

# Disbelieved and denied

Children seeking asylum wrongly  
treated as adults by the Home Office

April 2023



## INTRODUCTION

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Age is a core part of our identity in the UK, both for adults and for children. As well as being a way of marking growth and maturity, chronological age determines how we are able to participate and develop as members of society and is intrinsically linked to our legal rights. However, for children seeking asylum in the UK, age is increasingly being used as a tool for excluding them from the support and protection to which they are entitled. Hundreds of children are having their ages questioned by border officials when they arrive in this country and are then being sent into the adult system. The government repeatedly claims that there are high numbers of adults pretending to be children, but this is not the case. Instead, our research has found that in 2022 more than 800 children were incorrectly treated as adults by the Home Office and placed alone in accommodation alongside adults, or in immigration detention, at significant risk.

## DISPUTING AGE

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Unaccompanied children seeking asylum have had to flee war, persecution and human rights abuses, and/or have been victims of trafficking. They have suffered loss and separation and endured dangerous and traumatic journeys to reach safety. However, over recent years the government has not only made the asylum system generally less accessible and more punitive but has also been excluding these children from the child protection and welfare frameworks that *should* apply to all children in this country, regardless of nationality, ethnicity or immigration status.<sup>1</sup> One way the government has been doing this has been to dispute that a child is the age they say they are and instead treat them as an adult based on a visual assessment of their 'appearance and demeanour'.

Many children who come to the UK on their own from countries such as Afghanistan, Sudan and Eritrea are unable to show official identity documents (ID), such as passports or birth certificates, because they have either never had them; they have been destroyed, lost or taken; or the child has been forced to travel on false documentation. Without ID it is extremely difficult to determine a child's age and many will have their age 'assessed' by the Home Office and/or local authority children's services. It is also becoming increasingly common for children to arrive *with* evidence of their age but for this to either not be requested or dismissed on arrival.

When an immigration official initially encounters someone making an asylum claim who says they are under 18, they can:

- accept the age the person claims to be;
- 'dispute' the person's claimed age because they doubt that they may be a child; (referred to in this briefing as **'age disputed child'**)
- decide that the person's appearance and demeanour "very strongly suggests they are significantly over 18" (referred to as **'children treated as adults'**).<sup>2</sup>

If found to be a child or an 'age-disputed child' (i.e. the first two of the list above), the person is referred to a local authority. Children in the UK without their parent/s to look after them are the responsibility of children's services, therefore local authority social workers will decide if a detailed assessment is needed. If it is, they will come to their own decision on the individual's age, following a detailed process outlined in guidance and case law.<sup>3</sup> Over the past two decades, legally binding procedural safeguards have been introduced to ensure that these

1 See for example [House of Lords debate UK Asylum and Refugee Policy](#), 9 December 2022

2 Home Office, [Assessing age for asylum applicants: caseworker guidance](#), March 2023

3 See, for example, Appendix N of the [Association of Directors of Children's Services Age Assessment Guidance](#), October 2015

assessments are conducted fairly and that they take into account a range of information about the young person. Statutory guidance from the Department for Education makes clear that age assessments should not be ‘routine’ and should only be carried out ‘where there is reason to doubt that the individual is the age they claim’.<sup>4</sup>

If the person is deemed to be an adult by the Home Office (‘children treated as adults’), they are not sent for a further assessment. Instead they are ‘given’ a date of birth and sent to live in adult asylum accommodation, including hotels, or held in immigration detention. No-one tells the local authority that they are there and the onus is almost entirely on the child to find a charity or hotel staff member to assist them once in the hotel, which is extremely difficult to do.

The government does not publish clear and distinct statistics on how many young people it treats as adults following a decision at the border, nor does it monitor what happens to them.

## HOW MANY CHILDREN ARE TREATED AS ADULTS?

For many years, children treated as adults were not included in any published statistics, despite repeated calls from charities working with young refugees for this data. Then, in 2021, for the first time the Home Office’s published statistics on all age disputes started to *also* include children who were being treated as adults by the Home Office following a short visual ‘assessment’ by officials at the border.<sup>5</sup> So now the government’s published data includes those children whose claim to be a child is doubted (‘age disputed children’) but who are referred to local authorities for a professional opinion or assessment AND those whose age dispute is ‘resolved’ on arrival because they are deemed to be over 18 by an official at the border or Intake Unit and put into adult accommodation/detention (‘children treated as adults’).

The inclusion of this data in 2021 meant that the number of reported age disputes appeared to *triple* compared to the previous year<sup>6</sup> - but this was not the result of more people trying to ‘game’ the system. It was simply because a previously hidden group was finally included in published figures. However, because the data is not disaggregated we still do not know how many children fall into each category.

### Published statistics on age disputes<sup>7</sup>

	2019	2020	2021	2022
<b>Number of recorded asylum claims from unaccompanied children<sup>8</sup></b>	3,775	2,773	4,382	5,242
<b>Age disputes raised</b>	798	853	2,539	2,999
<b>Age disputes ‘resolved’</b>	798	701	2,295	1,693
<b>Found to be under 18</b>	494 (62%)	337 (48%)	1,168 (51%)	1,042 (62%)
<b>Found to be 18 or over</b>	304 (38%)	363 (52%)	1,127 (49%)	651 (38%)

4 Department for Education, [Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities](#), November 2017, p 13

5 Home Office policy on this was revised in January 2022 so that those who strongly look ‘significantly over 18’ are treated as adults. This is a return to previous policy following the Supreme Court decision in [BF \(Eritrea\) vs Secretary of State for the Home Department](#), [2021] UKSC 38. See Home Office, [Assessing age for asylum applicants](#).

6 In 2020, 853 age disputes were ‘raised’ – in 2021, 2,539 were raised. In 2020, age dispute figures only covered those who were disputed but referred to a local authority for further assessment. From 2021, they have also included those simply treated as adults by the Home Office and not referred.

7 Home Office, [Immigration System Statistics, year ending December 2022, Asylum and Resettlement - Age disputes](#). In the data an age dispute case refers to an applicant who does not have credible documentary or other persuasive evidence to demonstrate their age claimed, whose claim to be a child is doubted by the Home Office and, as a result, there is a need for the Home Office to assess their age. ‘Age dispute resolved’ relates to the number of age disputes marked as complete, by date of completion, and may relate to an age dispute raised in an earlier period. An age dispute could, for example, be resolved: following a Merton compliant age assessment; receipt of credible and clear documentary evidence of age; a judicial finding on age; following a determination by two Home Office officers that the person’s physical appearance and demeanour very strongly suggests they are significantly over the age of 18; or, where the reasons for raising an age dispute no longer apply.

8 [Asylum and resettlement: Asylum and resettlement summary tables](#) (Asy\_01a: Asylum applications lodged in the UK, by age)

The government has recently claimed that “in almost half of [age dispute] cases - 49% - the people in question were found to be adults”,<sup>9</sup> as evidence that a significant number of adults are pretending to be children. **However, this figure is wildly misleading because new data shows that hundreds of those deemed to be adults by the Home Office are subsequently referred to local authorities and then found to actually be children.** Without its own published disaggregated data, the government does not know how its own policies and procedures are working, choosing instead to present a simplified and misleading picture. The figures that we have collected via Freedom of Information requests suggest that in reality there are far, far fewer adults ‘pretending’ to be children than the Home Office claims. Instead, there are hundreds of children being incorrectly treated as adults and placed at significant risk.<sup>10</sup>

New data collected by the Helen Bamber Foundation through Freedom of Information requests shows that:

- \* In 2022, 70 local authorities had 1,386 referrals to their children’s services department of young people who had been sent to adult accommodation/ detention.**
- \* Of the 1,386 referrals, two thirds (63%) were found to actually be children - meaning that in 2022, at least 867 children had been wrongly placed in adult accommodation or detention at significant risk.**<sup>11</sup>

These figures are likely to be an underestimate as 29 local authorities had not responded; not all local authorities collect this data; and not all children are being referred to children’s services.<sup>12</sup> The numbers echo figures from the year before<sup>13</sup> and the experience of charities supporting these children. Of the 233 young people referred to the Refugee Council in 2021 who had initially been determined by Home Office to ‘certainly’ be adults, 94% were later found to be children.<sup>14</sup>

Furthermore, **guidance for accommodation providers is written in such a way that it deters staff working in hotels from referring people claiming to be children.** Staff are told that if the Home Office has already carried out an ‘assessment’ then they should only refer the child to a local authority if the individual is “childlike, is highly vulnerable and/or not behaving like an adult”.<sup>15</sup> In practice, this has been interpreted by staff as meaning they should never refer a child to children’s services. **Children wrongly treated as adults receive no information or support on how to address what has happened to them.**

It is important to note that there have been repeated requests from civil society for over a decade for published data on the number of children being treated as adults, and recent calls from MPs<sup>16</sup> and Peers<sup>17</sup> for this information. Home Office guidance makes clear that all those treated as adults should be issued with an IS97M form and that CID (its case management system) “must be updated with confirmation why it has been agreed to treat the claimant as significantly over 18 and note who the assessing officer and countersigning officer were.”<sup>18</sup> Consequently, the numbers treated as adults should be easy to track, but the Home Office claims its case management system will not allow it to access this data.<sup>19</sup>

9 [Illegal Migration Bill - Hansard - UK Parliament](#)

10 Home Office, [Nationality and Borders Bill: safeguarding through age assessment](#)

11 The Observer, [UK accused of attempting to deport children to Rwanda](#), 5 June 2022. This issue was [debated in detail in the House of Lords on 21st July 2022](#).

12 One London local authority received over 40 referrals of possible children from Humans for Rights Network alone. Our figures only include that authority’s data for the first quarter of last year as they did not respond to our request for the full 2022 figures.

13 Data from just 55 local authorities shows that in 2021 over 450 young people were referred to children’s service having been sent to adult accommodation/detention. Three quarters were found to be children. See [Refugee and Migrant Children’s Consortium briefing on government plans to send people seeking asylum to Rwanda | Helen Bamber](#)

14 Refugee Council, [Identity Crisis](#), September 2022

15 AASC/AIRE Provider Age Assessment Standard Operating Procedure, 06.07.2022 v1.6, section 3

16 See Stuart McDonald MP in [Home Affairs Select Committee evidence session on ‘The work of the Home Secretary’](#), 23 November 2022

17 See Baroness Lister in [House of Lords debate on 21st July 2022](#).

18 Home Office, [Assessing age for asylum applicants](#).

19 Independent Chief Inspector of Borders and Immigration, [An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil](#).

## AT RISK OF HARM

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The government has emphasised the threat posed by asylum seeking adults who pretend to be children if they are placed in schools. But it underplays the real risk of harm a child faces when wrongly assessed as an adult and placed in adult accommodation with no specialist support or help, no access to education and crucially, no-one to look after them. Children as young as 14 have been placed in hotels or detention and many have been forced to share rooms with adults, with no safeguards in place. Horrifyingly, there have been a number of reports of incidents of violence and sexual assault against children in hotels.<sup>20</sup> Last year, there were a number of cases of children who had been detained as adults being issued with 'notices of intent' to remove them to Rwanda.<sup>21</sup> In one case, Humans for Rights Network (HFRN) was contacted by a group of children who had been sent to a hotel where they had witnessed a man also accommodated in the hotel attempt to take his own life by setting fire to himself. The hotel staff had no clear training or process to follow in supporting these young people who were immensely distressed showing visible signs of trauma and terrified to be left alone. Urgent referrals were made to the local authority and the young people were accommodated that night. All five of the young people were subsequently found by the local authority to be children.

Not only are these children missing out on the care and protection of local authorities and child protection experts, but they are being left exposed to exploitation and abuse, and mental and physical harm.

### CASE STUDY



Aziz is an unaccompanied asylum-seeking child from Iran, who arrived in the UK in November 2022 by small boat. Upon arrival Aziz was only asked two questions during a brief interview – where are you from and how old are you? He was not given a reason why he was 'assessed' to be over 18 and was given a date of birth making him 11 years older than his actual age. Aziz was then transferred to Manston processing centre where he was detained for ten days. He slept in a large tent with approximately 150 other people seeking asylum, on a bench. Aziz has described that period as the longest ten nights of his life. He was provided with two blankets and nothing else. Aziz was only able to shower once during his detention and was never able to access medical care at any point. After moving to the hotel Aziz repeatedly informed the staff working there that he was under 18 but they told Aziz they would not help him. Aziz was given HFRN's number after speaking to friends in other hotels and was only able to contact HFRN after two weeks in the hotel. Aziz told HFRN he did not feel safe or well in the hotel accommodated with unrelated adults and that he needed assistance to move from the hotel to live with other children and access education.

A referral was made to the relevant local authority and an initial visit was made by social workers. However this did not take place for over a week due to local authority capacity. During this time, an unrelated man was moved in to share Aziz's room. This caused Aziz significant distress at which point he told HFRN he was going to leave the hotel. After this initial assessment Aziz was informed that he was to be moved to another adult Home Office hotel over 200 miles away. Aziz was moved to the new hotel prior to being taken into care, and his stay in unsafe adult accommodation continued. Eventually the new local authority agreed to accept care of Aziz from the previous and his age was accepted.

20 The Independent, [Labour MPs raise concerns over welfare of child migrants](#), 7 November 2022

21 [UK accused of attempting to deport children to Rwanda | Refugees | The Guardian](#)

## CASE STUDY



Abdul contacted HFRN in January 2023 after being wrongly 'assessed' upon arrival in the UK by small boat. When he arrived, Abdul was exhausted after seven hours at sea. He was not offered medical care and was initially only given water and a biscuit.

After three hours spent in a marquee, he and others who had also just arrived were told to 'stand in the queue for an age interview'. The purpose of this interview was not explained to Abdul – it consisted of four immigration officials asking, without an interpreter, for Abdul and others to write their age on a piece of paper whilst in a line. No other questions were asked, and he did not know he had been given a date of birth making him seven years older than his 16 years, until he arrived at a large asylum hotel. Upon arrival at the hotel, he told a security guard who spoke his native language, that he was under 18, the guard informed Abdul that he had been registered by the Home Office as an adult. No referral to children's services was made by hotel staff and it was a month before Abdul was able to contact HFRN. During this time he received no information about how to dispute his age and became increasingly unwell. Abdul felt isolated and alone, with no one to talk to and no access to education or people of his own age to interact with. Abdul was visited by social workers and was taken into care after three months spent in two different hotels with unrelated adults. Young people are regularly moved by the Home Office from one hotel to another, delaying access to child protection and further adding to their distress. In Abdul's case, to the local authority quickly assessed him and found that he is, in fact, a child.

## NEED FOR URGENT ACTION

When questioned about this problem, the government frequently refers to the Nationality and Borders Act 2022 and the introduction of a new 'National Age Assessment Board' (NAAB) as a solution. Putting aside concerns that charities have already raised (that the NAAB will lack independence and removes power and responsibility from child protection experts),<sup>22</sup> the Board does not currently assess individuals who have just arrived in the UK. The Act also sets out powers to use 'scientific methods' to determine age – again, this is not the solution. The government's own scientific committee has made clear that these methods can only conclude whether an age is 'possible' and should only be used as part of a wider social work assessment, with the individual's consent.<sup>23</sup> In short, the Nationality and Borders Act will do nothing to solve the problem of Home Office staff wrongly determining that a child is an adult at the border. **This can only be solved by the government taking responsibility for what is clearly a flawed policy and ensuring that all children whose ages are disputed are referred to independent child protection experts for a further assessment.**<sup>24</sup>

Decision making on age based on visual assessment and demeanour is widely recognised as problematic, including in the Home Office's own guidance for the NAAB.<sup>25</sup> Mistakes are highly likely because decisions are being taken in circumstances that do not allow for careful assessments to be made. The Independent Chief Inspector of Borders and Immigration has already highlighted concerns at the quality of the age assessments being undertaken at ports, described as "perfunctory" with minimal engagement with young people, and the failure by frontline staff to adequately record the age dispute process. He has noted the "strong suspicion amongst some staff and stakeholders" that children were being noted as adults "in order 'to pass the problem of minors onto someone else'".<sup>26</sup>

22 [Refugee and Migrant Children's Consortium briefings on Part 4 \(age assessments\) of the Nationality and Borders Bill](#)

23 Age Estimation Science Advisory Committee, [Biological methods to assess unaccompanied asylum-seeking children's age](#), January 2023

24 It is worth noting that the British Association of Social Workers has urged its members not to work with the Home Office to assess the ages of asylum seekers, saying that political pressures could undermine their professional judgment. See [Social workers should not assess asylum seeker ages for Home Office, professional body says | Immigration and asylum | The Guardian](#)

25 See page 22 of Home Office, [National Age Assessment Board: caseworker guidance](#)

26 Independent Chief Inspector of Borders and Immigration, [An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil](#)

The Illegal Migration Bill includes wide powers to detain unaccompanied children for unlimited periods<sup>27</sup> – these have been justified by the Immigration Minister as necessary because of the increased numbers of unaccompanied children arriving in the UK by small boat and the need for “ways to ensure that where those people are age-assessed” they are “held in appropriate detained accommodation.”<sup>28</sup> We are already seeing hundreds of children harmed by the current age dispute process – now the government is seeking to make the system even worse on the basis of false data and misconceptions.



## RECOMMENDATIONS

- The Home Office must publish separate statistics on the number of people claiming to be children whom border officials have assessed to be adults on the basis that their physical appearance and demeanour very strongly suggested that they were significantly over 18 years of age and put in place monitoring processes so it can track the outcomes for those who are later determined to be children.
- Where a person has claimed to be a child but is being treated as an adult by the Home Office and is to be moved to adult accommodation/detention, the Home Office or should notify the relevant local authority so that they are aware that there is a putative child in their area. The individual should receive information on their right to challenge the decision and how this can be done.
- Where a person in adult accommodation or detention claim to be a child but is being treated as an adult by the Home Office, the Home Office or its contractors should make a referral to the relevant local authority, irrespective of the previous Home Office decision, so that they are aware that there is a putative child in their area and can assess accordingly. A referral should also be made to a legal representative.
- The Home Office should only make the determination that someone who has just arrived in the UK and is claiming to be a child is an adult in very exceptional circumstances, and that determination should only be made by those with relevant training.
- An independent body should be established to regularly analyse and oversee the numbers and quality of ‘age determinations’ made by the Home Office at the border.

27 For more information on the measures in the Bill, see the Refugee and Migrant Children's Consortium [Briefings on the Illegal Migration Bill](#)  
28 [Illegal Migration Bill - Hansard - UK Parliament](#)

## ANNEX – FREEDOM OF INFORMATION (FOI) REQUESTS SENT AND SUMMARY OF RESPONSES

151 local authorities in England responsible for social care services for children were sent the following request for information under the Freedom of Information Act 2000:

- *In 2022 (the calendar year), how many individuals claiming to be children (aged under 18) were referred to your children's services department having been assessed to be an adult by the Home Office and placed in adult asylum accommodation or detention?*
- *Of those referred, how many were subsequently assessed by your children's services department to be under 18?*

107 local authorities replied with data, 15 refused on grounds of cost, low numbers or because they did not have the data in a reportable format. 29 did not respond. Of the 107 local authorities with data, 75 had received referrals of children who had been treated as adults by the Home Office. Five of those responses were discounted because they were incomplete or because the data did not tally with other figures regarding the number of unaccompanied children in that area. Two local authorities did not respond but had previously responded to an FOI request asking for data for January to March 2022, so these figures were used. The number of referrals to local authorities ranged from 0 to 85 and the proportion of referrals who were subsequently assessed to be children by the local authority ranged from 0% to 100%.

The **Helen Bamber Foundation** is a specialist clinical and human rights charity that works with survivors of trafficking, torture and other forms of extreme human cruelty. Our multidisciplinary and clinical team provides a bespoke Model of Integrated Care for survivors which includes medico-legal documentation of physical and psychological injuries; specialist therapeutic care; a medical advisory service; a counter-trafficking programme; housing and welfare advice; legal protection advice; and community integration activities and services.

**Asylum Aid**, part of the Helen Bamber Foundation group, provides high quality legal representation to some of the most vulnerable people seeking asylum in the UK, including but not limited to: children, survivors of trafficking, and stateless people.

**Humans for Rights Network** is a grassroots human rights organisation, set up to facilitate an increase in opportunity for people seeking sanctuary to report rights violations and access justice. We work collaboratively with refugees and asylum seekers to expose mistreatment and challenge systemic harms.