



## **"I'm terrified": the dangers of Home Office age assessments for children in the North West**

This report by Greater Manchester Immigration Aid Unit (GMIAU) highlights concerns about short age assessments carried out by the Home Office. GMIAU is a not-for-profit provider of legal immigration advice and representation, and support services. Every year we support hundreds of children on their own in the UK seeking asylum.

In this country there is a strong shared belief that children who have undergone arduous journeys fleeing war or persecution in their home countries should be supported and cared for. They need immediate access to children's services and the support that is their right in law.

But increasingly we are seeing children who, rather than being protected, are alone in adult asylum accommodation, having been wrongly assessed as adults on arrival in the UK by the Home Office and dispersed across the country to contingency hotels, or sometimes even to detention centres. We're hearing from support services, local authorities and from young people themselves, who are concerned about dangerously poor Home Office decision-making that is leaving children at risk.

The events being described when this report refers to short age assessments carried out by the Home Office are far from a holistic or thorough assessment. These "assessments" are based on physical appearance and demeanour, and a decision by the Home Office that these demonstrate the person is "significantly over 18".

In this report we explain what we've seen in the first half of 2022 in the North West of England - an increasing number of children being sent as adults to asylum accommodation - and the deep impact this has on the young people we should be looking after. We are concerned that, rather than addressing this urgent problem, new policies introduced in the Nationality and Borders Act will put children at even graver risk. We call for a drastic change in Home Office culture and decision-making as well as safeguards to ensure that children are protected from harm.

### **What is happening?**

In 2022, at GMIAU we have seen an increase in the number of children being referred to us because the Home Office have placed them in adult accommodation having wrongly deemed them to be adults. Of the 15 referrals we received by June this year, 11 had their age wrongly changed by the Home Office to make them an adult. Over half of these children have now had their age accepted by their local authority and 4 of the remaining 5 continue to wait for an outcome. Nationwide, figures from 64 local authorities collected by the [Helen Bamber Foundation](#) show that in January to March 2022, 211 young people were referred to children's services after having been sent to adult accommodation or detention. Two thirds were found to actually be children - 150 children had been placed in adult accommodation or detention in only three months.

**The Home Office are consistently making poor decisions as to age with real-life consequences.**

While everyone's journey and stories will differ, this is the basic process we are seeing.

A child arrives in the UK, often after undergoing a dangerous journey in a small boat or lorry, and on arrival is taken to speak to Home Office officials.

They are asked their age and tell the officials they are a child. At this point, they should be taken into the care of children's services – the National Transfer Scheme means this could be anywhere in the country.



Instead, because they may not have documents to prove their age, many children are disbelieved and given a new date of birth, making them an adult in the eyes of the Home Office. They are sent to adult asylum accommodation, which due to the backlog in the system usually means a hotel – stuck within four walls, surrounded by adults, with no income and no access to education or other support.

In the worst case scenario, they may be sent to immigration detention. Major concerns have been raised about the fact that given the government's Rwanda plan, a child being treated as an adult means a child at risk of removal to Rwanda.

"I was bullied and my bed was slept in by an adult. I was forced to sleep on the floor in the same room as this person. I was under constant threat from him." (A child explaining what it was like being in adult accommodation in GMIAU's Six Things, 2020)

From here children need to find their way into the care of children's services by being referred to the local authority – through Migrant Help, Refugee Council, Serco, or another organisation like GMIAU. They need to find the right person to speak to and articulate that they are a child, all while in an unfamiliar and frightening environment, a language they often don't speak at all and a system they don't understand.



Once the local authority has been alerted they will decide whether to accept the young person's claimed age without an assessment, or whether a full age assessment is needed. Measures within the Nationality and Borders Act will mean that the local authority can refer young people to a Home Office-run board for this assessment.

The local authority may refuse to accept a young person's age, or a full age assessment may lead to the person's age being accepted or disbelieved by the local authority. In this situation the decision can be challenged through Judicial Review (following the Nationality and Borders Act, the challenge will be an appeal at the First Tier Tribunal). GMIAU provides legal advice and support to age-disputed children and has supported children who have recently had to go to court to defend their true age.

When a child's true age is accepted the material impact on their life is significant. It means accommodation, education and support under children's services, and access to leaving care services at a later date. It also impacts the processing of their asylum claim. To the young person, it means they have finally been believed.

## Afran's story

17-year-old Afran arrived in the UK in 2022, having crossed the Channel in a small boat after a month-long journey from Iran. He is Kurdish. His mother, father and brother all passed away before he left his home country. He hoped that reaching the UK meant finally reaching safety. "I was expecting the human rights would be the highest, top in this country compared to the world."

On arrival in Dover he was interviewed, and he explained that he was 17 years old. Home Office officials did not believe him. "It was really unpleasant. Really not nice. They were saying bad words and not believing my age. Mercilessly, they were saying 'we don't believe what you are telling us'. They were laughing at me, saying you are lying."

Afran was given no time to recover from his journey before this interrogation. He was wet and cold from being in the bottom of the boat he had travelled in, and had been vomiting. "I was very tired, I was hungry and wet. I had no power or energy to talk to them then. It was a really bad feeling. There were some questions I couldn't answer, and they were saying no, sit there and you have to answer."

The government is currently planning to introduce "scientific" age assessment methods – a worrying development, not least because there is **no way** to accurately prove age. Medical professionals have vigorously opposed subjecting young people to unethical tests such as X-rays with no medical benefit. But with no "scientific" techniques yet approved, the idea of coercion into medical testing is already being used as a threat by Home Office officials. "He was saying 'I will take you for a physical examination'. A tactic to scare me. And I told him yes, let's go, no problem."

There was no physical examination. But Afran was deemed to be an adult and given a date of birth in 1999, six years before he was really born. He was sent to adult contingency asylum accommodation. "In the hotel it was only adults, there was nobody similar to my age. It was really scary, because of all the adults around. I was really scared and unhappy with the situation."

No one had told Afran that he could challenge the decision to disbelieve his age. He had to work out how to find support himself. "At the hotel I said I don't want to stay here, I'm terrified of living with adults, I'm a child. The hotel manager gave me a list of numbers. One of them was Migrant Help; I contacted them, and they gave me another list. I started calling solicitors, and one of them was GMIAU. Then I started getting help. No one else helped me."

After two weeks in adult accommodation, GMIAU was able to ensure local authority social workers came to find Afran and accepted his true age without an assessment. He is now in the care of children's services, but remains shocked at the way he was treated in his first hours and days in the UK.

During the process of writing this report, Afran was served with a notice that he would be removed to Rwanda. It is against the law to remove or deport children from the UK. It is unclear why this error has been made, but Afran is not alone: in June 2022 charities warned that they were already seeing children caught up in the Rwanda plan due to incorrect age assessments. Afran is terrified and extremely distressed. His story, from the moment of his arrival in the UK, exemplifies the dangers of the Home Office's policy making and decision making. While we hope legal representation will mean Afran's removal notice is cancelled, the impact on the mental health of an already vulnerable child cannot be easily forgotten.



## Why is this happening? Politics and policies

The policy used by Home Office officials at Dover, like the ones who mocked and threatened Afran, was most recently updated in January 2022. It states Home Office officials must decide if they think a young person's physical appearance and demeanour very strongly suggests that they are "significantly over 18". Before January the standard was "significantly over 25" - to some degree a safeguard against the kind of poor decision-making we are increasingly seeing. It is clear that these decisions are being made far too freely. This is one key reason why we have seen an increase at GMIAU of children referred to us once dispersed into adult accommodation.

But we have been supporting young people going through unfair age assessments for a long time. The wider political context of cruelty and disbelief towards people seeking safety, demonstrated in the Nationality and Borders Act and over a decade of Hostile Environment policies, creates a culture where a child like Afran is put in danger upon his arrival in the UK.

## What is the impact?

### **Children are consistently being placed in adult accommodation due to Home Office assessments.**

This is an extremely pressing safeguarding risk - children who do not know how to look after themselves and are at high risk of exploitation are likely to come to harm. ECPAT found that between June 2021 and March 2022, 45 children who were unlawfully housed in asylum contingency accommodation went missing. We cannot know the true numbers of children placed at risk in adult accommodation - we only know the numbers of those who have found their way out. Children tell us that this traumatising experience during their first hours and days in the UK cannot be forgotten, and their trust in the system that should be protecting them cannot be replaced.

### **More age assessments are being carried out.**

It is becoming the norm for children to have their age investigated, more than once. We have heard of Home Office officials telling young people that they can address the issue of their age once they have been dispersed. But once a child has been deemed an adult by the Home Office, the local authority feels pressured to conduct a full age assessment. They may not be aware that there is no obligation for them to do so. On occasion, a lack of knowledge means local authorities are not doing their duty in challenging poor Home Office decisions at all, believing those decisions are final.

"Assessment" sounds like a neutral word, but it is not a neutral process for young people experiencing it. A more accurate word would be "interrogation". A "Merton-compliant" age assessment is one that is said to comply with the law and is a fairer way to assess age than the short assessments we're seeing carried out by the Home Office. But the young people we support tell us clearly that **any** age assessment is distressing and anxiety-inducing, making them feel disbelieved and impacting their relationships with the adults around them. Full age assessments are time consuming, so a child may spend months or even years feeling unsafe, unable to relax or engage with their education due to the stress of knowing their age is under investigation. On our Age Assessment hub young people explain in their own words how hurtful it feels when adults who should be looking after you are assessing your age.

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“They were smiling and nice but then the things they wrote about you it was like they were your enemy.”  
(GMIAU's Six Things, 2020)

## Children are at risk of being sent to Rwanda.



As highlighted by the [Refugee and Migrant Children's Consortium](#),

if a child is assumed to be an adult and sent to adult accommodation,

then they may also be at risk of being sent to detention and being targeted for the government's abhorrent plans to permanently remove people seeking asylum to Rwanda. In June 2022, [charities found](#) that several children had been served with notices of intent to remove them from the UK despite being part of an ongoing age dispute. The law is that children cannot be removed from the UK. That this is even being raised as a danger demonstrates that there is something deeply wrong with the way the asylum system protects children. In September 2022 this happened to Afran despite no ongoing age dispute. An administrative error, perhaps, but one of catastrophic proportions in terms of risk if Afran was not supported to rectify it and in terms of impact on his mental health.

## What needs to happen? Our recommendations

- There must be an investigation into why hundreds of children have been wrongly treated as adults by the Home Office in the last year. Even one child wrongly ending up in adult accommodation or detention should be a concern, but the data makes clear this is not an isolated issue.
- The Home Office must collect and publish accurate data on age disputes and assessments, including numbers of people who have claimed to be a child but who the Home Office has deemed an adult, and those whose claimed age has subsequently been accepted.
- The policy of determining age on the basis of physical appearance should be reviewed, including the number of decisions made on this basis and the number overturned, to ensure the Home Office is complying with its [duties to safeguard children](#).
- The Home Office returning to a "significantly over 25 policy" would be a step in the right direction (but is not a panacea in itself).
- No decisions on a child's age should be made immediately upon their arrival in the UK. Children need time to recover from their journey both physically and mentally.
- Ensure people in asylum accommodation who are claiming to be a child do not face detention or any proceedings relating to inadmissibility or removal to Rwanda, until they have received legal representation and fully challenged their age assessment.
- Introduce a scheme providing independent legal guardians to support all children who have been separated from their families (including age disputed young people), as exists in Scotland and Northern Ireland to support young people through the age assessment process as well as the asylum process.
- Listen to and learn from children and young people who have had their ages disputed. Their experiences make clear that policies which lead to more age assessments are not the answer. **The system should not be based on suspicion and hostility, but be guided by the principle of affording children and young people the benefit of the doubt.**

Thank you for reading our report. If you have any questions or want to discuss our report or recommendations, get in touch with [rivka@gmiau.org](mailto:rivka@gmiau.org).