

Every year thousands of individuals who arrive in the UK and claim asylum as separated children are age disputed and treated as adults. This research examines the reasons why age is disputed, current policy and procedures for the assessment of age by local authorities, and the implications of age disputes for separated children seeking asylum in the UK.

### **The research**

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# **When is a child not a child? Asylum, age disputes and the process of age assessment**

## **Key points**

- Almost half (45%) of those who claim asylum as separated children are age disputed by the Home Office and treated as adults. A significant proportion are subsequently assessed as being under 18 years of age.
- The problem of age disputes is linked to prevailing cultures of cynicism and disbelief among immigration officers and some social workers. There is an over-reliance on physical appearance and credibility as indicators of age.
- There are significant failings in Home Office procedures for ensuring that appropriate referrals are made and that children are able to access a formal age assessment.
- There is considerable variation in the quality of the age assessment process undertaken by local authorities. This variation reflects a lack of statutory guidance and inadequate training and support for social workers.
- There is a potential conflict of interest between the requirement of social service departments to undertake age assessments and the obligation to provide services to children in need.
- It is not possible for a genuinely holistic and multi-agency approach to age assessment to be undertaken at ports and screening units.
- Being age disputed has significant implications for the way in which a separated child's application for asylum is assessed and for the welfare and educational support that he or she receives.
- The current approach to age disputes and the process of age assessment is high-risk, costly and does not deliver high quality outcomes for the Home Office, social service departments or separated asylum seeking children.
- Any alternative approach to age disputes must focus on reducing the number of disputes, ensuring that appropriate referrals are made, improving the quality of age assessments, and establishing a process for reviewing decisions.

## Background

In 2005 nearly half (45%) of all asylum applicants presenting as separated children were age disputed and treated as adults. Many of these disputes remain unresolved with implications for the Home Office, social service departments, legal representatives, voluntary sector practitioners and, most importantly, separated asylum seeking children themselves.

The research provides a detailed, evidence-based analysis of current policy and practice in relation to age disputes and develops a four-step model which will lead to reductions in the number of disputes, improvements in the assessment process, and the establishment of appropriate mechanisms for reviewing the assessment process.

## Understanding age disputes

*"Every time I go to the mirror and say did I change too much? If you buy two t-shirts and use one every day and the other one you keep it, which one will look older?"*

Lavdie, 15, from Albania

Most age disputes arise at a port or screening unit when an asylum claim is first made. An asylum seeker's stated age may also be disputed by a social service department as a result of a formal or informal process of age assessment.

Asylum seeking children come from diverse cultures and contexts. Most have experienced hardship, and often trauma, in their home countries and during the journey to the UK. These children may grow up quickly and in their behaviour and appearance they will differ from children who have grown up in the UK.

It is often difficult for children to prove how old they are. Some children do not know their date of birth. Others are unable to provide documents to support the age they believe themselves to be. Even where documents are provided these may not be taken into account.

A review of the available evidence indicates that there is no scientific or medical process that can provide an accurate assessment of age. Medical methods of age assessment (including dental x-rays) are particularly unreliable for children and young people aged between 15 and 20 years of age.

The problems associated with medical age assessments are not acknowledged by the Home Office.

The Home Office believes that the rise in age disputes is caused by adults claiming to be children in order to benefit from more generous asylum policies and support arrangements. Although such cases exist, there is strong evidence that the rise in age disputes is linked to prevailing cultures of cynicism and disbelief among immigration officers and some social workers. The decision to dispute age is often based on ill-informed assumptions about the appearance, behaviour and roles of children in other cultures and contexts.

## Screening and disputes over age

It is Home Office policy that a separated asylum seeking child should be given the 'benefit of the doubt' about his or her stated age unless the applicant's physical appearance *strongly* suggests he or she is an adult. All age disputed cases should be referred both to a local authority for an age assessment and to the Refugee Council Children's Panel. The research has found that the benefit of the doubt is often not given in practice and that these referrals are not always made. As a result many children are inappropriately treated as adults.

There is strong evidence of an over-reliance upon physical appearance as a proxy or indicator for chronological age, even though this is notoriously unreliable. The perceived credibility of an asylum application, as well as errors and misunderstandings over stated dates of birth, may also lead to a child's age being disputed at the screening stage. Social workers are concerned that this leads to outcomes which are arbitrary and inconsistent.

Many children describe feeling bewildered and sometimes intimidated by the way in which their age came to be disputed as a result of a cursory visual assessment, often conducted through a glass screen or from a distance.

*"The worst thing I can remember is they [Immigration Service staff] made me sit there and like a slave market other immigration officers were told to look at me and guess my age. It was like I'm going to be sold. One would say 24, another would say 21. I was told to stand up and down. Then they said 'you are over 18'..."*

Hasan, 16 years old, from Iran

## The role of social services

There is no statutory guidance on age assessments and many local authorities are unclear as to their roles and responsibilities in the age assessment process. Not all age disputed asylum seekers are able to access an assessment. Others are subjected to multiple assessments, with contradictory results. The Home Office does not always record the outcome of the assessment.

The findings of the research raise important questions about the role of social workers in the process of age assessment and a potential conflict of interest. There is evidence that social work managers in some local authorities instruct, or put pressure on, staff to assess children as older than they are.

The observation of co-located social work practice at the screening unit in Croydon suggests that social workers are unable to provide an appropriate service to children when they are based at ports and screening units.

## The assessment of age

Current approaches to the assessment of age have evolved through practice by social services departments and legal challenges to the process. Practice guidelines were published by the London Boroughs of Hillingdon and Croydon in March 2003, and these have been approved in two cases before the High Court. The result has been a legal standard for formal assessments, which are known as 'Merton-compliant'.

There is evidence that the Merton standard, while bringing real benefits, has encouraged a disproportionate focus by social services departments on the credibility of an asylum seeker's account.

Many social workers feel that they are not given sufficient training or support to carry out age assessments. Concern was expressed that age assessment, unlike the vast majority of current social work practice, is approached within a single rather than multi-agency framework.

*"The worst bit for me is being left with that responsibility as a professional without having other professionals on board. It's a huge responsibility for any social worker to be left with. For me that's one of the worst issues to deal with..."*

Social work manager

Many children find the decision to dispute their age and the subsequent process of age assessment highly distressing. Both can have significant implications for mental health. Children's experiences of the process of age assessment reflect variations in the quality and method of age assessment as well as the overall attitude taken towards a child because he or she is age disputed.

## The consequences of being age disputed

*"There were two occasions when I really wanted to commit suicide...I just couldn't believe the way the Home Office was bullying me. The kind of trauma which it imposed on me was just unbearable for me to be honest. It was a traumatic experience. I just couldn't believe someone could say you are not what you are."*

Michel, 14 years old, from Rwanda

For a separated asylum seeking child, the consequences of being wrongly age disputed and treated as an adult are potentially devastating.

An age disputed child does not benefit from any of the procedures that the Home Office has put in place to ensure that children's experiences and vulnerability are taken into account during the asylum determination process. The application may be refused and the child detained and removed without ever having his or her age formally assessed. There is evidence that age disputed applicants are likely to be considered less credible and refused asylum as a result.

*"The age dispute definitely has an impact on the case...You're not credible because the Home Office believes you lied about your age."*

Social worker

Disputes over age also have significant implications for the ability of children to access appropriate social welfare, health and educational support. In addition to the very significant practical consequences and child protection risks of being age disputed, there is evidence of significant mental health difficulties associated with the fact that a child's past and identity are brought into question.

## Policy implications

The findings of this research have significant policy implications because they suggest that age disputes are largely a reflection of both the

'culture of disbelief' that permeates Home Office decision making and inadequate procedures for the assessment of age by social service departments.

Although the Home Office accepts that the number of age disputes is a problem, Ministers and policy makers maintain that this problem arises from increasing abuse by adults claiming to be children and better processes for identifying these cases. The Home Office has indicated that it intends to make greater use of dental development x-rays in an attempt to determine age.

There is no evidence that the dental x-rays proposed by the Home Office will assist in the assessment of age, need and vulnerability. In his foreword to this report, Professor Sir Al Aynsley-Green Children's Commissioner for England expresses strong reservations about the Home Office's proposals to use dental x-rays to determine age.

*"There is substantial normal variation in the speed with which young people attain sexual and skeletal maturity. The proposed x-rays demand specialist interpretation, and it is naïve to argue that they can determine the child's chronological 'age'..."*

Professor Sir Al Aynsley-Green, foreword

The Home Office also intends to extend the co-location of social workers at ports and screening units to make earlier age and needs assessments. The findings of this research suggest that it is inappropriate for age assessments to be undertaken at ports and screening units. It is not possible for a genuinely holistic and multi-agency approach to age assessment to be undertaken in these settings because of the limited time available to undertake the assessment and because children and young people are tired, anxious and unable to differentiate between the roles of the professionals with whom they come into contact.

## Recommendations

This report recommends a four-step process for improving current policy and practice in relation to disputes over age and the process of age assessment.

**Step 1 – Reduce the number of age disputes through a proper application of the principle of 'benefit of the doubt'**

**Step 2 – Establish independent regional age assessment centres to which all age**

**disputed asylum seekers are automatically referred**

**Step 3 – Improve the process of age assessment through guidance, training and support so that it is genuinely holistic and multi-agency and produces consistent and better informed outcomes**

**Step 4 – Review the age assessment process to minimize the use of the courts and improve the quality of age assessments over the longer term**

It provides detailed recommendations for the policy and procedural changes that are needed to deliver improved processes and outcomes.

## Conclusion

The current approach to age disputes and the process of age assessment is of benefit to no-one. Procedures are unclear, protracted, costly and put children at risk. The Home Office's recent consultation paper on proposed reforms to the system of support for separated asylum seeking children makes clear that solutions are urgently being sought. This report provides concrete and practical policy recommendations to meet that challenge.

## About the study

The research began in November 2005. The fieldwork was conducted during the first six months of 2006 and involved interviews and discussions with policy makers, legal representatives, voluntary sector organisations, social workers and separated asylum seeking children. Three days were spent on location at the Asylum Screening Unit in Croydon. Discussions were held with 32 social workers from 14 different local authorities. The research includes 27 case studies of the experiences of children who have been age disputed. Existing evidence and policy material were also reviewed.

The research was supported by an expert Advisory Group, and the findings and developing recommendations were considered and discussed at an expert roundtable prior to publication of the final report.

## For further information

The full report, *When is a child not a child? Asylum age disputes and the process of age assessment*, by Heaven Crawley, is available from [info@ilpa.org.uk](mailto:info@ilpa.org.uk)

You can also download this report from [www.ilpa.org.uk](http://www.ilpa.org.uk)