ total, 2020	14,200 (3% of all asylum applications)
Top receiving EU+ countries, 2020	Greece: 2,800 (20% of total number) Germany: 2,230 (16% of total number) Austria 1,370 (10% of total number)

Source: Eurostat [migr_asyunaa] as of 28 April 2021,
http://appsso.eurostat.eu/nui/show.do?dataset=migr_asyunaa&lang=en



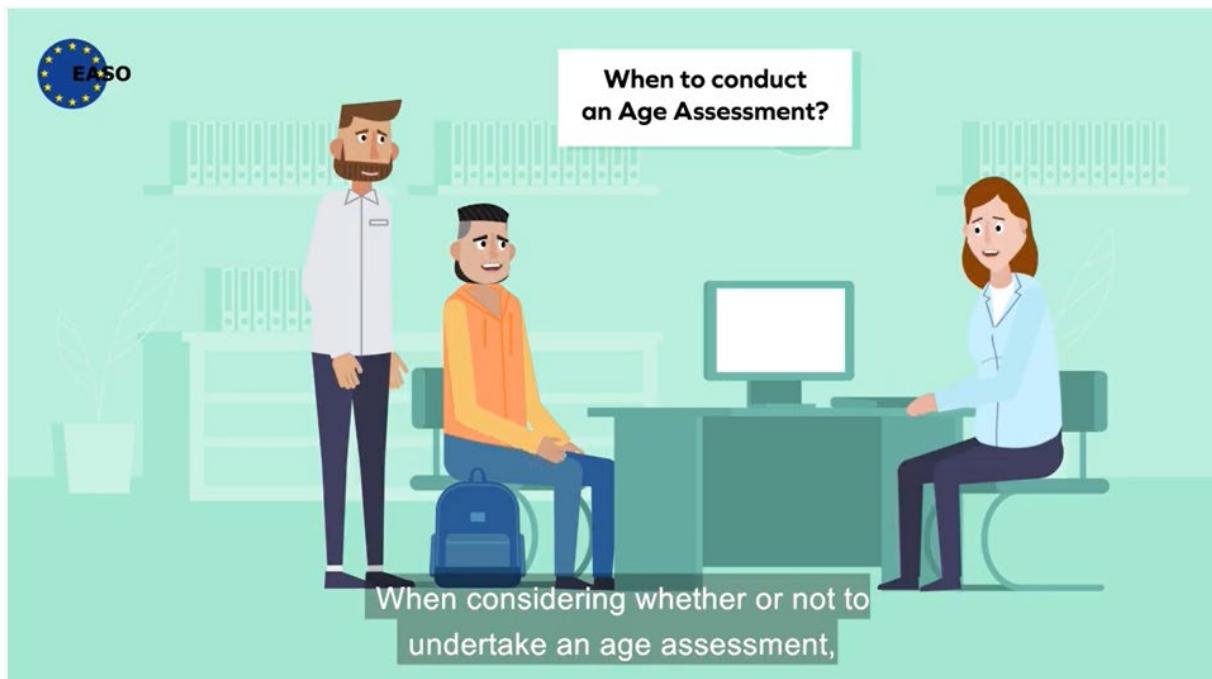
Key developments extracted from the EASO Asylum Report 2021

- The COVID-19 pandemic resulted in interruptions in services and limitations on direct personal contact, resulting in the suspension of age assessment procedures in some countries.
- The **Italian** government signed an agreement with regional and local institutions to harmonise age assessment procedures throughout the country¹ and include a multi-

disciplinary team performing the procedure, preferably in the reception facility or in a local health care facility.

- In **Greece**, age assessments which were previously carried out by the competent structures of the Ministry of Health were shifted to reception centres or another facility close to the residence (for example, a public health facility or specialist doctor).
- Following a formal notice from the European Commission in 2018, **Bulgaria** adopted amendments to the Law on Asylum and Refugees which introduced modifications to the age assessment procedure. Children must be fully informed about the methods of the examination and possible consequences. The examination must respect human dignity and use the least invasive way. If there are remaining doubts about the age, the applicant will be presumed to be a minor. If a child refuses to undergo an expert examination, this cannot be held as a ground for rejecting the application for international protection.
- Rädda Barnen/Save the Children noted that medical age assessment methods have been criticised for several years in **Sweden**. In response, in 2020 the government initiated a national enquiry on the method of medical age assessments that are currently used by the National Board of Forensic Medicine in the framework of asylum procedures. The results of this inquiry will clarify how a person of an unknown age can be assessed as being older or younger than 18 on the basis of the medical method currently applied.²
- The UN Committee on the Rights of the Child (CRC) analysed age assessment procedures, for example in **Austria**, and noted that “the age assessment procedure does not always respect the dignity and the best interests of the child and, despite possible inaccuracy, it is not possible to appeal the outcome of the procedure separately”. The CRC also pointed out that the age assessment procedure, which takes time, affected the appointment of a legal guardian since this is provided after being assigned to a reception facility.³
- The CRC also recommended to improve age assessment procedures in **Hungary**, initiate the procedure only in cases of serious doubt and use a multi-disciplinary methods.⁴
- The AIDA report for **Spain** reported that several unaccompanied children were not able to access education on the Canary Islands while waiting to undergo an age assessment procedure.⁵
- The CRC recommended several general measures to align the age assessment procedure in **Spain** with the Geneva Convention.⁶
- Persistent challenges in undertaking age assessments in detention were highlighted by the National Ombudsperson⁷ in Spain, noting that inconsistencies in medical tests and excessive delays may result in the separation of families and summary expulsions. The Ombudsperson also raised concerns to the Public Prosecutor General's Office (*Fiscalía General del Estado*) about a lack of medical evidence and forensic intervention in age assessment procedures and difficulties in appealing the decision. The tests do not follow the guidelines of good practices from the institute of forensic medicine in Spain or guidelines issued by the office of the public prosecutor.⁸
- The French Defender of Public Rights reported to the United Nations Committee on the Rights of the Child that the practices and facilities for age assessments varied considerably across France. In addition, if bone x-rays to assess the age of an applicant remain, a second assessment of the results should be done by specialised doctors.⁹

In 2020, the Council of Europe worked in collaboration with EASO to produce an animated [video](#) on the rights and guarantees for children during an age assessment procedure. Translations of the video were made available in Bambara, Moroccan and Wolof. The initiative was particularly welcomed, for example by the Spanish Ombudsperson.¹⁰



For more information on age assessments, EASO published a comprehensive report on the most recent developments in age assessment practices in EU+ countries in July 2021: "Age assessment practices in EU+ countries: Updated findings", EASO Practical Guide Series:

https://www.easo.europa.eu/sites/default/files/publications/EASO_Age_assessment_practices_updated_0.pdf

To search for more developments by topic, country or year, consult the [EASO National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EASO Case Law Database](#).

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https://ec.europa.eu/eusurvey/runner/EASO_Asylum_Report_Accompanying_Resources

Sources

Please see the [Bibliography for the EASO Asylum Report 2021](#) for the full list of over 1,000 references.

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³ United Nations, Committee on the Rights of the Child. (2020, March 6). *Concluding observations on the combined fifth and sixth periodic reports of Austria*. CRC/C/AUT/CO/5-6.
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⁴ United Nations, Committee on the Rights of the Child. (2020, March 3). *Concluding observations on the sixth periodic report of Hungary*. CRC/C/HUN/CO/6.
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⁵ AIDA Spain. *Country Report: Spain - 2020 Update*. Edited by ECRE. Written by Accem.
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⁶ United Nations, Committee on the Rights of the Child. (2020, October 27). *Dictamen aprobado por el Comité en relación con el Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a un procedimiento de comunicaciones respecto de la comunicación núm. 28/2017* [Opinion approved by the Committee in relation to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure regarding communication No 28/2017]. CRC/C/85/D/28/2017.
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⁷ Spanish Senate | Senado Espana. (2020, July 1). *Journal of Plenary Sessions, No 17* [Diario de Sesiones de Pleno, Núm. 17]. https://www.senado.es/legis14/publicaciones/pdf/senado/ds/DS_P_14_17.PDF; European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin 4 - 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf

⁸ Ombudsman | Defensor Del Pueblo. (2021, January 25). *Determinación de la edad de menores extranjeros indocumentados* [Determination of the age of undocumented foreign minors].
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⁹ Defender of Rights | Défenseur des Droits. (2020). *Report of the Defender of Rights to the United Nations Committee on the Rights of the Child*.
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