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From: Presidency
To: Asylum Working Party

Subject: Age assessment and representation of unaccompanied minors under the EU Pact on Migration and Asylum
- Discussion paper

1. Introduction

Age is a decisive factor in determining procedural guarantees and reception conditions applicable to applicants for international protection. Under the EU Pact on Migration and Asylum, persons identified as children benefit from specific safeguards, including access to appropriate accommodation, education and healthcare, the appointment of a representative (often termed as ‘guardian’ in national legislation), and strict limitations on the use of detention.

The most recent full-year data from Eurostat show that, in 2024, more than 41 500 minors were detected crossing the EU's external borders irregularly, over 12 400 of them unaccompanied. Unaccompanied minors also represented 14.1 % of the total number of minors applying for international protection (first-time applications) in the EU Member States in the same year.

The correct identification and protection of minors in migration and asylum procedures is, therefore, a fundamental element of the Union's legal framework and a prerequisite for the effective implementation of the Pact. Accurate age assessment and effective legal representation are essential to ensure that children are promptly identified, that their rights are effectively safeguarded, and that procedures are conducted in a fair, efficient and rights-based manner across Member States. At the same time, accurate identification of adults is necessary to safeguard the integrity of asylum procedures and to prevent misuse of child-specific safeguards. Robust and reliable age assessment frameworks therefore serve both child protection objectives and the proper functioning of asylum systems under the Pact.

Whenever confronted with a situation involving a minor, the European Union and its Member States are bound by international and European obligations, including the United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, which require that the best interests of the child be a primary consideration in all actions concerning children. Ensuring that minors are accurately identified and effectively protected is therefore both a legal obligation and a policy priority.

The objective of this paper is to allow Member States to discuss the practical issues that arise in preparing for applying the new rules on age assessment laid down in the Asylum Procedures Regulation (2024/1348), and related aspects of representation for the applicants undergoing the age assessment.

2. Age Assessment

Member States agree that accurate age assessment is a cornerstone of a fair, rights-based migration and asylum system. In the context of international protection, age is a primary indicator of special protection needs: children may require tailored procedural guarantees and reception conditions. Belonging to certain age groups triggers the application of specific safeguards, including appropriate and safe accommodation, access to education and healthcare, and strict limitations on administrative detention, which must remain a measure of last resort with priority given to alternatives. Whether the person is a minor or an adult can be determining for establishing if a person who otherwise satisfies the conditions for being placed in the mandatory border procedure should benefit or not from the exception foreseen for unaccompanied minors from this procedure, an exception that applies to all established or verified unaccompanied minors save for those who pose a threat to national security or public order.

Besides the asylum procedures, age is also of particular relevance to child-specific forms of persecution and harm, including forced or early marriage, forced recruitment, female genital mutilation, child trafficking, family and domestic violence, forced labour, prostitution and child sexual exploitation. A reliable age assessment framework is therefore indispensable for the proper identification and examination of such claims.

Beyond the asylum context, age has implications for a range of legal and administrative procedures, including consent to marriage, healthcare decisions, access to the labour market, education, and criminal responsibility. Ensuring legal certainty in age-related matters is therefore essential for coherent and lawful decision-making beyond the strict international protection area and has implications across authorities.

Unaccompanied and separated children who claim asylum may need to be age assessed in order to determine whether they are minors or adults. All available relevant information and evidence should be considered, as no single assessment technique can determine age with absolute precision. Where an applicant is considered to be a child, the necessary support arrangements should be established.

The Asylum Procedure Regulation provides that age assessment should be carried out in two steps.

- First, a multidisciplinary assessment should be conducted, including psycho-social assessment and other non-medical methods such as interviews, visual assessment and documentation review, by professionals with expertise in age estimation and child development.
- If the result is inconclusive, a medical examination may be requested as a measure of last resort, with full respect for the individual's dignity, and prioritisation of the least invasive procedures.
- If doubts remain, Member States shall “assume that the applicant is a minor.”

3. Representation

Effective representation arrangements are essential to ensure that minors can meaningfully exercise their rights, and that their interests are safeguarded throughout all stages of the procedure.

Representatives play a key role in guiding and assisting the declared minors during age assessment processes. More generally, the role of the representatives is pivotal in ensuring that child-specific procedural safeguards are respected (for example, preparing the child for the asylum interview, advising on the right to be heard, etc.), that reception conditions are suitable for children and respond to their needs, that children have access to adequate support and can exercise all child-specific rights, such as access to education and vocational training, leisure activities and psychosocial support.

It should be recalled that, under the Asylum Procedure Regulation, applicants undergoing age assessments must be treated as children throughout the age assessment procedure. This means that the reception conditions offered must be suitable for children, and that a representative should be appointed as soon as possible, so as to be able to assist and guide the applicant from the very moment of initiating the age assessment procedure. From an operational perspective, this means that qualified representatives should be available to assist and guide applicants undergoing age assessment procedures.

Furthermore, some applicants may meet the criteria for being placed in the mandatory border procedure if found to be adults. In such cases, the applicants should be temporarily placed in the border procedure while the age assessment is carried out and a qualified and accessible representative should be promptly appointed, including at the border facility where the applicant will be accommodated. The role of the representative is not only to assist and provide guidance on the age assessment procedure, but also to monitor that the person receives reception conditions and assistance that are suitable for a minor.

Solid representation frameworks are therefore central to ensuring procedural fairness, legal certainty and mutual trust among Member States in the implementation of the Pact.

4. Objective of the discussion and questions to Member States

Against this background, this discussion paper aims to take stock of Member States' practices, challenges and needs in establishing multidisciplinary age assessment frameworks and ensuring an adequate framework for effective representation arrangements. The objective is to support an exchange of views on national approaches and to promote coherent, rights-based and effective implementation of the Pact across the EU.

In view of the above, Member States are invited to consider the following questions:

- 1. Which non-medical methods do you intend to use for the multidisciplinary approach to the age assessment foreseen by Article 25 APR?**
 - 2. What are the main challenges that you have encountered so far in preparing for implementing the new age assessment rules, and how are you addressing them?**
 - 3. Have you already taken steps to identify and appoint the qualified professionals who will be responsible for carrying out the multi-disciplinary age assessment procedure?**
 - 4. What measures have you taken to ensure that representatives are available to assist and guide applicants undergoing age assessment from the very beginning of such a process? Are you planning to take specific measures in relation to the border procedure?**
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