

Unaccompanied Asylum-Seeking Children and the Barrier of Age: How UK Age Assessment Practices and Policies Place Chronological Age Above the Rights of Asylum-Seeking Children

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Abstract

Recognition of age is integral to a child's right to identity and private life. However, assessing age is not an exact science, and each method comes with a margin of error. In the UK, age assessments are also linked to a culture of disbelief surrounding asylum-seekers, raising concerns that UK practices may not uphold the rights of separated children. Drawing on a semi-systematic literature review and seven qualitative interviews, this article examines how UK age assessment practices and policies compare with international human rights law standards. It finds that UK age assessment practices encompass visual assessments, psychosocial assessments, and a potential move towards scientific methods—and that these practices do not uphold international human rights law standards, in particular the principles of the best interests of the child and the benefit of the doubt. Furthermore, this article finds that, due to the prioritisation of chronological age over the needs and interests of asylum-seeking children, age assessments cannot be improved to reflect international human rights law better. Rather, only through the abolition of age assessments, and a move towards assessing needs over age, can the best interests of children and the benefit of the doubt be upheld. Future research on age assessments from a human rights perspective, especially following recent announcements regarding UK age assessments, ought to interrogate the need to determine chronological age considering the detrimental effects it has on asylum-seeking children.

Abbreviation list

ADCS – Association of Directors of Children’s Services

AESAC – Age Estimation Science Advisory Committee

AI – Artificial Intelligence

BASW – British Association of Social Workers

BD – Benefit of the doubt

BDA – British Dental Association

BIC – Best interests of the child

CoE – Council of Europe

CRC – Convention on the Rights of the Child

CtRC – Committee on the Rights of the Child

DfE – Department for Education

EASO – European Asylum Support Office

ECtHR – European Court of Human Rights

HBF – Helen Bamber Foundation

HFRN – Humans for Rights Network

ICIBI – Independent Chief Inspector of Borders and Immigration

IHRL – International human rights law

ISWS – Immigration Social Work Services

JR – Judicial review

LA – Local authority

LAs – Local authorities

NAAB – National Age Assessment Board

NABA – Nationality and Borders Act 2022

NGO – Non-governmental organisation

NGOs – Non-governmental organisations

RMCC – Refugee and Migrant Children’s Consortium

SCEP – Separated Children in Europe Programme

UASC – Unaccompanied asylum-seeking children

UK – United Kingdom

UNHCR – United Nations High Commissioner for Refugee

1 Introduction

An age assessment is the process whereby authorities seek to establish one's chronological age.¹ For unaccompanied asylum-seeking children (UASC), age assessments are used in the absence of reliable documentary evidence to establish whether they are children or adults.² The most common methods in Europe are visual, scientific, psychosocial, and multidisciplinary age assessments.³ It is widely accepted that assessing age is not an exact science and that each method carries a margin of error.⁴ This reflects that children are 'shaped by gender, personality, genetics, culture and childhood experiences'—not just age.⁵

In the United Kingdom (UK), establishing age is necessary for UASC to access the support afforded to separated children under the Children Act.⁶ However, age assessments are also a feature of the 'culture of scepticism and suspicion surrounding the arrival' of UASC.⁷ When UASC fail to meet British expectations of how children look and behave,⁸ age assessments can bolster concerns about 'adults posing as children'.⁹

Recognition of age is integral to a UASC's right to identity,¹⁰ and right to private life.¹¹ Yet incorrect age assessments in the UK have led to thousands of UASC being unable to access childhood support, with significant consequences.¹² As such, age assessments are a human

¹ European Asylum Support Office, 'EASO Practical Guide on age assessment' (2nd edn, EASO Practical Guide Series 2018), 15.

² Home Office, 'National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022' (Version 2.0, Home Office April 2024), 8.

³ Daja Wenke, 'Age Assessment: Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration' (Council of Europe 2017), 22-27.

⁴ Committee on the Rights of the Child 'General Comment No 14' (2013) UN Doc CRC/C/GC/14, 4.

⁵ Mary A Kenny and Maryanne Loughry, 'These don't look like children to me': age assessment of unaccompanied and separated children' in Mary Crock and Lenni B Benson (eds.), *Protecting Migrant Children: In Search of Best Practice* (Edward Elgar Publishing 2018), 324.

⁶ The Children Act 1989, s.20.

⁷ Mary A Kenny and Maryanne Loughry, 'These don't look like children to me': age assessment of unaccompanied and separated children' in Mary Crock and Lenni B Benson (eds.), *Protecting Migrant Children: In Search of Best Practice* (Edward Elgar Publishing 2018), 321.

⁸ Carly McLaughlin, 'They don't look like children': child asylum-seekers, the Dubs amendment and the politics of childhood' (2018) 44(11) JEMS 1757, 1763.

⁹ Ibid, 1766.

¹⁰ Convention on The Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), art.8(1).

¹¹ *Darboe and Camara v Italy* App no 5797/17 (ECtHR, 21 July 2022), 124.

¹² Helen Bamber Foundation, Asylum Aid and Humans for Rights Network, 'Disbelieved and denied: Children seeking asylum wrongly treated as adults by the Home Office' (HBF, Asylum Aid and HFRN 2023), 4; Helen Bamber Foundation, Humans for Rights Network and Refugee Council, 'Forced Adulthood: The Home Office's

rights issue. This raises the question of which standards for assessing age have been set by international and regional human rights bodies, and how well UK age-assessment practices align with those standards.

The research question is therefore: *How do UK age assessment practices and policies compare with international human rights law standards (IHRL) for assessing age?* The research objectives are to provide a comprehensive overview of UK age assessment practices, offer a critical comparative analysis of these against IHRL standards, and produce recommendations on how UK age assessments could better align with IHRL.

The initial hypothesis was that age assessment practices could be improved to promote the rights of UASC better. However, this shifted towards the concept that age assessments are inherently unable to uphold IHRL standards, and that a preferable approach is to abandon the focus on chronological age.¹³

2 Methods

This article is based on a semi-systematic literature review and seven semi-structured interviews.¹⁴ A semi-systematic approach was used because age assessments are conceptualised differently across disciplines, making a fully systematic review less suitable.¹⁵ Interview participants are professionals with experience of UK age assessment practices, with one participant providing written responses to the interview questions. The article does not cover developments after 31 July 2025, although some key updates are acknowledged in the footnotes.

incorrect determination of age and how this leaves child refugees at risk' (HBF, HFRN and Refugee Council 2024), 9; Kamena Dorling, 'Serious safeguarding scandal: new data shows that hundreds of child refugees continue to be wrongly treated as adults' (Helen Bamber Foundation, 9 July 2025) <<https://helenbamber.org/resources/reportsbriefings/serious-safeguarding-scandal-new-data-shows-hundreds-child-refugees>> accessed 8 June 2026.

¹³ Anders Hjern, Maria Brendler-Lindqvist and Marie Norredam, 'Age assessment of young asylum seekers' (2012) 101 AP 4, 6; Mary A Kenny and Maryanne Loughry, 'Addressing the limitations of age determination for unaccompanied minors: A way forward' (2018) 92 CYSR 15, 20; Mary A Kenny and Maryanne Loughry, '“These don't look like children to me”: age assessment of unaccompanied and separated children' in Mary Crock and Lenni B Benson (eds.), *Protecting Migrant Children: In Search of Best Practice* (Edward Elgar Publishing 2018), 333.

¹⁴ Hannah Snyder, 'Literature review as a research methodology: An overview and guidelines' (2019) 104 JBR 333, 335.

¹⁵ Ibid, 336.

The methodology is socio-legal, treating age assessment as a legal practice shaped by institutional context and policy objectives, and recognising the ‘mutually constitutive relationship between law and society’.¹⁶ The methodology also adopts an intersectional critical sociolegal approach to examine how age disputes operate within hostile immigration policies,¹⁷ and how factors including immigration status and racialisation may shape children’s experiences.¹⁸ The absence of intersectionality carries the risk of failing to recognise the extent or existence of certain human rights violations.¹⁹ UASC are vulnerable because of their status as children and asylum-seekers,²⁰ but they are also often negatively racialised,²¹ which is an important context when examining UK age assessment practices. Finally, realising the law’s connection to society and practice enhances research aimed at improving policy.²²

Research limitations include the likelihood of self-selection bias in interview participation, and the absence of interviews with actors more supportive of current practices. To address this, the analysis draws on a range of governmental and non-governmental reports, including sources that defend existing approaches. Direct interviews with UASC were not conducted due to the risk of retraumatisation; instead, interviews were designed to capture practice-based perspectives from professionals working closely with age-disputed children. The interview findings are not treated as determinative but as contextual evidence that supports and tests themes emerging from the literature.

The author has provided legal advice and casework to UASC undergoing age assessments but has no lived experience of age disputes or seeking asylum. The term UASC is used for

¹⁶ Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie, ‘Socio-Legal Theory and Methods’ in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds.), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2019), 4.

¹⁷ Mary A Kenny and Maryanne Loughry, ‘“These don’t look like children to me”: age assessment of unaccompanied and separated children’ in Mary Crock and Lenni B Benson (eds.), *Protecting Migrant Children: In Search of Best Practice* (Edward Elgar Publishing 2018), 321.

¹⁸ Margaret Davies, ‘Doing Critical-Socio-Legal Theory’ in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds.), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2019), 88.

¹⁹ Charlotte Helen Skeet, ‘Intersectionality as Theory and Method: Human rights adjudication by the European Court of Human Rights’ in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds.), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2019), 278.

²⁰ Arianna Vettorel, ‘Challenges for the Protection of Migrant Children: The Right to Identity and the Age of Unaccompanied Minors Arriving at European Borders’ (2024) 26 EJML 502, 510.

²¹ Rachel Rosen and S Khan, ‘Racialising age in the UK’s border regime: a case for abolishing age assessment’ (2024) 66(2) RC 43, 49.

²² Margaret Davies, ‘Doing Critical-Socio-Legal Theory’ in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds.), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2019), 3.

consistency with UK policy and existing scholarship, whilst recognising its immigration-centred framing.²³

This article will set out international human rights law standards for assessing age. It will then analyse current UK age assessment practices against IHRL standards. Finally, it will consider improvements and alternatives to age assessments.

3 International Human Rights Law Standards

3.1 Best Interests of the Child (BIC)

Under the Convention on the Rights of the Child (CRC), a child is ‘every human being below the age of 18’.²⁴ Article 3 CRC confirms that ‘[i]n all actions concerning children...the best interests of the child shall be a primary consideration’.²⁵ This applies to actions of ‘public or private social welfare institutions, courts of law, administrative authorities or legislative bodies’.²⁶

In General Comment No 14, the Committee on the Rights of the Child (CtRC) clarifies that assessing BIC is ‘a unique activity’ depending on the specific circumstances of each case.²⁷ Furthermore, it defines BIC as a threefold concept.²⁸ Firstly, it is a ‘substantive right’ of children to have their ‘best interests assessed and taken as a primary consideration’.²⁹ Secondly, it is an ‘interpretative legal principle’, meaning interpretations of law which most effectively guarantee BIC must be chosen.³⁰ Thirdly, it is a procedural rule, as decision-makers must evaluate the possible impact of decisions on children.³¹ As applied to age assessments, UASC

²³ Anna V Kvittingen, ‘Negotiating childhood: Age assessment in the UK asylum system’ (Refugee Studies Centre, Working Paper Series No 67 2010), 8.

²⁴ Convention on The Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), art.1.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Committee on the Rights of the Child ‘General Comment No 14’ (2013) UN Doc CRC/C/GC/14, 12.

²⁸ Ibid, 4.

²⁹ Ibid, 4.

³⁰ Ibid, 4.

³¹ Ibid, 4.

must have their best interests assessed and considered, age assessment laws must uphold BIC, and the impact of age decisions on UASC must be evaluated.

The importance of BIC in age assessments is confirmed in various Communications. In *M.A.B.*, not assessing a UASC's birth certificate meant BIC was not a primary consideration.³² The Refugee Youth Service (*R.Y.S.*) held that genital examinations violate the right to privacy and dignity,³³ following which Spain banned invasive medical tests.³⁴ In each case, the CtRC found that Spain's age assessment practices violated BIC.³⁵

Likewise, in *Darboe and Camara v Italy*, the European Court of Human Rights (ECtHR) found that Italian age-assessment practices violated the right to private life.³⁶ The Court emphasised the importance of accurately determining age, as 'if a minor is wrongly identified as an adult, serious measures in breach of his or her rights may be taken'.³⁷ A further violation of the right to private life was found in *F.B v Belgium* due to the lack of procedural safeguards within Belgium's age assessment process.³⁸ Whilst the ECtHR did not decide on whether scientific tests uphold BIC, it emphasised that invasive medical examinations should be a last resort.³⁹

3.2 Benefit of the doubt (BD)

The CtRC's General Comment No 6 confirms that UASC must be identified on arrival, which includes an age assessment.⁴⁰ Regarding this process, it states:

³² Committee on the Rights of the Child 'Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 24/2017' (2020) UN Doc CRC/C/83/D/24/2017, 10.

³³ Committee on the Rights of the Child 'Views adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of communication No 76/2019' (2021) UN Doc CRC/C/86/D/76/2019, 13.

³⁴ Gertrude Mafoa Quan and Ann Skelton, 'Age determination of unaccompanied migrant children: An appraisal of the jurisprudence of the Committee on the Rights of the Child' (2025) 43(1) NJHR 59, 79.

³⁵ Committee on the Rights of the Child 'Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 24/2017' (2020) UN Doc CRC/C/83/D/24/2017, 10; Committee on the Rights of the Child 'Views adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of communication No 76/2019' (2021) UN Doc CRC/C/86/D/76/2019, 13.

³⁶ *Darboe and Camara v. Italy* App no 5797/17 (ECtHR, 21 July 2022), 124.

³⁷ *Ibid*, 125.

³⁸ *F.B. v Belgium* App no 47836/21 (ECtHR, 6 March 2025), 116.

³⁹ *Ibid*, 92.

⁴⁰ Committee on the Rights of the Child 'General Comment No 6' (2005) UN Doc CRC/GC/2005/6, 11.

[It] should not only take into account the physical appearance of the individual, but also their psychological maturity. Moreover, the assessment must be conducted in a scientific, safe, child and gender-sensitive and fair manner...and, in the event of remaining uncertainty, should accord the individual the benefit of the doubt.⁴¹

Joint General Comment No 23 also establishes standards for assessing age:

Available documents should be considered genuine unless there is proof to the contrary, and statements by children and their parents or relatives must be considered. The benefit of the doubt should be given...States should refrain from using medical methods based on, inter alia, bone and dental exam analysis, which may be inaccurate, with wide margins of error, and can also be traumatic.⁴²

As such, the CtRC has repeated the importance of giving BD when assessing age. General Comment No 6 interprets BD as: ‘if there is a possibility that the individual is a child, she or he should be treated as such’.⁴³ *R.Y.S* views BD as meaning age-disputed UASC are ‘presumed to be and treated as a minor’ throughout the age assessment process.⁴⁴ *N.B.F. v Spain* clarifies that BD also involves procedural guarantees, such as providing UASC with a legal representative and interpreter.⁴⁵

Finally, the Council of Europe’s (CoE) Resolution 1810 sets out that age assessments:

[S]hould only be carried out if there are reasonable doubts about a person being underage. The assessment should be based on the presumption of minority, involve a multidisciplinary evaluation by an independent authority over time, and not be based

⁴¹ Ibid, 11.

⁴² Committee on the Rights of the Child ‘Joint General Comment No 23’ (2017) UN Doc CRC/C/GC/23, 2.

⁴³ Committee on the Rights of the Child ‘General Comment No 6’ (2005) UN Doc CRC/GC/2005/6, 11.

⁴⁴ Committee on the Rights of the Child ‘Views adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of communication No 76/2019’ (2021) UN Doc CRC/C/86/D/76/2019, 12.

⁴⁵ *N.B.F. v Spain*, Committee on the Rights of the Child, ‘Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No 11/2017’ (2018) UN Doc CRC/C/79/D/11/2017, [11].

exclusively on medical assessment...If doubts remain that the person may be underage, they should be granted the benefit of the doubt.⁴⁶

Whilst the CoE states that scientific tests should not be the sole method for assessing age, it does not preclude their use. Indeed, the majority of European states use scientific age assessments.⁴⁷ Resolution 1810 clarifies the procedural safeguards for scientific tests: the UASC should provide consent, the method should comply with ethical standards, and any margin of error should be accounted for.⁴⁸

3.3 Summary

International and regional human rights law standards for age assessments can be summarised as follows. Firstly, states must consider UASC's appearance, maturity, statements, and documents,⁴⁹ and scientific assessments must be a last resort.⁵⁰ Secondly, the best interests of the child must be a primary consideration when assessing age.⁵¹ Thirdly, age-disputed UASC should be given the benefit of the doubt.⁵²

However, regional and international bodies have not specified which age assessment methods best promote BIC and BD. The lack of explicit guidance has led to differing implementations of these principles.

⁴⁶ Council of Europe Parliamentary Assembly, Resolution 1810 on unaccompanied children in Europe: issues of arrival, stay and return (Adopted by the Parliamentary Assembly on 15 April 2011 at the 18th sitting), 5.10.

⁴⁷ Separated Children in Europe Programme, 'Review of current laws, policies and practices relating to age assessment in sixteen European Countries' (SCEP 2011), 7.

⁴⁸ Council of Europe Parliamentary Assembly, Resolution 1810 on unaccompanied children in Europe: issues of arrival, stay and return (Adopted by the Parliamentary Assembly on 15 April 2011 at the 18th sitting), 5.10.

⁴⁹ Committee on the Rights of the Child 'General Comment No. 6' (2005) UN Doc CRC/GC/2005/6, 11.

⁵⁰ Committee on the Rights of the Child 'Concluding observations on the fifth periodic report of France' (2016) UN Doc CRC/C/FRA/CO/5, 17; Committee on the Rights of the Child 'Concluding observations on the combined sixth and seventh periodic reports of France' (2023) UN Doc CRC/C/FRA/CO/6-7, 13; Council of Europe Parliamentary Assembly, Resolution 1810 on unaccompanied children in Europe: issues of arrival, stay and return (Adopted by the Parliamentary Assembly on 15 April 2011 at the 18th sitting), 5.10.

⁵¹ Convention on The Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 3 (1).

⁵² Committee on the Rights of the Child 'General Comment No 6' (2005) UN Doc CRC/GC/2005/6, 11; Committee on the Rights of the Child 'Joint General Comment No 23' (2017) UN Doc CRC/C/GC/23, 2; Council of Europe Parliamentary Assembly, Resolution 1810 on unaccompanied children in Europe: issues of arrival, stay and return (Adopted by the Parliamentary Assembly on 15 April 2011 at the 18th sitting), 5.10.

4 UK Age Assessments

UK age assessments seek to determine whether a person is under 18.⁵³ The UK has conducted age assessments for decades,⁵⁴ but they were not codified until the Nationality and Borders Act 2022 (NABA).⁵⁵ This enables the Home Office to make age assessment regulations, but none have been made yet, so current practices are determined by guidance and case law. This article will examine the three types of UK age assessments, as conducted by the Home Office, local authorities (LAs), and the National Age Assessment Board (NAAB).

4.1 Home Office assessments

When an asylum-seeker arrives in the UK and claims to be a child, Home Office officials ‘must treat the claimant as an adult if their physical appearance and demeanour very strongly suggests they are significantly over 18’.⁵⁶ Such visual examinations are better referred to as an ‘age dispute’ than an assessment: rather than the Home Office attempting to assess age, it is disputing that UASC could be their claimed age.⁵⁷

The CtRC states that age assessments ‘should not only take into account the physical appearance of the individual, but also his or her psychological maturity’.⁵⁸ Home Office guidance acknowledges physical appearance can be impacted by traumatic experiences and change with recovery time,⁵⁹ and case law refers to physical appearance as a ‘notoriously unreliable basis’ for assessing age.⁶⁰ This unreliability is connected to adultification, whereby

⁵³ Department for Education, ‘Working Together to Safeguard Children 2023’ (DfE December 2023), 155. This definition is replicated in Scotland (Children (Scotland) Act 1995, s 15 (1)), Wales (Social Services and Well-being (Wales) Act 2014, s 3 (3)), and Northern Ireland (The Children (Northern Ireland) Order 1995, s 2 (2)).

⁵⁴ Evan Smith and Marinella Marmo, ‘Examining the Body through Technology: Age disputes and the UK border control system’ (2013) 2 ATR 67, 72.

⁵⁵ Rachel Rosen and S Khan, ‘Racialising age in the UK’s border regime: a case for abolishing age assessment’ (2024) 66(2) RC 43, 48.

⁵⁶ Home Office, ‘Assessing age’ (Home Office May 2025), 17.

⁵⁷ Anna V Kvittingen, ‘Negotiating childhood: Age assessment in the UK asylum system’ (Refugee Studies Centre, Working Paper Series No 67 2010), 14-15.

⁵⁸ Committee on the Rights of the Child ‘General Comment No. 6’ (2005) UN Doc CRC/GC/2005/6, 11.

⁵⁹ Home Office, ‘National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022’ (Version 2.0, Home Office April 2024), 8.

⁶⁰ *R (on the application of NA) v London Borough of Croydon* [2009] EWHC 2357 (Admin), [27].

subconscious biases can lead to conclusions that Black children are older than they are.⁶¹ Indeed, age disputes can be seen as inherently racist, as they compare the physical features of foreign UASC with expected features of British children.⁶²

Despite the CtRC's caution against overreliance on physical appearance, the Supreme Court upheld the Home Office's policy of visual assessments as lawful in 2021.⁶³ The Court found that the Home Office grants BD to a 'relatively generous degree'.⁶⁴ In reality, however, the majority of age-disputed UASC are later accepted as children. In 2022, 63% of age-disputed UASC had their ages accepted by LAs, meaning 867 children were wrongly treated as adults by the Home Office.⁶⁵ In 2024, there were 678,⁶⁶ including 296 UASC who were found to be 'clear and obvious children' in the Northwest alone.⁶⁷ These numbers are likely underestimates; the Home Office does not produce disaggregated data on age disputes, so it is impossible to know how many of its decisions get overturned.⁶⁸

Furthermore, a culture of disbelief among Home Office staff is present at the border.⁶⁹ This includes Home Office officials not speaking to UASC beyond asking them to stand,⁷⁰ making jokes in front of them,⁷¹ or questioning their credibility on asylum claims⁷² - none of which is

⁶¹ Phillip A Goff and Others, 'The essence of innocence: consequences of dehumanizing black children' (2014) 106(4) JPSP 526, 526.

⁶² Heaven Crawley, 'When is a child not a child? Asylum, age disputes and the process of age assessment' (Immigration Law Practitioners' Association 2007), 49.

⁶³ *R (on the application of BF (Eritrea)) v Secretary of State for the Home Department* [2021] UKSC 38, [38].

⁶⁴ *Ibid*, [60].

⁶⁵ Helen Bamber Foundation, Asylum Aid and Humans for Rights Network, 'Disbelieved and denied: Children seeking asylum wrongly treated as adults by the Home Office' (HBF, Asylum Aid and HFRN 2023), 4.

⁶⁶ Kamena Dorling, 'Serious safeguarding scandal: new data shows that hundreds of child refugees continue to be wrongly treated as adults' (Helen Bamber Foundation, 9 July 2025) <<https://helenbamber.org/resources/reportsbriefings/serious-safeguarding-scandal-new-data-shows-hundreds-child-refugees>> accessed 8 June 2026.

⁶⁷ Rivka Shaw and Kathleen Whitehead, "'This system destroys you": Children trapped in adult asylum hotels by the Home Office' (Greater Manchester Immigration Aid Unit 2025), 12.

⁶⁸ Helen Bamber Foundation, Asylum Aid and Humans for Rights Network, 'Disbelieved and denied: Children seeking asylum wrongly treated as adults by the Home Office' (HBF, Asylum Aid and HFRN 2023), 4. In May 2026, the government released updated data on age assessments, including the number of cases in the second half of 2025 where, after the Home Office initially assessed someone to be an adult, they were subsequently found to be a child. However, due to a number of outstanding cases, this data still does not present a clear picture of the number of inaccurate Home Office visual assessments. <<https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables#age-assessments>> accessed 8 June 2026.

⁶⁹ David Neal, 'An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil: December 2021–January 2022' (Independent Chief Inspector of Borders and Immigration 2022), 42.

⁷⁰ *Ibid*, 41.

⁷¹ David Bolt, 'An inspection of the Home Office's use of age assessments: July 2024–February 2025' (Independent Chief Inspector of Borders and Immigration 2025), 14.

⁷² *Ibid*, 14.

in line with the guidance. One UASC described the process as sitting in a slave market, waiting to be sold.⁷³ Rather than upholding BD, it is claimed that Home Office age disputes are predicated on the idea that adults are posing as children, with visual assessments looking for information to confirm this.⁷⁴

A new development is the use of age-declaration forms. NGOs reported that UASC were being pressured to sign forms confirming they agree with the Home Office's decision on age.⁷⁵ The Independent Chief Inspector of Borders and Immigration (ICIBI) confirmed this practice began in September 2024.⁷⁶ One interview participant noted that UASC who signed these forms did not understand what they were signing, and did not think they had a choice.⁷⁷ Concerningly, the Home Office is using these forms to refute an LA's subsequent decision to accept age.⁷⁸ It is unclear how these forms could uphold BD and BIC, given that the majority of Home Office decisions on age are incorrect.

The Supreme Court also held that there are sufficient safeguards against the unreliability of visual assessments, since Home Office officials can treat a UASC as an adult only where they have no doubt the person could be a child.⁷⁹ A further safeguard is that Home Office decisions are provisional, as UASC can ask an LA to make its own decision on age.⁸⁰ However, the use of hotel accommodation has made it difficult for children with disputed ages to approach LAs for age assessments. Where the Home Office determines that a UASC is an adult and disperses them to adult accommodation, it does not notify the relevant LA.⁸¹ This means 'the onus is almost entirely on the child to find a charity or hotel staff member to assist them'.⁸² In practice, because hotel staff believe they cannot take any action once the Home Office has determined

⁷³ Heaven Crawley, 'When is a child not a child? Asylum, age disputes and the process of age assessment' (Immigration Law Practitioners' Association 2007), 52.

⁷⁴ Ibid, 27.

⁷⁵ Rivka Shaw and Kathleen Whitehead, "'This system destroys you': Children trapped in adult asylum hotels by the Home Office' (Greater Manchester Immigration Aid Unit 2025), 31; Interview with P5.

⁷⁶ David Bolt, 'An inspection of the Home Office's use of age assessments: July 2024–February 2025' (Independent Chief Inspector of Borders and Immigration 2025), 14.

⁷⁷ Interview with P5.

⁷⁸ David Bolt, 'An inspection of the Home Office's use of age assessments: July 2024–February 2025' (Independent Chief Inspector of Borders and Immigration 2025), 15.

⁷⁹ Home Office, 'Assessing age' (Home Office May 2025), 21.

⁸⁰ *R (on the application of HAM) v London Borough of Brent* [2022] EWHC 1924 (Admin), [26].

⁸¹ David Bolt, 'An inspection of the Home Office's use of age assessments: July 2024–February 2025' (Independent Chief Inspector of Borders and Immigration 2025), 22–23.

⁸² Helen Bamber Foundation, Asylum Aid and Humans for Rights Network, 'Disbelieved and denied: Children seeking asylum wrongly treated as adults by the Home Office' (HBF, Asylum Aid and HFRN 2023), 3.

that the UASC is an adult, many children are not supported in approaching LAs for an age assessment. NGOs have identified children as young as 14 in adult hotels, the majority of whom are forced to share rooms with unknown men.⁸³

In 2023, NGOs also began to identify age-disputed UASC who were arrested and imprisoned for immigration offences, before having the opportunity to approach an LA.⁸⁴ This includes 17 UASC who were sentenced as adults, spent time in adult men's prisons, and were later found to be children.⁸⁵ Courts and prisons are not notified when UASC are age-disputed, placing the onus on children to raise their age through complex police interviews, court hearings, and in prison.⁸⁶ The Children's Commissioner agreed that UASC in adult prisons did not meet the threshold of 'significantly over 18',⁸⁷ yet children continue to be wrongly identified as adults. These significant consequences for age-disputed UASC highlight how Home Office assessments fail to uphold BIC.

4.2 LA assessments

LA age assessments are psychosocial assessments conducted by social services.⁸⁸ This is unique in Europe, where the majority of countries do not involve social workers.⁸⁹ The process is called *Merton-compliant*, after case law which established LAs 'must seek to elicit the general background of the applicant' and 'make an assessment of his credibility' to decide age.⁹⁰ Further guidelines were summarised in *R (VS)*.⁹¹ They state that BD is always given to UASC, and that any decision on age must be based on clear, detailed reasons.⁹² These

⁸³ Refugee and Migrant Children's Consortium, 'Lost Childhoods: The consequences of flawed age assessments at the UK border' (RMCC 2025), 4.

⁸⁴ Vicky Taylor, "'No Such Thing as Justice Here': The Criminalisation of People Arriving to the UK on 'Small Boats'" (Border Criminologies and the Centre for Criminology 2024), 28.

⁸⁵ Vicky Taylor, Maddie Harris, Basma Kamel and Francesca Parkes, "'I Told Them the Truth': An Update on the Criminalisation of People Arriving to the UK on 'Small Boats'" (Border Criminologies and the Centre for Criminology 2025), 16.

⁸⁶ Vicky Taylor, "'No Such Thing as Justice Here': The Criminalisation of People Arriving to the UK on 'Small Boats'" (Border Criminologies and the Centre for Criminology 2024), 30.

⁸⁷ *Ibid*, 31.

⁸⁸ Debbie Busler, 'Psychosocial age assessments in the UK' (2016) 52 FMR 86, 86.

⁸⁹ Anna V Kvittingen, 'Negotiating childhood: Age assessment in the UK asylum system' (Refugee Studies Centre, Working Paper Series No 67 2010), 21.

⁹⁰ *R (on the application of B) v Mayor and Burgesses of the London Borough of Merton* [2003] EWHC 1689, [37].

⁹¹ *R (on the application of VS) v Secretary of State for the Home Department* [2014] EWHC 2483 (QB).

⁹² *Ibid*, [78].

guidelines were replicated in the Association of Directors of Children's Services (ADCS) guidance.⁹³

The CtRC's threefold concept of BIC is seen within psychosocial assessments. ADCS guidance states 'age assessments should not be carried out on every child' and are 'limited to the minimum necessary',⁹⁴ which reflects BIC as a substantive right.⁹⁵ LAs must either have explicit regard for CRC principles,⁹⁶ or consider the need to safeguard and promote the welfare of children,⁹⁷ thus upholding BIC as a legal principle.⁹⁸ Procedural guarantees also ensure UASC have an opportunity to address adverse credibility findings before a decision on age, described as 'axiomatic' to fairness,⁹⁹ which can be seen as decision-makers evaluating the impact of their decision.¹⁰⁰

BD, or the presumption of minority, is also present throughout the age assessment process. ADCS guidance confirms that UASC will be accommodated by social services in child-appropriate accommodation and will receive support from a social worker, pending the outcome of a *Merton*-compliant assessment.¹⁰¹ Furthermore, it directs social workers to have 'an awareness and acknowledgement' of cultural differences,¹⁰² thereby enabling greater cultural sensitivity than visual assessments. The Scottish guidance goes further, stating social workers must 'ensure that a culture of disbelief does not develop',¹⁰³ and the Welsh government acknowledges the significance of BD given 'age assessment is not a scientific process'.¹⁰⁴

⁹³ Association of Directors of Children's Services, 'Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England' (ADCS October 2015).

⁹⁴ Ibid, 5.

⁹⁵ Committee on the Rights of the Child 'General Comment No 6' (2005) UN Doc CRC/GC/2005/6, 4.

⁹⁶ United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, s.6(1); Social Services and Well-being (Wales) Act 2014, s.7(2).

⁹⁷ The Children Act 2004 s 11 (2); The Children (Northern Ireland) Order 1995 s 3 (1).

⁹⁸ Committee on the Rights of the Child 'General Comment No 6' (2005) UN Doc CRC/GC/2005/6, 11. 4.

⁹⁹ *R (on the application of FZ) v London Borough of Croydon* [2011] EWCA Civ 59, [21].

¹⁰⁰ Committee on the Rights of the Child 'General Comment No 6' (2005) UN Doc CRC/GC/2005/6, 11. 4.

¹⁰¹ Association of Directors of Children's Services, 'Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England' (ADCS October 2015), 10.

¹⁰² Ibid, 14.

¹⁰³ Scottish Government, 'Age Assessment Practice Guidance for Scotland' (Scottish Government March 2018), 30.

¹⁰⁴ Welsh Government, 'Unaccompanied Asylum Seeking Children: Age Assessment Toolkit' (OGL 2021), 13.

However, it is less clear that LA assessments comply with IHRL in practice. Social workers question UASC about their backgrounds to determine whether their accounts are credible.¹⁰⁵ Testing credibility requires UASC to demonstrate ‘beyond doubt that they are telling the truth’.¹⁰⁶ This is an unfair standard. Firstly, it assumes that all cultures share the same time consciousness as the UK.¹⁰⁷ An inability to recall what age they started school or having never celebrated a birthday is perceived as deceitful rather than as a consequence of a different culture.¹⁰⁸ Secondly, *Merton* clarifies ‘an untrue history...is not necessarily indicative of a lie as to the age of the applicant’.¹⁰⁹ However, after examining eleven LA reports, NGOs found that the majority contained only negative credibility statements.¹¹⁰ This suggests LAs ‘focus disproportionately on the credibility of an asylum seeker’s account’ when assessing age.¹¹¹

Although visual assessments are not conducted, physical appearance still plays a role in LA assessments. NGOs found that age assessment reports contain appearance indicators, such as facial hair and size, more than any other observation.¹¹² Academics have highlighted that social workers’ comments on UASC’s appearance during age assessments would be viewed as inappropriate for any other child.¹¹³ The use of pseudoscientific language has also been met with criticism. For example, social workers use terms such as ‘nasolabial lines’.¹¹⁴ There is no research to suggest that this facial feature corresponds to older age, yet its repeated use lends

¹⁰⁵ Immigration Social Work Services, Young Roots and Public Law Project, ‘Good Decision-Making in Age Assessments’ (ISWS, Young Roots and PLP 2024), 38-40.

¹⁰⁶ Rhetta Moran and Susan Gillett, ‘Twenty-first century eugenics? A case study about the Merton Test’ in Michael Lavalette and Laura Penketh (eds.), *Race, Racism and Social Work: Contemporary Issues and Debates* (Policy Press 2013), 225.

¹⁰⁷ Rachel Rosen and S Khan, ‘Racialising age in the UK’s border regime: a case for abolishing age assessment’ (2024) 66(2) RC 43, 54.

¹⁰⁸ Ibid.

¹⁰⁹ *R (on the application of B) v Mayor and Burgesses of the London Borough of Merton* [2003] EWHC 1689, [28].

¹¹⁰ Immigration Social Work Services, Young Roots and Public Law Project, ‘Good Decision-Making in Age Assessments’ (ISWS, Young Roots and PLP 2024), 14.

¹¹¹ Heaven Crawley and Emma Kelly, ‘Asylum, Age Disputes and the Process of Age Assessment’ in Emma Kelly and Farhat Bokhari (eds.), *Safeguarding children from abroad: refugee, asylum seeking and trafficked children in the UK* (Jessica Kingsley 2012), 64.

¹¹² Immigration Social Work Services, Young Roots and Public Law Project, ‘Good Decision-Making in Age Assessments’ (ISWS, Young Roots and PLP 2024), 8.

¹¹³ Rachel Rosen and S Khan, ‘Racialising age in the UK’s border regime: a case for abolishing age assessment’ (2024) 66(2) RC 43, 51.

¹¹⁴ Immigration Social Work Services, Young Roots and Public Law Project, ‘Good Decision-Making in Age Assessments’ (ISWS, Young Roots and PLP 2024), 8.

their observations a false legitimacy.¹¹⁵ The overemphasis on physical appearance and pseudoscientific terminology lends LA reports a racist undertone,¹¹⁶ which cannot be in BIC.

Moreover, UASC who are accepted as children will continue to receive accommodation and support from social services. In contrast, if the LA concludes that the UASC is an adult, the UASC becomes the Home Office's responsibility.¹¹⁷ This direct financial implication means that classifying UASC as adults may be preferable for under-resourced LAs, creating a conflict of interest.¹¹⁸ In Scotland, it was found that LAs with higher numbers of referrals for age assessments are more likely to find UASC to be adults,¹¹⁹ suggesting a 'postcode lottery' in which the area determines the age decision.¹²⁰ This is despite Scotland's unique position, whereby it has incorporated the CRC into Scots law,¹²¹ and appoints independent guardians to all separated children in care, which ought to remove concerns about objectivity.¹²²

Aligning with the CtRC's comment that UASC should have the opportunity to appeal age decisions,¹²³ LA assessments can be challenged through judicial review (JR). Following *R (A) v Croydon*,¹²⁴ the Court can make its own decision on age, which is binding on the LA and Home Office.¹²⁵ However, from obtaining legal advice to having the case determined, JRs can take years to be resolved.¹²⁶ For UASC, this means living in limbo,¹²⁷ as they may find it difficult to be accepted into school or college due to their determined age,¹²⁸ and asylum cases

¹¹⁵ Ibid, 8.

¹¹⁶ Rachel Rosen and S Khan, 'Racialising age in the UK's border regime: a case for abolishing age assessment' (2024) 66(2) RC 43, 57.

¹¹⁷ Association of Directors of Children's Services, 'Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England' (ADCS October 2015), 30.

¹¹⁸ Marie-Bénédicte Dembour, 'Surely Not! Procedurally lawful age assessments in the UK' in Mateja Sedmak, Birgit Sauer and Barbara Gornik (eds.), *Unaccompanied Children in European Migration and Asylum Practices* (Routledge 2017), 170; Katia Bianchini, 'Unaccompanied asylum-seeker children: flawed processes and protection gaps in the UK' (2011) 37 FMR 52, 52.

¹¹⁹ Francesca Sella and Sabrina Galella, 'Unlocking Support: age disputed young people in Scotland' (JustRight Scotland 2024), 31.

¹²⁰ Ibid, 29.

¹²¹ United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, s.6(1).

¹²² Interview with P2.

¹²³ Committee on the Rights of the Child 'Joint General Comment No. 23' (2017) UN Doc CRC/C/GC/23, 2.

¹²⁴ *R (on the application of A) v London Borough of Croydon* [2009] UKSC 8.

¹²⁵ Kamena Dorling, 'Happy Birthday? Disputing the age of children in the immigration system' (Coram Children's Legal Centre 2013), 24.

¹²⁶ Ibid.

¹²⁷ Helen Bamber Foundation, Humans for Rights Network and Refugee Council, 'Forced Adulthood: The Home Office's incorrect determination of age and how this leaves child refugees at risk' (HBF, HFRN and Refugee Council 2024), 15.

¹²⁸ Sarah Walker, 'Access Denied: refugee children and the exclusionary logic of the education system in England' (2011) 3(3) P&E 210, 215.

may also be put on hold.¹²⁹ JRs also involve UASC undergoing cross-examination,¹³⁰ which involves little consideration of the difficulties children face in recalling past traumatic events.¹³¹ It is also unclear why judges are best placed to make the final, binding decision on age. This all helps explain why some UASC choose to drop their age challenges.¹³² After recounting their background to Home Office officials, social workers, and lawyers, many do not want to be questioned again,¹³³ or risk not being believed.

4.3 NAAB assessments

Established by NABA, the NAAB is a designated body authorised to conduct age assessments.¹³⁴ It does so upon referral from LAs,¹³⁵ with 192 referrals being made in 2024.¹³⁶ The Home Office can also refer to the NAAB, doing so 44 times in 2024.¹³⁷ Like LAs, the NAAB conducts *Merton*-compliant psychosocial assessments.¹³⁸ It must ensure ‘the best interests of the child are a primary consideration at all times’,¹³⁹ and UASC ‘must be given the benefit of the doubt and treated as a child’ if doubts remain.¹⁴⁰ However, UASC have described NAAB assessments as similar to asylum interviews¹⁴¹ and have experienced multiple full-day sessions of intense credibility questioning.¹⁴² The views of UASC suggest they do not feel BD nor BIC is upheld during NAAB assessments.¹⁴³

¹²⁹ Home Office, ‘Assessing age’ (Home Office May 2025), 70.

¹³⁰ Sam Madge-Wyld, ‘Age Assessments: Where Now After *R (A) v Croydon London Borough Council*?’ (2010) 15(4) JR 382, 385.

¹³¹ Laura Brownlees and Zubier Yazdani, ‘The Fact of Age: Review of case law and local authority practice since the Supreme Court judgment in *R (A) v Croydon LBC*, [2009]’ (Office of the Children’s Commissioner 2012), 47-48.

¹³² Interview with P4; Interview with P5; Interview with P7.

¹³³ Interview with P4; Interview with P6.

¹³⁴ Nationality and Borders Act 2022, s.50(1)(b) and s.51(1).

¹³⁵ Home Office, ‘National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022’ (Version 2.0, Home Office April 2024), 8.

¹³⁶ Refugee and Migrant Children’s Consortium, ‘Briefing on the National Age Assessment Board’ (RMCC 2026), 9.

¹³⁷ Ibid.

¹³⁸ Home Office, ‘National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022’ (Version 2.0, Home Office April 2024), 20.

¹³⁹ Ibid, 9.

¹⁴⁰ Ibid, 9-10; Nationality and Borders Act 2022, ss.50-51.

¹⁴¹ Interview with P3.

¹⁴² Interview with P2.

¹⁴³ Update: In the recent case of ALK (2025), the Upper Tribunal quashed a NAAB assessment which found a 17-year-old UASC to be an adult. The assessment was found to be significantly flawed, and it was noted that there was no evidence to contradict the date of birth consistently provided by the claimant. Furthermore, it was highlighted that the NAAB assessors failed to conduct the assessment in a way which acknowledged and observed the principles of working with UASC who have experienced significant trauma. It is important to note

NAAB's introduction was met with criticism from the British Association of Social Workers (BASW), which discouraged social workers from joining, because NAAB sits within the Home Office.¹⁴⁴ The ICIBI's report found NAAB social workers did not feel their values were compromised,¹⁴⁵ yet several interview participants raised concerns about NAAB's objectivity. One reflected: 'if the Home Office pays you, and you're part of the Home Office, then you are the Home Office'.¹⁴⁶ This is demonstrated by the NAAB's ability to override LA decisions on age: if an LA accepts age without a full assessment, the Home Office can notify the LA that a full assessment is needed; if the LA completes an assessment and accepts age, that decision is not binding on the NAAB.¹⁴⁷ The Home Office's increased control could lead LAs to feel reluctant to accept age without assessments,¹⁴⁸ contrary to guidance that age assessments should not be routine.¹⁴⁹

When conducting age assessments, NAAB looks to 'publicly accessible social media profiles'.¹⁵⁰ Case law, in the context of social media disclosure during JRs,¹⁵¹ has held that it is disproportionate to require UASC to provide their login details and have their entire profiles scrutinised.¹⁵² However, social media can still be accessed during an age assessment. It does not appear that NAAB adheres to this guidance. One interview participant noted that NAAB takes an aggressive approach to social media, finding anything to fit their narrative that UASC

that, given the aforementioned difficulties some UASC have in challenging negative age assessment decisions, whilst this case is considered the first successful challenge against a NAAB assessment, it is very unlikely to be the NAAB's first flawed assessment. See: *R (on the application of ALK) v Secretary of State for the Home Department and Walsall Metropolitan Borough Council* [2025] UKUT JR-2025-LON-000694, [125], [163]-[164]; Doughty Street Chambers, 'National Age Assessment Board Decision quashed in landmark judgment' (DSC, 4 December 2025) <<https://www.doughtystreet.co.uk/news/national-age-assessment-board-decision-quashed-landmark-judgment>> accessed 8 June 2026.

¹⁴⁴ British Association of Social Workers, 'BASW Statement: National Age Assessment Board' (BASW 2023), 1.

¹⁴⁵ David Bolt, 'An inspection of the Home Office's use of age assessments: July 2024–February 2025' (Independent Chief Inspector of Borders and Immigration 2025) 30, 81.

¹⁴⁶ Interview with P4.

¹⁴⁷ Home Office, 'National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022' (Version 3.0, Home Office April 2024), 66. As of May 2026, the government has proposed making NAAB decisions binding on local authorities. BASW's objections to this can be accessed here: <<https://basw.co.uk/about-social-work/psw-magazine/articles/proposed-changes-national-age-assessment-board-threat>> accessed 8 June 2026.

¹⁴⁸ Interview with P2.

¹⁴⁹ Department for Education, 'Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities' (DfE November 2017), 13.

¹⁵⁰ Home Office, 'National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022' (Version 2.0, Home Office April 2024), 40.

¹⁵¹ *R (on the application of BG) v London Borough of Hackney* [2022] UKUT 00338 (IAC).

¹⁵² *Ibid.*, [65].

are adults; for example, having unknown or older Facebook friends.¹⁵³ Anecdotes of NAAB using photographs to claim UASC are older (despite poor-quality photographs or filters making such images unreliable¹⁵⁴) include children wearing jewellery, taking pictures of motorcycles, and wearing designer clothes.¹⁵⁵ This is indicative of an absence of BD, with NAAB age assessors using social media to substantiate their preconceived doubts.¹⁵⁶ Concerningly, another interview participant noted that, whilst LAs were previously reluctant to access social media during age assessments, this has become routine since they received NAAB training.¹⁵⁷ NAAB has provided free age assessment training to around 80 LAs,¹⁵⁸ which has been referred to as an ‘infection of Home Office ideology’ in the field of age assessment.¹⁵⁹

Furthermore, rather than improving Home Office practices at the border to ensure children are not criminalised as adults, the Home Office’s new policy, introduced in June 2025, confirms that the ‘additional safeguard to reduce the likelihood of children being prosecuted and imprisoned’ is an abbreviated, *Merton*-compliant assessment by the NAAB.¹⁶⁰ Such assessments should occur after the Home Office concludes UASC are over 18, but before any arrest.¹⁶¹ The guidance recognises that some age-disputed UASC will not appear to be obviously over 18 (despite being designated as such by the Home Office) and states an abbreviated assessment cannot take place if the assessors ‘have doubts that the individual may be a child’.¹⁶² However, if abbreviated assessments are only conducted when assessors have no doubts, then BD is excluded from the process. The guidance also recommends that abbreviated assessments last between 5 and 7 hours.¹⁶³ It seems difficult for NAAB social workers to claim they have no doubt the UASC could be a child, whilst spending a full day questioning them to validate this decision. Moreover, abbreviated assessments are designed to take place in hotel accommodation, immigration detention, police stations, or prison;¹⁶⁴ all of

¹⁵³ Interview with P5.

¹⁵⁴ *R (on the application of ARO) v London Borough of Islington* [2025] UKUT JR-2024-LON-001201, [128].

¹⁵⁵ Interview with P6.

¹⁵⁶ Interview with P5; Interview with P6.

¹⁵⁷ Interview with P2.

¹⁵⁸ David Bolt, ‘An inspection of the Home Office’s use of age assessments: July 2024–February 2025’ (Independent Chief Inspector of Borders and Immigration 2025), 89.

¹⁵⁹ Interview with P5.

¹⁶⁰ Home Office, ‘National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022’ (Version 3.0, Home Office April 2024), 77.

¹⁶¹ *Ibid*, 77.

¹⁶² *Ibid*, 79.

¹⁶³ *Ibid*, 81.

¹⁶⁴ *Ibid*, 76.

which have been recognised as unsuitable venues for age assessments.¹⁶⁵ With reports that UASC detained in adult prisons have suffered mental health crises, including psychosis,¹⁶⁶ alongside UASC experiencing NAAB assessments as hostile and retraumatising,¹⁶⁷ full-day assessments in unsafe venues cannot uphold BIC.

4.4 Future developments

Scientific age-assessment methods, such as sexual maturity, paediatric, and dental assessments, were discontinued in the UK in the 2010s.¹⁶⁸ The UK also stopped using bone X-rays to assess age in 1982, due to concerns about their reliability.¹⁶⁹ Bone and dental examinations are unreliable methods for UASC, because all reference populations are based on European children.¹⁷⁰ In comparing the development of UASC to European reference groups, this creates the ‘unscientific speculation’ that ‘skeletons develop identically across the world’.¹⁷¹ Furthermore, Post-Traumatic Stress Disorder is the most common psychiatric diagnosis for asylum-seekers,¹⁷² yet scientific methods do not consider how traumatic experiences contribute to premature ageing.¹⁷³ Finally, many practitioners oppose the use of radiation without therapeutic value.¹⁷⁴ By 2012, every statutory and professional body in the UK had argued

¹⁶⁵ Association of Directors of Children’s Services, ‘Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England’ (ADCS October 2015), 15; Home Office, ‘Detention Services Order 02/2019: Care and management of Post Detention Age claims’ (Home Office January 2022), 5; Home Office, ‘National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022’ (Version 3.0, Home Office April 2024), 89; Committee on the Rights of the Child ‘General Comment No. 6’ (2005) UN Doc CRC/GC/2005/6, 11.

¹⁶⁶ Vicky Taylor, Maddie Harris, Basma Kamel and Francesca Parkes, “‘I Told Them the Truth’: An Update on the Criminalisation of People Arriving to the UK on ‘Small Boats’” (Border Criminologies and the Centre for Criminology 2025), 20.

¹⁶⁷ Rivka Shaw and Kathleen Whitehead, “‘This system destroys you’: Children trapped in adult asylum hotels by the Home Office’ (Greater Manchester Immigration Aid Unit 2025), 41.

¹⁶⁸ Interview with P7.

¹⁶⁹ Evan Smith and Marinella Marmo, ‘Examining the Body through Technology: Age disputes and the UK border control system’ (2013) 2 ATR 67, 74.

¹⁷⁰ Johannes B Oertli, ‘Forensic Age Estimation in Swiss Asylum Procedures: Race in the production of age’ (2019) 35(1) R 8, 11.

¹⁷¹ Gregor Noll, ‘Junk Science? Four Arguments against the Radiological Age Assessment of Unaccompanied Minors Seeking Asylum’ (2016) 28(2) IJRL 234, 239.

¹⁷² Association of Directors of Children’s Services, ‘Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England’ (ADCS October 2015), 8.

¹⁷³ Gregor Noll, ‘Junk Science? Four Arguments against the Radiological Age Assessment of Unaccompanied Minors Seeking Asylum’ (2016) 28(2) IJRL 234, 244.

¹⁷⁴ Albert Aynsley-Green, ‘Unethical Age Assessment’ (2009) 206(7) BDJ 337, 337.

against the use of radiological age assessments,¹⁷⁵ and the current absence of scientific methods in the UK aligns with IHRL standards for assessing age.¹⁷⁶

However, NABA enabled the reintroduction of scientific methods.¹⁷⁷ The justification was that scientific tests could improve the process, and the majority of European countries use these methods to assess age.¹⁷⁸ The British Dental Association opposed this measure, stating dentists ‘are health professionals, not border guards’,¹⁷⁹ and the Royal College of Paediatrics and Child Health agreed X-rays are inaccurate and unethical.¹⁸⁰ The government’s own advisory committee concluded scientific methods will not be determinative, as they only provide the likelihood of a certain age.¹⁸¹ It recommended that dental and bone examinations should be secondary or in conjunction with *Merton*-compliant assessments.¹⁸²

NABA sets out that age assessors ‘must take into account, as damaging the age-disputed person’s credibility...the decision not to consent’ to scientific tests.¹⁸³ If scientific methods are introduced, this means NABA must issue negative credibility findings against UASC who do not wish to undergo procedures such as Magnetic Resonance Imaging or X-rays. As a result, the opportunities for assessors to identify UASC as adults will increase.¹⁸⁴ The desire to introduce scientific methods also embodies ‘a fundamental disbelief in what people seeking asylum say’.¹⁸⁵ The basis of scientific methods is that migrants’ words are unreliable, but their

¹⁷⁵ Albert Aynsley-Green and Others, ‘Medical, statistical, ethical and human rights considerations in the assessment of age in children and young people subject to immigration control’ (2012) 102 BMB 17, 25.

¹⁷⁶ Committee on the Rights of the Child ‘Joint General Comment No. 23’ (2017) UN Doc CRC/C/GC/23, 2.

¹⁷⁷ Nationality and Borders Act 2022, s.52(1) and s.53(2).

¹⁷⁸ HC Deb 19 April 2024, vol 748, col 627.

¹⁷⁹ British Dental Association, ‘Lords argue dentists should not be border guards’ (*BDA*, 16 February 2022) <<https://www.bda.org/news-and-opinion/news/lords-argue-dentists-should-not-be-border-guards/>> accessed 8 June 2026.

¹⁸⁰ Child Protection Standing Committee and Advocacy Committee, ‘Children and young people seeking asylum and refugees-guidance for paediatricians’ (Royal College of Paediatrics and Child Health, 23 June 2025) <<https://www.rcpch.ac.uk/resources/refugee-asylum-seeking-children-young-people-guidance-paediatricians#age-assessment>> accessed 8 June 2026.

¹⁸¹ Interim Age Estimation Science Advisory Committee, ‘Biological evaluation methods to assist in assessing the age of unaccompanied asylum-seeking children’ (AESAC 2022), 54.

¹⁸² *Ibid.*, 37.

¹⁸³ Nationality and Borders Act 2022, s.52(7).

¹⁸⁴ Interview with P5.

¹⁸⁵ Interview with P3.

bodies hold the truth.¹⁸⁶ Despite criticisms of the NAAB and the unreliability of scientific tests, they are viewed as more trustworthy than UASC.¹⁸⁷

In July 2025, the government announced that after considering scientific age assessment methods, ‘the most cost-effective option to pursue is likely to be Facial Age Estimation’.¹⁸⁸ This method would use Artificial Intelligence (AI) to analyse UASC’s faces and estimate age.¹⁸⁹ BASW has expressed concern that AI cannot consider ‘racial profiling, trauma, malnutrition, abuse, [and] sleep deprivation’, all of which impact physical appearance.¹⁹⁰ Furthermore, facial recognition is known to be less accurate and more biased than human decision-making.¹⁹¹ The proposed use of AI exemplifies the government’s prioritisation of unreliable methods over the needs of UASC,¹⁹² repeating AI’s cost-effectiveness claims without considering BD or BIC.¹⁹³

The former Children’s Commissioner expressed dissatisfaction that neither the ratification of the CRC nor the Home Office’s statutory duty to consider BIC¹⁹⁴ led to improvements to UK age assessments.¹⁹⁵ This remains true. Home Office visual assessments are unreliable and inaccurate, replacing BD and BIC with a culture of disbelief.¹⁹⁶ LA psychosocial assessments, through overreliance on credibility,¹⁹⁷ do not prioritise BD and BIC. Finally, NAAB’s focus

¹⁸⁶ Evan Smith and Marinella Marmo, ‘Examining the Body through Technology: Age disputes and the UK border control system’ (2013) 2 ATR 67, 70.

¹⁸⁷ Didier Fassin and Estelle D’Halluin, ‘The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers’ (2005) 107(4) *American Anthropologist* 597, 602.

¹⁸⁸ HC Deb 22 July 2025, vol 771, col 100W.

¹⁸⁹ Ibid, col 100W.

¹⁹⁰ British Association of Social Workers, ‘Home Office-led age assessments should end, says BASW’ (*Professional Social Work Magazine*, 30 July 2025) <<https://basw.co.uk/about-social-work/psw-magazine/articles/home-office-led-age-assessments-should-end-says-basw>> accessed 8 June 2026.

¹⁹¹ Kamena Dorling, ‘Helen Bamber Foundation welcomes the scrapping of x-rays to assess the age of children seeking asylum, but remains concerned at the use of visual assessments’ (Helen Bamber Foundation, 22 July 2025) <<https://www.helenbamber.org/resources/latest-news/helen-bamber-foundation-welcomes-scrapping-x-rays-assess-age-children-seeking>> accessed 8 June 2026.

¹⁹² Interview with P5.

¹⁹³ HC Deb 22 July 2025, vol 771, col 100W.

On 29 May 2026, the Home Office published guidance on using facial age estimation to support initial age decisions, which can be accessed here: <<https://www.gov.uk/government/publications/facial-age-estimation/facial-age-estimation-using-ai-to-support-initial-age-decisions-a-guide-accessible>> accessed 8 June 2026.

¹⁹⁴ Borders, Citizenship and Immigration Act 2009, s.55(1)(a).

¹⁹⁵ Albert Aynsley-Green and Others, ‘Medical, statistical, ethical and human rights considerations in the assessment of age in children and young people subject to immigration control’ (2012) 102 *British Medical Bulletin* 17, 38.

¹⁹⁶ Interview with P1; Interview with P5.

¹⁹⁷ Heaven Crawley and Emma Kelly, ‘Asylum, Age Disputes and the Process of Age Assessment’ in Emma Kelly and Farhat Bokhari (eds.), *Safeguarding children from abroad: refugee, asylum seeking and trafficked children in*

on social media, abbreviated assessments, and scientific methods demonstrates its focus is immigration control rather than the rights of separated children.¹⁹⁸ In conclusion, UK age assessment practices and policies fail to comply with IHRL standards for assessing age.

5 Alternatives

Perhaps the reason that IHRL standards have not led to improvements in UK age assessment practices is that they adopt ‘a single universal definition of childhood’.¹⁹⁹ The CRC’s focus on chronological age does not enable flexibility for UASC who have experienced significant trauma and require ongoing support.²⁰⁰ Hence, improvements to age assessment methods are insufficient, because they still prioritise chronological age.²⁰¹ The need to define childhood based on chronological age is a European concept linked to industrialisation.²⁰² Many countries in the Global South follow a different time-consciousness from that deemed normal in the West²⁰³ and place less importance on chronological age as an indicator of adulthood.²⁰⁴ The perceived need to determine age also introduces doubt around UASC who are unable to meet Western evidentiary standards for knowledge of age.²⁰⁵ The question, therefore, should not be how to improve age assessment methods, but whether there are alternatives to this system.

the UK (Jessica Kingsley 2012), 64; Anna V Kvittingen, ‘Negotiating childhood: Age assessment in the UK asylum system’ (Refugee Studies Centre, Working Paper Series No 67 2010), 35.

¹⁹⁸ Greater Manchester Immigration Aid Unit, ‘The National Age Assessment Board: children’s experiences’ (Greater Manchester Immigration Aid Unit, 20 May 2025) <<https://gmiau.org/the-national-age-assessment-board-childrens-experiences/>> accessed 8 June 2026. For a recent comprehensive summary of NAAB’s flaws, see Refugee and Migrant Children’s Consortium, ‘Briefing on the National Age Assessment Board’ (RMCC 2026).

¹⁹⁹ David M Rosen, ‘Child Soldiers, International Humanitarian Law, and the Globalization of Childhood’ (2007) 109(2) AA 241, 242.

²⁰⁰ Devyani Prabhat, Ann Singleton and Roobie Eyles, ‘Age is Just a Number? Supporting Migrant Young People with Precarious Legal Status in the UK’ (2019) 27 IJCR 228, 232.

²⁰¹ Mary A Kenny and Maryanne Loughry, ‘Addressing the limitations of age determination for unaccompanied minors: A way forward’ (2018) 92 CYSR 15, 20.

²⁰² Ashish I Vaska, Jill Benson, Jaklin A Elliott and Jan Williams, ‘Age determination in refugee children: A narrative history tool for use in holistic age assessment’ (2016) 52 JPCH 523, 524.

²⁰³ Rachel Rosen and S Khan, ‘Racialising age in the UK’s border regime: a case for abolishing age assessment’ (2024) 66(2) RC 43, 55.

²⁰⁴ Selma N Ugwanga, Luzelle Naudé and Amber G Thalmayer, ‘Becoming an Ovambo Adult: Growing Into Agentic Communalism in Sub-Saharan Africa’ (2025) 36(1) PS 55, 61.

²⁰⁵ Aurora T Sørsveen and Marit Ursin, ‘Constructions of ‘the ageless’ asylum seekers: An analysis of how age is understood among professionals working within the Norwegian immigration authorities’ (2021) 35 C&S 198, 207.

5.1 Needs Assessments

The UK's definition of a child may work for British society and culture,²⁰⁶ but for UASC who arrive in the UK, their chronological age does not always align with their support needs.²⁰⁷ The current system recognises that looked-after children have support needs after turning 18,²⁰⁸ but this is forgotten for asylum-seekers who are 18 or older on arrival.²⁰⁹ This demarcation also affects UASC who are under 18 but do not meet Western expectations of childhood appearance, innocence, and vulnerability:²¹⁰ age assessments draw borders between children and adults, as well as wanted and unwanted asylum-seekers.²¹¹ One alternative to age assessments, suggested by three interview participants, would therefore be to shift the focus from chronological age to needs.²¹²

This could entail the introduction of a 'special youth category' and the provision of support for asylum-seekers²¹³ aged 18-25 on arrival.²¹⁴ Since this would acknowledge and prioritise the ongoing care needs and best interests of unaccompanied young people, it would result in a significant improvement to age assessments.²¹⁵ Another option would be to conduct needs assessments for all asylum-seekers, regardless of age.²¹⁶ It has been suggested that this could follow the UNHCR's 'Vulnerability Screening Tool',²¹⁷ which identifies support needs and

²⁰⁶ Wendy S Rogers, 'Constructing Childhood, Constructing Child Concern' in Pam Foley et al. (eds.), *Children in Society: Contemporary Theory, Policy and Practice* (Palgrave Macmillan 2001), 27.

²⁰⁷ Mary A Kenny and Maryanne Loughry, 'Addressing the limitations of age determination for unaccompanied minors: A way forward' (2018) 92 CYSR 15, 19-20.

²⁰⁸ Kamena Dorling, 'Happy Birthday? Disputing the age of children in the immigration system' (Coram Children's Legal Centre 2013), 41.

²⁰⁹ Ibid.

²¹⁰ Artemis Christinaki, 'Age assessment and migration control: 'Child as method'' (2025) 0(0) GSC 1, 5.

²¹¹ Ibid, 8.

²¹² Interview with P1; Interview with P3; Interview with P4.

²¹³ Devyani Prabhat, Ann Singleton and Roobie Eyles, 'Age is Just a Number? Supporting Migrant Young People with Precarious Legal Status in the UK' (2019) 27 IJCR 228, 229.

²¹⁴ Susanna C Maioli and Others, 'Improving safeguarding of unaccompanied migrant young people' (2023) 384 BMJ 2626, 2626.

²¹⁵ Jo Dixon and Jim Wade, 'Leaving 'Care'? Transition Planning and Support for Unaccompanied Young People' in Ravi K S Kohli and Fiona Mitchell (eds.), *Working with Unaccompanied Asylum Seeking Children: Issues for Policy and Practice* (Palgrave Macmillan 2007), 136; Isabel Clifford, "'Unscrupulous People Posing as Children': The Problematisation of Unaccompanied Children in UK Home Office Policy Discourse' (GRITIM-UPF Working Paper Series No 50, 2022), 14.

²¹⁶ Mary A Kenny and Maryanne Loughry, "'These don't look like children to me': age assessment of unaccompanied and separated children' in Mary Crock and Lenni B Benson (eds.), *Protecting Migrant Children: In Search of Best Practice* (Edward Elgar Publishing 2018), 333.

²¹⁷ Mary A Kenny and Maryanne Loughry, 'Addressing the limitations of age determination for unaccompanied minors: A way forward' (2018) 92 CYSR 15, 18.

preventive measures ‘to reduce the cost of unaddressed vulnerability’.²¹⁸ This recognises that if the goal is to provide protection, needs take precedence over chronological age.²¹⁹ Whilst this approach has been critiqued as ‘burdensome administration’,²²⁰ it upholds IHRL standards by prioritising needs, thereby prioritising BIC.

However, this alternative does not confront the culture of disbelief within age assessments.²²¹ If a special youth category were adopted, Home Office visual assessments could identify UASC as ‘significantly over 25’, thereby excluding them from this category. Furthermore, social workers could still dismiss UASC’s accounts of their vulnerability as not credible.²²² This highlights how alternatives to age assessments are susceptible to misuse by governments,²²³ and that interrogating the necessity of chronological age without confronting broader policies and practices around immigration is insufficient.

5.2 Abolition

By conducting age assessments on UASC, the UK imposes its Western concept of chronological age on people for whom age may not carry the same significance.²²⁴ If UASC are unable to prove their age in a manner acceptable to the West, they experience an ‘existential theft’ echoing colonial violence,²²⁵ linking UK age assessments to its colonial history of forcing Western conceptions of age and time-consciousness on the Global South.²²⁶ Because of this, Rosen and Khan have proposed ‘the abolition, not reform’ of age assessments.²²⁷ Four interview participants also responded that the best improvement to UK age assessment

²¹⁸ UNHCR and International Detention Coalition, ‘Vulnerability Screening Tool’ (Geneva 2016), 24.

²¹⁹ Devyani Prabhat, Ann Singleton and Roobie Eyles, ‘Age is Just a Number? Supporting Migrant Young People with Precarious Legal Status in the UK’ (2019) 27 IJCR 228, 244.

²²⁰ Gerison Lansdown, ‘Innocenti Insight: The Evolving Capacities of the Child’ (UNICEF Innocenti Research Centre 2005), 50.

²²¹ David Neal, ‘An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil: December 2021–January 2022’ (Independent Chief Inspector of Borders and Immigration 2022), 42.

²²² Isabel Clifford, ‘“Unscrupulous People Posing as Children”: The Problematisation of Unaccompanied Children in UK Home Office Policy Discourse’ (GRITIM-UPF Working Paper Series No. 50, 2022), 16.

²²³ Anders Hjern, Maria Brendler-Lindqvist and Marie Norredam, ‘Age assessment of young asylum seekers’ (2012) 101 AP 4, 6.

²²⁴ Gregor Noll, ‘Junk Science? Four Arguments against the Radiological Age Assessment of Unaccompanied Minors Seeking Asylum’ (2016) 28(2) IJRL 234, 250.

²²⁵ Rachel Rosen and S Khan, ‘Racialising age in the UK’s border regime: a case for abolishing age assessment’ (2024) 66(2) RC 43, 58.

²²⁶ Ibid.

²²⁷ Ibid, 60.

practices is not to assess age.²²⁸ Abolition is a compelling argument — the best way to uphold BD and BIC is to believe children and not subject them to unreliable or retraumatising assessments.

Rosen and Khan liken the abolition of age assessments to the abolition of borders.²²⁹ This seeks to demythologise the need for borders as protective measures, instead highlighting the violence they produce.²³⁰ It also emphasises that asylum-seekers are not naturally vulnerable; rather, vulnerability is constructed through a state's immigration policies.²³¹ The ultimate goal of border abolition is revolutionary change,²³² whereby all people would have freedom of movement and freedom from displacement.²³³ Border abolition also recognises that attempting to improve hostile immigration practices, without confronting their necessity, can increase the control of and harm to migrants.²³⁴ Thus, border abolition is similar to critiques of age assessments. Viewing chronological age as protective hides the violence it can cause to UASC unable to evidence their age,²³⁵ and chronological age creates and exacerbates vulnerability by distinguishing between UASC who can access childhood support and those who cannot.²³⁶ Furthermore, like borders, age is an ideology rather than a natural concept,²³⁷ serving as a further border by reflecting unequal rights between British and foreign children.²³⁸ Like border

²²⁸ Interview with P2; Interview with P3; Interview with P4; Interview with P6.

²²⁹ Rachel Rosen and S Khan, 'Racialising age in the UK's border regime: a case for abolishing age assessment' (2024) 66(2) RC 43, 60.

²³⁰ Simon Campbell, Kathryn Medien, Sara Riva and Brian Whitener, 'Introduction' in Simon Campbell, Kathryn Medien, Sara Riva and Brian Whitener (eds.), *Border Abolition Now* (Pluto Press 2024), 3.

²³¹ Bridget Anderson, Nandita Sharma and Cynthia Wright, 'We are all foreigners': No Borders as a practical political project' in Peter Nyers and Kim Rygiel (eds.), *Citizenship, Migrant Activism and the Politics of Movement* (Taylor & Francis Group 2012), 78.

²³² Ibid, 84.

²³³ Bridget Anderson, Nandita Sharma and Cynthia Wright, 'We are all foreigners': No Borders as a practical political project' in Peter Nyers and Kim Rygiel (eds.), *Citizenship, Migrant Activism and the Politics of Movement* (Taylor & Francis Group 2012), 82.

²³⁴ Lauren Cape-Davenhill, 'Alternatives to detention' and the carceral state in the UK' in Simon Campbell, Kathryn Medien, Sara Riva and Brian Whitener (eds.), *Border Abolition Now* (Pluto Press 2024), 126-127.

²³⁵ Rachel Rosen and S Khan, 'Racialising age in the UK's border regime: a case for abolishing age assessment' (2024) 66(2) RC 43, 47.

²³⁶ Artemis Christinaki, 'Age assessment and migration control: 'Child as method'' (2025) 0(0) GSC 1, 8.

²³⁷ Simon Campbell, Kathryn Medien, Sara Riva and Brian Whitener, 'Introduction' in Simon Campbell, Kathryn Medien, Sara Riva and Brian Whitener (eds.), *Border Abolition Now* (Pluto Press 2024), 76.

²³⁸ Artemis Christinaki, 'Age assessment and migration control: 'Child as method'' (2025) 0(0) GSC 1, 8; Gregor Noll, 'Junk Science? Four Arguments against the Radiological Age Assessment of Unaccompanied Minors Seeking Asylum' (2016) 28(2) IJRL 234, 250.

abolition, removing age assessments would be a revolutionary change,²³⁹ enabling all asylum-seekers to access support for their individual needs.

An immediate rebuttal to this alternative is the risk to British children if adult asylum-seekers are allowed into child-specific spaces. Multiple government documents²⁴⁰ refer to three cases in which asylum-seekers, after committing tragic crimes, were said to have lied about their age.²⁴¹ By repeating these isolated incidents, the government builds a narrative of asylum-seekers consistently posing as children and causing harm.²⁴² Whilst there is no data to support this,²⁴³ there is clear evidence that hundreds of UASC are wrongly age-disputed.²⁴⁴ Yet the Home Office is indifferent about cases where their decisions result in children being treated as adults.²⁴⁵ This highlights that age disputes are a continuation of immigration control and hostility towards asylum-seekers,²⁴⁶ rather than a process designed to protect all children. As such, the expected rebuttal to abolition is a distraction from upholding BIC.

²³⁹ Bridget Anderson, Nandita Sharma and Cynthia Wright, ‘“We are all foreigners”: No Borders as a practical political project’ in Peter Nyers and Kim Rygiel (eds.), *Citizenship, Migrant Activism and the Politics of Movement* (Taylor & Francis Group 2012), 84.

²⁴⁰ HC Deb 19 April 2024, vol 748, col 62; Home Office, ‘National Age Assessment Board: The operation of the National Age Assessment Board and sections 50 and 51 of the Nationality and Borders Act 2022’ (Version 2.0, Home Office April 2024), 8; Interim Age Estimation Science Advisory Committee, ‘Biological evaluation methods to assist in assessing the age of unaccompanied asylum-seeking children’ (AESAC 2022), 3.

²⁴¹ BBC News, ‘Ahmad Otak jailed for 34 years for murdering two teenagers’ (*BBC News*, 9 November 2012) <<https://www.bbc.co.uk/news/uk-england-leeds-20271840>> accessed 8 June 2026; HC Deb 18 March 2025, vol 764, col 352; Jamie Grierson, ‘Lawangeen Abdulrahimzai jailed for life for murder of Thomas Roberts in Dorset’ (*The Guardian*, 25 January 2023) <<https://www.theguardian.com/uk-news/2023/jan/25/lawangeen-abdulrahimzai-jailed-life-murder-thomas-roberts>> accessed 8 June 2026.

²⁴² Carly McLaughlin, ‘“They don’t look like children”: child asylum-seekers, the Dubs amendment and the politics of childhood’ (2018) 44(11) JEMS 1757, 1766; Heaven Crawley, ‘When is a child not a child? Asylum, age disputes and the process of age assessment’ (Immigration Law Practitioners’ Association 2007), 27; Interview with P3; Interview with P7.

²⁴³ Stephanie J Silverman, ‘“Imposter-Children” in the UK Refugee Status Determination Process’ (2016) 32 R 30, 31.

²⁴⁴ Helen Bamber Foundation, Asylum Aid and Humans for Rights Network, ‘Disbelieved and denied: Children seeking asylum wrongly treated as adults by the Home Office’ (HBF, Asylum Aid and HFRN 2023), 4; Kamena Dorling, ‘Serious safeguarding scandal: new data shows that hundreds of child refugees continue to be wrongly treated as adults’ (Helen Bamber Foundation, 9 July 2025) <<https://helenbamber.org/resources/reportsbriefings/serious-safeguarding-scandal-new-data-shows-hundreds-child-refugees>> accessed 8 June 2026; Rivka Shaw and Kathleen Whitehead, ‘“This system destroys you”: Children trapped in adult asylum hotels by the Home Office’ (Greater Manchester Immigration Aid Unit 2025), 12.

²⁴⁵ David Bolt, ‘An inspection of the Home Office’s use of age assessments: July 2024–February 2025’ (Independent Chief Inspector of Borders and Immigration 2025), 3.

²⁴⁶ Susanna C Maioli and Others, ‘Improving safeguarding of unaccompanied migrant young people’ (2023) 384 BMJ 2626, 2626.

A further critique of abolitionist arguments is that they are utopian.²⁴⁷ For example, prison abolition is viewed as utopian due to the perceived permanency of prisons,²⁴⁸ despite incarceration once being the revolutionary alternative to corporal and capital punishment.²⁴⁹ In the context of Western significance of chronological age,²⁵⁰ and the hostile narratives around migrants,²⁵¹ it may seem utopian to suggest asylum-seekers should be given support for their needs. But for many UASC, it never occurs to them that they may not be believed when they say their age.²⁵² The utopian critique does not render abolition obsolete but provides an opportunity to reflect on why abolitionist arguments are needed. If a system whereby asylum-seekers are supported regardless of age seems utopian, that is more reason to endeavour for this societal transformation.

Following abolition, a system of assessing vulnerability and needs, as explored above, could replace age assessments. This enables greater flexibility in the process: if the care provided is no longer appropriate for an asylum-seeker's needs, it can be adjusted in their best interests, rather than applying a fixed chronological age and denying support on that basis. It would also enable social workers to focus on their expertise in assessing needs rather than on credibility,²⁵³ and remove any contamination of Home Office ideology from their practices.²⁵⁴ Finally, believing UASC's narratives about their age and needs, and ensuring they receive tailored support, upholds BD and BIC. This alternative approach aligns with IHRL standards without limiting the ability to meet them by focusing on chronological age.²⁵⁵

²⁴⁷ Bridget Anderson, Nandita Sharma and Cynthia Wright, 'We are all foreigners': No Borders as a practical political project' in Peter Nyers and Kim Rygiel (eds.), *Citizenship, Migrant Activism and the Politics of Movement* (Taylor & Francis Group 2012), 84.

²⁴⁸ Angela Y Davis, *Are Prisons Obsolete?* (Seven Stories Press 2011), 9.

²⁴⁹ *Ibid.*, 10.

²⁵⁰ Ashish I Vaska, Jill Benson, Jaklin A Elliott and Jan Williams, 'Age determination in refugee children: A narrative history tool for use in holistic age assessment' (2016) 52 JPCH 523, 524.

²⁵¹ Carly McLaughlin, 'They don't look like children': child asylum-seekers, the Dubs amendment and the politics of childhood' (2018) 44(11) JEMS 1757, 1766; Heaven Crawley, 'When is a child not a child? Asylum, age disputes and the process of age assessment' (Immigration Law Practitioners' Association 2007), 27.

²⁵² Marie-Bénédicte Dembour, 'Surely Not! Procedurally lawful age assessments in the UK' in Mateja Sedmak et al. (eds.), *Unaccompanied Children in European Migration and Asylum Practices* (Routledge 2017), 177.

²⁵³ Heaven Crawley and Emma Kelly, 'Asylum, Age Disputes and the Process of Age Assessment' in Emma Kelly and Farhat Bokhari (eds.), *Safeguarding children from abroad: refugee, asylum seeking and trafficked children in the UK* (Jessica Kingsley 2012), 64.

²⁵⁴ Interview with P5.

²⁵⁵ Mary A Kenny and Maryanne Loughry, 'Addressing the limitations of age determination for unaccompanied minors: A way forward' (2018) 92 CYSR 15, 20.

6 Conclusion

This article has shown that UK age assessment practices and policies do not comply with BIC and BD, which are key IHRL standards for assessing age. It has also demonstrated that IHRL prioritises the perceived necessity of establishing chronological age over children's needs and best interests.²⁵⁶ It suggests that only by abolishing age assessments can IHRL standards for age assessment be upheld.

However, this article does not suggest that this proposal is a likely prospect in the UK. The most recent debate over the use of scientific methods to assess age highlights a lack of concern about whether these practices comply with IHRL standards.²⁵⁷ Instead, the debate focused on the incorrect statistic that '[m]ore than 50% of those claiming to be children were found to be adults',²⁵⁸ and dismissed the proven risk of violence and exploitation to hundreds of UASC who are wrongly treated as adults,²⁵⁹ with repeated, isolated incidents of harm to British people.²⁶⁰ UK age assessment practices and policies do not comply with IHRL standards for assessing age. Despite ongoing campaigns by NGOs and warnings from the ICIBI and BASW, it seems unlikely that the UK will take steps to improve its age assessment system.

²⁵⁶ Devyani Prabhat, Ann Singleton and Robbie Eyles, 'Age is Just a Number? Supporting Migrant Young People with Precarious Legal Status in the UK' (2019) 27 IJCR 228, 232.

²⁵⁷ HC Deb 18 March 2025, vol 764.

²⁵⁸ Ibid, col 349. For an explanation as to why this statistic is misleading, see: Helen Bamber Foundation, Asylum Aid and Humans for Rights Network, 'Disbelieved and denied: Children seeking asylum wrongly treated as adults by the Home Office' (HBF, Asylum Aid and HFRN 2023), 4; Association of Directors of Children's Services, 'Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England' (ADCS October 2015), 1.

²⁵⁹ HC Deb 18 March 2025, vol 764, col 353.

²⁶⁰ HC Deb 18 March 2025, vol 764, col 355.