



Home Office

Using information obtained through the Dublin Regulation and Eurodac for age assessment purposes

Version 1.0

Guidance on using information obtained from Eurodac or obtained via a request for information under Article 34 of the Dublin Regulation (EU) No.604/2013, for age assessment purposes

Contents

Contents.....	2
About this guidance.....	3
Contacts	3
Publication.....	3
Changes from last version of this guidance	3
Background.....	4
Use of Eurodac and Dublin Regulation information post-transition	6

About this guidance

This guidance sets out the policy and procedures that must be followed when using information obtained from Eurodac and under Article 34 of the [Dublin Regulation \(EU\) No.604/2013](#) for the purposes of assessing the ages of asylum seekers or migrants who claim to be children but whose claimed ages are doubted by the Home Office.

The policy and procedures set out in this instruction must be applied in conjunction with the assessing age guidance.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Asylum Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **26 November 2021**

Changes from last version of this guidance

This is a new guidance document.

Related content

[Contents](#)

Background

This section tells you about the processes for obtaining information relevant to age assessment from Eurodac and through the [Dublin Regulation \(EU\) No.604/2013](#) ('Dublin III') which existed prior to the end of the Transition Period following the UK's exit from the European Union (EU).

Prior to the end of the Transition Period at 11pm on the 31 December 2020 following the UK's exit from the EU on 31 January 2020, evidence relevant to age could be obtained through Eurodac or from a EU member state via a request for information made under Article 34(2) of the Dublin III Regulation.

The Dublin III Regulation is EU legislation that establishes the criteria and mechanisms for determining which single State is responsible for examining an application for international protection (an asylum claim). It aims to prevent both 'asylum shopping', where an individual moves between states to seek the most attractive regime of protection, and the phenomenon of 'refugees in orbit' where no single state permits access to an asylum procedure. It reflects the principle that those seeking international protection should seek asylum in the first safe country they reach. The countries participating in the Dublin Regulation ("Dublin states") include EU member states, Norway, Iceland and Switzerland.

The operation of the Dublin III Regulation is supported by the Eurodac fingerprint system that allows the fingerprints of asylum claimants and defined categories of third country nationals who have entered the EU illegally and are of at least 14 years of age, to be transmitted, stored and cross-checked. The Eurodac system, including the fingerprint database, is governed by the [Eurodac II Regulation \(EU\) No.603/2013](#).

Eurodac provides results on a 'hit' (match) or 'no hit' (no match) basis to see whether someone has already lodged an asylum claim in a Dublin State or if they have first entered into territory, covered by the Dublin III and Eurodac Regulations, illegally and then moved on to another Dublin State to claim asylum.

Further information on the Dublin III Regulation can be obtained from the Dublin III Regulation guidance.

While the transmitted Eurodac record does not include a date of birth, whether an age assessment has been conducted in that member state or whether a valid identity document was provided, a Eurodac record does confirm that a claimant presented to the authorities in that member state and that the claimant was treated by them as being of 14 years of age or above.

Further information relevant to the assessment of age could be obtained through making a request for information under Article 34(2) of the Dublin III Regulation. Article 34(1) permits the communication between Dublin states on personal data concerning a claimant as is appropriate, relevant and non-excessive for determining the member state responsible, examining the application for international protection and implementing any obligation arising under the Regulation. Article 34(2) specifies

the type of information which may be shared for the purposes of Article 34(1), which includes:

- personal details of the applicant, and, where appropriate, their family members, relatives or any other family relations (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth)
- identity and travel papers (such as references, validity, date of issue, issuing authority, place of issue)
- other information necessary for establishing the identity of the applicant, including fingerprints processed in accordance with [Regulation \(EU\) No 603/2013](#)
- places of residence and routes travelled
- residence documents or visas issued by a member state
- the place where the application was lodged
- the date on which any previous application for international protection was lodged, the date on which the present application was lodged, the stage reached in the proceedings and the decision taken, if any

Where there is doubt over the age of an asylum seeker claiming to be a child and therefore an age assessment is being conducted, the outcome of this assessment is relevant to the purposes under which it is permissible to share information under Article 34 – for example, whether the applicant fell within the scope of the Dublin III Regulation provisions relating to unaccompanied children and whether a transfer under the Dublin III Regulation was permitted.

Since the end of the Transition Period, Home Office officials can no longer request Eurodac checks or submit requests for information under Article 34 of the Dublin III Regulation. Guidance on using information collected from these information sources prior to the end of the transition period, is provided in [Use of Eurodac and Dublin Regulation information post-transition](#).

Related content

[Contents](#)

Use of Eurodac and Dublin Regulation information post-transition

This section tells you about the extent to which information obtained from Eurodac and through Article 34 of the [Dublin Regulation \(EU\) No.604/2013](#) ('Dublin III') can be used for age assessment purposes following the end of the Transition Period after the UK's exit from the European Union (EU).

Although the UK no longer has access to Eurodac and is not party to the Dublin III Regulation, information obtained while the UK had access may still be used for the purposes of assessing the age of individuals who claim to be children but whose age is doubted as part of the assessment for the purpose set out in Article 34(1)(b) of "examining the application for international protection". This is so long as, in the case of Eurodac fingerprints, use is not made of them outside of Eurodac data retention periods specified within Articles 12 and 16 of the [Eurodac II Regulation \(EU\) No.603/2013](#).

A degree of caution should be exercised when using information obtained from Eurodac and Article 34 of the Dublin III Regulation for age assessment purposes. With the loss of access to the information sharing processes under Article 34 of the Dublin III Regulation, the UK can no longer use Article 34 to verify any information previously obtained through Eurodac or the Dublin III Regulation or to obtain additional information. However, due to the nature of the information being relied upon, further verification is unlikely to be required in the vast majority of cases. Nevertheless, consideration should be given to whether any information being relied upon may require subsequent verification with the relevant EU member state and whether any unfairness would arise through reliance on data which is unverifiable. In every case an assessment should be made about whether it would be fair and lawful to rely on Eurodac data in assessing age.

An assessment of the weight to be placed on information obtained through Eurodac and Article 34 of the Dublin III Regulation, should be made on an individual, case-by-case basis. Staff should consider whether any of the following factors might apply and if so, whether they could provide the basis of a credible explanation for the conflicting accounts of age:

- the claimant may genuinely be unsure of their age resulting in them giving inconsistent dates of birth - for example, some cultures have a much less formal perception of time and are not ruled by precise calendars and schedules
- the claimant sought to pass themselves off as an adult throughout their journey to the UK to avoid being placed in a child reception centre in one of the transit countries
- the claimant could be a potential victim of exploitation or modern slavery and have been coerced by the perpetrators to claim to be an adult, to reduce the likelihood that their predicament would come to the attention of the authorities and impede their exploitation by the perpetrators

- the date of birth has been recorded incorrectly by the transit country due to an administrative error

The weight to be applied to evidence of age obtained from these sources can carry significant weight but will depend on the specific circumstances. For example, if information confirms that an individual has spent a significant period of time in another EU member state or has received a determination on their asylum decision in another EU member state, it would strongly suggest that:

- the individual had an opportunity to provide their correct date of birth to the authorities in that EU member state
- the individual provided the date of birth that the authorities in that EU member state attributed to the individual
- the individual had the opportunity to correct a previously assigned date of birth in that EU member state which they considered wrongly attributed to them; or
- the authorities in that EU member state considered the individual to be the age they assigned to them (irrespective of whether that was subject to a dispute with the individual or not)

Whenever evidence of age from these sources arises and there is a discrepancy with the claimant's claimed age, in addition to following the guidance in the assessing age guidance, you must:

- ensure that the claimant and, if applicable, their legal representative, is afforded an opportunity to account for the discrepancy
- consider in the round any explanation offered by the claimant alongside any wider evidence

In all cases, relevant local authorities must be made aware of information that supports or disputes the claimed age in age dispute cases as soon as possible.

Related content

[Contents](#)