



Age Disputes and Age Assessment

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In May ILPA published research by Heaven Crawley on the issue of separated children seeking asylum, whose age is disputed. The published report is called *When is a child not a child? Asylum, age disputes and the process of age assessment*. The report and an executive summary are available in the publications section of the ILPA website (www.ilpa.org.uk).

This information sheet highlights some of the findings in the report, and provides further information about developments in this area. First, the meaning of some terms used in this information sheet is explained.

Meaning of terms used in this information sheet

Separated child – this is someone under the age of 18, who arrives in the UK without his or her parents or other carer and claims asylum.

Age dispute – this is where the Border and Immigration Agency (BIA) or social services, or both, refuse to accept the age an asylum-seeker claims to be.

Age assessment – this refers to the methods used by the BIA or social services to assess the age of an asylum-seeker. However, no method of age assessment is capable of determining the precise age of a child. Techniques used by medical examiners merely assess the likelihood that a child's age falls within a range of ages based on comparative data, not always drawn from comparable populations. The accuracy of the assessment is often given as within a range of 2 years over or below the assessment (e.g. aged 17 years +/- 2 years, meaning within the range of 15 years to 19 years of age).

Numbers of age disputes

In 2005, nearly half (45%) of all asylum-seekers presenting as separated children were age disputed. In February 2007, the predecessor of the BIA (the Immigration and Nationality Directorate) stated that around 3,000 asylum claims had been made by people claiming to be separated children in each of the previous 3 years.

Reasons for large number of age disputes

The BIA believe that the large number of age disputes is caused by adults claiming to be separated children in order to benefit from more generous asylum policies and support arrangements. The research revealed strong evidence of cultures of cynicism and disbelief among immigration officers and some social workers leading to age disputes.

BIA policy

The BIA policy is that an asylum-seeker who claims to be a separated child should ordinarily be given the benefit of any doubt as to age. All age disputed cases must be referred by the BIA to the Refugee Council's Children's Panel. The research revealed that these or similar policies have often not been followed.

The role of social services

Social services are obliged to provide services to children in need, and this includes separated children. The extent and cost of these services is influenced by the particular age of the child (significant ages are 16 and 18 years). Age assessments are, therefore, important for social services as these may determine whether social services have any obligation towards an asylum-seeker and, if so, the extent and cost of that obligation. The research revealed evidence of some

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social work managers putting pressure on social workers to assess children as older than they are.

Some social workers also work at the BIA's Asylum Screening Units (at Croydon and Liverpool) and at ports. This is sometimes called the 'co-location' of social workers. The research raised serious questions as to the independence of social workers at these locations; and serious questions as to whether co-location provided a proper opportunity for social workers to look after the welfare of children at these units and ports.

Consequences of being age disputed

The research highlighted several harmful consequences to children, whose age is disputed. Broadly speaking, children may be harmed in four ways. Firstly, because disputing age is such a fundamental challenge to a child's identity, this may cause emotional and psychological harm. Secondly, because various procedures for adults are different, a child may be deprived of particular measures designed to protect the child's welfare and safety in the asylum process. Thirdly, a child may be deprived of financial, accommodation and welfare support from social services (this may result in the child being housed with adult strangers and with no supervision). Fourthly, a child may be denied other benefits such as educational opportunities.

Recommendations

The report makes several recommendations. The primary key recommendation is that the BIA should follow its own policies so that age disputes are reduced by giving children the benefit of the doubt. Another key recommendation is that regional centres should be established, at which age assessments can be made in any case where age is disputed. The centres should be independent of the BIA and social services. Age assessments at these centres should be conducted over a period of time and by a team of individuals with a variety of skills, expertise and experiences in working with children.

Recent and ongoing developments related to the cases of separated children

The "Children's Asylum Claims" information sheet in April highlighted some developments relating to separated children. Shortly after that information sheet was produced, the BIA published on their website new policies relating to *Disputed age cases* and *Processing asylum applications from children*. These are both available at:
<http://www.ind.homeoffice.gov.uk/documents/specialcases/>

The same information sheet referred to the consultation on future arrangements for separated children. The BIA have not yet published the results of that consultation.

This month has seen major changes in how legal aid is made available for asylum cases. Information regarding these changes is available in the various "Legal Aid" information sheets. However, the legal aid arrangements for separated children have not yet changed. Special legal aid arrangements will be introduced for these cases, and are expected in April 2008. The new fixed fees arrangements will not apply for these cases.

In July, the government also added a clause to the UK Borders Bill. This clause will require the BIA to produce a code of practice relating to keeping children in the immigration system safe from harm. More recently, the government has agreed to make the code of practice apply to BIA officials and private contractors carrying out immigration functions. There is no published version of this code yet.