Age Assessments

This briefing provides an overview of the age assessment process. It applies to separated children (UASC) and young people.

This briefing will explain:
- Why age matters
- Why age is so difficult to determine
- Understanding age disputes
- How age assessments take place and what they involve
- How decisions are made
- What happens after an age assessment

Why does age matter?

- Age is very important - it will affect things like access to education and how your asylum application is processed and the support you receive.
- Your age affects:
  - The education you receive
  - Your accommodation (where you live)
  - Whether you can be detained (being held in a place which limits your freedom for example in a police station or secure accommodation)
  - Interview procedures (what happens in an interview)

Why is age so difficult to determine?

- Our bodies develop lots as we grow up, so it is difficult to determine age based on how a person looks and behaves.
- Some people look younger for their age whilst others look older; some people are shorter.

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 whilst others are taller, some are more developed (e.g. facial hair) and behave older because of their experiences in their home country or difficult journey to the UK

- Some people don’t know their date of birth. In some countries you don’t get birth certificates or celebrate birthdays so people’s exact ages are uncertain/not known. You might arrive without a birth certificate.

- Some people will be severely affected (traumatised) by their experiences and this can affect how they talk and communicate (communicate = sharing information with others by speaking, writing, moving your body or using other signals) when meeting with professionals such as social workers and doctors.

**What are age disputes?**

- An age disputed young person is an individual who has claimed asylum and is judged by the Home Office and/or local authority to be a different age from their claimed age.

- Although it is widely known that it is not possible to determine someone’s age by one single method, the HO may estimate age based on your appearance and demeanour (behaviour). They may argue it is different to the age you say you are.

- *Very important* In May 2019, the Court of Appeal ruled in ‘BF (Eritrea)’ that the Home Office policy on assessing age was unlawful and needed to be rewritten. The Home Office made some important changes because it was found by the Court to have failed to ensure children were not mistakenly treated as adults through the asylum process.

- The main change in this guidance is that instead of an Immigration Officer having the power to decide whether someone is an adult if their appearance and demeanour very strongly suggest the person is significantly over 18, the policy states instead that:

  ‘...for a person to be assessed as an adult in these circumstances, their physical appearance and demeanour must very strongly suggest that they are 25 years of age or over...’

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The Home Office Age Assessment

- The Home office may **assess your physical appearance**. This may involve someone assessing your
  - Height
  - Build
  - Facial features
  - Voice (particularly with males)

- The Home office may **assess your demeanour** (behaviour, attitude). This may include assessing your
  - Mannerisms (how you act)
  - Posture
  - Language
  - Eye contact
  - Choice of clothing
  - Confidence or nervousness

- However an age assessment based solely on physical appearance and demeanour **is not enough** - a more thorough lawful assessment should be carried out by the local authority.

- Children’s Service are a department within the local authority. This department is responsible for ensuring the safety and wellbeing of children and young people in need and will carry out a more thorough age assessment

- All further age assessments **MUST** be carried out in a specific way. Age assessments can be challenged but you **MUST** seek legal advice if you wish to challenge an age assessment decision

The local authority age assessment

- Age assessments often vary from **local authorities** (a government body which makes the rules in the area you live) - **but you should be supported as a child whilst the assessment takes place**.

- **At the age assessment you should meet with two social workers, an interpreter and a responsible adult.**

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A social worker is a trained professional who works for the Children’s Services. At the age assessment, the social workers may be different to the social worker who looks after you. They are there to ask questions to decide if they think you are a child.

The interpreter will translate what the social worker has said in English to your native, chosen language. The interpreter should be neutral (not take sides) and simply explain what the social workers ask you and the responses/questions you say to the social workers, in a clear and simple way. They must not comment on what you say and keep all information they interpret confidential (keep private or secret).

A responsible adult is someone who looks out for you and your best interests. They will speak up during the age assessment if you need anything (breaks, water, toilet break) or if you feel you are not being treated properly. They should reassure you of the process and give you extra support. They should be independent and someone you trust.

Who else is involved in your care before, during and after age assessments?

Your social worker

- This is the person who decides how you will be supported in the UK and who you will be supported by
- They should ask you what you want and meet with you regularly to make sure everything is ok. You should contact your social worker if you have any problems or worries
- Your social worker might ask for an age assessment if they think you are older or younger than you say you are. They should speak with you about this and explain what this means.

Immigration solicitor (legal representative)

- This person will help you apply to stay in the UK (with your asylum claim) and will ask you many questions about your life and reasons for leaving your country, so they can explain this to the Home Office
- You should have an interpreter in any meetings with your immigration solicitor. You can have an adult you trust with you too. If you are feeling worried or don’t understand everything about your case you should ask them

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Foster carer or Accommodation staff

- You will probably be looked after either in a family or in accommodation with staff and other young people. These people are there to look after you, or help you look after yourself. If you need help with learning how to cook, clean, or shopping you should ask them. These are the people you will see the most whilst in care. You should feel safe and happy where you are living.

- If you are not being treated as a young person, you might be living in adult accommodation instead.

Public law or community care solicitor

- You might have another solicitor, called a community care solicitor

- Community care solicitors play an important role. They can:
  - Challenge local authority decisions if your age is disputed
  - Challenge the accommodation if the local authority are carrying out an age assessment but refusing to accommodate as a child
  - Challenge the support provided if services are changed or ended (such as when a young person is leaving care)

- It is important you understand your right to challenge decisions which affect you and that you are assisted to get representation from a community care lawyer

What happens at a local authority age assessment?

- Social workers will be asking questions about your life before you came to the UK to decide if they think you are a child

- Young people who have attended an age assessment have shared some of the things they’ve been asked. The following list does not necessarily include what you will or won’t be asked, but provides an example of what other young people have been asked to talk about:

  - Your family and childhood
  - How you are looking after yourself in the UK
  - Why you left your country and came to the UK
  - Who helped you to leave
  - Your education and work in home country

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Journey to the UK
Which countries were travelled to
Questions about home
Questions about religious beliefs

Sometimes it can be upsetting for people to talk about their experiences, so **if you need to take a break, you should tell them or ask your responsible adult to request a break**

Notes will be taking during the interview to help them remember what you tell them. If you tell them anything they don’t understand or that doesn’t make sense to them, then they will ask you to clarify the information

**Age assessments can take a long time** and you are entitled to take breaks in the process

You **should be allowed to ask questions and voice any doubts** you have about what the social worker says with an interpreter translating anything said in the interview

**Age assessments should not be carried out as routine** - they should only happen if there is **significant reason** to doubt your age. You **have the right to know why there is significant reason to doubt your age and why you are having an age assessment** - your social worker should explain this to you. You can always ask your solicitor too

Age assessments are **difficult** – you may be asked lots of repeated questions. This can leave you feeling anxious, angry and confused.

If they have said or asked something you do not understand, you should tell them and they should rephrase what they have said to try to ensure you understand

They do not make the decision about whether you can stay in the UK; this decision is made by the Home Office - social workers are determining your age

At the end of the interview(s), they will explain their decision about your age

If you disagree with the decision, you may be able to challenge this decision with the help of a solicitor

You should ask any questions you have - there are no silly questions!

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Making a decision

- Once the interview is complete, all information should be looked at in order for them to make a decision

- The decision-making process should be holistic - this means it should consider a wide range of things - not just your appearance or demeanour. They should consider
  
  - Your statement
  - Information about the country you have come from
  - Your individual history and experiences, particularly any traumatic events
  - Your cultural background, education level, gender, maturity, developmental stage and behaviours
  - The views and opinions of other professionals (key workers or foster carers, educators, medical professionals, etc.)
  - Any medical evidence
  - Any documents you present

- The evidence should be considered on a case by case basis

- Before reaching a decision which goes against your stated age, the social worker should discuss what has made them decide this - an interpreter and responsible adult should be present

It’s important to remember that age assessments cannot be concluded with absolute certainty as there is not any current method that can determine age with 100% accuracy.

Challenging the decision must be discussed with your solicitor so you get the right support at the earliest opportunity!

After an age assessment

- You should be informed of the decision, face-to-face, at the earliest opportunity.

- An interpreter you understand should be used to ensure clarity in delivering the decision, preferably the same one who has been present at previous interviews

- You should have a responsible adult present at the meeting and you should be given an opportunity to comment on the conclusion

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You should be advised both verbally and in writing that you may be able to challenge the decision - you will need legal help with this!

You should be given a full copy of the decision.

If your age is disputed, they should arrange for you to be safely moved into adult accommodation - you should not be made homeless!

The following decisions will be made. Either:

1. Your ‘claimed age’ (the age that you said you were) is accepted
   If your age is accepted, you should continue to be supported by social services as a child

2. You have been assessed to be a child but of a different age to what you said
   If after an age assessment you have been assessed to be a child but assessed as a different age to the age you originally presented, then all support should continue but you should be told why the decision has been made

3. Your ‘claimed age’ is disputed - they think you are older than you say you are
   If the local authority decides that you are an adult, details of why your age was disputed should be shared immediately - you should be able to ask for clarification about anything you are unsure of, do not understand or agree with

   You should get legal advice immediately - a solicitor can help you to challenge the decision through an appeal

   An appeal means asking for your age assessment to be looked at again. You can appeal if you think that the decision made is incorrect

   You should be given the decision in writing and told what this means for you. Make sure you do this within 3 months after the assessment takes place

   If you have been assessed as an adult, your social worker should arrange for you to be safely moved into adult accommodation - you should not be made homeless.

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