

# Second Reading briefing for peers on age assessment provisions in the Nationality and Borders Bill

January 2022

## Introduction

Ahead of Report Stage of the Nationality and Borders Bill on Wednesday 5<sup>th</sup> January, this briefing outlines the RCPCH position on the use of age assessments as outlined in Clauses 48 – 56 of the Bill.

The RCPCH has specific concerns about the measures outlined on age assessments.

If you have any questions or would like further information, please contact our Public Affairs and Campaigns Lead: [bruce.warwick@rcpch.ac.uk](mailto:bruce.warwick@rcpch.ac.uk).

## The inclusions in the Bill

- Part 4 of the Bill sets out provisions relating to the use of age assessments of relevant persons where there are doubts as to their claimed age.
- As [set out in a briefing from the House of Commons library](#), the Bill introduces new processes for conducting age assessments in respect of people who require leave to enter/ remain and for whom there is “insufficient evidence to be sure of their age” and to establish the “balance of probabilities” as the standard proof for such assessments.
- RCPCH believe the following Clauses require particular attention:
  - Clauses 49, 50, specify powers and responsibilities of the Secretary of State, local authorities and “designated persons” (officials of the proposed National Age Assessment Board) to require to conduct age assessments.
  - Clause 51 allows for the use of scientific methods in age assessments while Clause 52 sets out that more detailed provisions about the conduct of age assessments will be specified in regulations.

## RCPCH position on age assessments

### Overview

- Most refugee children and young people will not have a passport, although some may be given a passport to help them to leave a situation where they are at risk.
- Sometimes a child’s stated age may be disputed, with serious implications for the outcome of their asylum claim and for their ability to access health services, education and welfare support.
- There are considerable risks to children who are identified as adults. However, it is also true that adults wrongly identified as children may pose a risk to the children that they then subsequently encounter.

### Proposed methods for conducting age assessments

- There is no single reliable method for making precise age estimates.
- The use of radiological assessment is extremely imprecise and can only give an estimate within two years in either direction, and the use of ionising radiation for this purpose is inappropriate.
- On this basis, it is a concern that Clause 51(2)(a) suggests “examining or measuring parts of a person’s body, including by the use of imaging technology” is outlined as a possible scientific method for making an age assessment.

- Paediatricians should not need to be involved in age assessments as they won't add any further information to the process.
- It is important for paediatricians, if contacted, to explain that dental x-rays, bone age and genital examination will currently not add any further information to the assessment process.

### Safeguards

- Some age assessments carried out by the Home Office have been subject to dispute with some young people subsequently assessed to be minor. Further information about age disputes is available from the Coram Children's Legal Centre.

### Further information

- Further information on our guidance related to refugee and unaccompanied asylum-seeking children and young people [can be found here](#). Please note this guidance is being reviewed early in 2022.

### About RCPCH

The Royal College of Paediatrics and Child Health (RCPCH) is the membership body for paediatricians, representing more than 20,000 child health professionals in the UK and abroad. We are responsible for the training, examinations and professional standards of paediatricians across the country, and we use our research and experience to develop recommendations to promote better child health outcomes.

#### **For further information please contact:**

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