TUSLA highlights legislative and operational challenges with age assessment procedures

Tusla voiced concerns about its role in determining the eligibility of unaccompanied minor asylum seekers for child protection and welfare services, citing the absence of a statutory framework to conduct formal age assessments.

On 27 April 2026, the agency wrote the Public Accounts Committe and stated that it faces a significant risk when required to assess whether an individual claiming to be under the age of 18 qualifies for its services. Tusla noted that there a legislative provision did not exist empowering it to carry out age assessments.

Under Sections 13 and 14 of the International Protection Act 2015, when an immigration officer believes an applicant for international protection is under 18 years of age and unaccompanied, the individual must be referred to Tusla as soon as practicable. The legislation further provides that the person is to be presumed to be a child, with all relevant child welfare and protection provisions applying.

Tusla has indicated that this framework places the agency in a challenging position, requiring it to determine eligibility for child protection services while operating without a specific legal basis for age assessments. During this process, individuals are accommodated within its services pending the outcome of an assessment.

In the absence of dedicated legislation, Tusla conducts an 'intake eligibility assessment' through an interview. The agency has stated that determining whether an individual is not a minor can be particularly difficult given the requirement to adhere to principles of fair procedures, the benefit of the doubt and the presumption of minority.

Historically, age verification methods included dental examinations and dental X-rays. However, such practices are no longer used due to ethical concerns relating to the use of medical procedures without direct health benefits and the invasive nature of the examinations.

The issue continues to present significant challenges for policymakers and service providers. On one hand, there are safeguarding concerns associated with

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the possibility of adults being accommodated within facilities intended for children. On the other, there are serious implications for children who may be incorrectly assessed as adults and subsequently placed in adult accommodation settings, potentially affecting their access to education and other supports.

The operational impact of disputed age assessments was highlighted in Dublin District Court last month, when proceedings relating to an age inquiry were adjourned. In that case, the individual concerned remained accommodated in a children's facility despite Tusla having determined that he was not eligible for its services on the basis of age. Counsel for the agency described the matter as urgent, citing concerns regarding the individual's continued placement in child-specific accommodation.

Recent figures have further focused attention on the issue. Data published in a report for the Public Accounts Committee (PAC) for the period between 2022 and 2025 showed that almost 300 asylum seekers who initially claimed to be children were subsequently assessed as adults.

At the same time, concerns have also been raised regarding cases where children may have been incorrectly identified as adults. In a 2023 briefing to the Oireachtas Committee on Children, medical charity Safetynet highlighted instances in which child asylum seekers were allegedly placed in adult accommodation centres, leaving them vulnerable and without appropriate protections.

Tusla received 768 referrals to its Separated Children Seeking International Protection service in 2025 and was responsible for the care or accommodation of approximately 1,200 unaccompanied minors during the year.

The agency has also reported a decline in referrals during the first three months of 2026, with 97 referrals recorded compared with 196 during the final three months of 2025. According to Tusla, this reduction coincides with the introduction of a new age-screening process at points of entry ahead of the implementation of the EU Migration Pact.

Source(s)

- Child and Family Agency | An Ghníomhaireacht um Leanaí agus an Teaghlach (27 April, 2026), [Re: S – 2026 – 0224 PAC], https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/committee_of_public_accounts/2026-05-07_correspondence-ms-kate-duggan-ceo-child-and-family-agency-tusla-r-2026-0230-pac_en.pdf

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