

Introduction

Ahead of Report Stage on 26 April, the Royal College of Paediatrics and Child Health (RCPCH) has prepared this briefing following government amendments (NC24, NC25) to the Illegal Migration Bill on age assessments of unaccompanied asylum-seeking children.

Given the potential consequences these have on children's rights, it is important they receive adequate scrutiny from MPs.

Government amendments – age assessments

New clause 24 (Decisions relating to a person's age) and **new clause 25 (Age assessments: power to make regulations about refusal to consent to scientific methods)** would provide a power to make regulations about the consequences of a person refusing consent for their age to be assessed by a "specified scientific method".

People subject to the duty to arrange removal would be prevented from appealing against an age assessment decision, subject to the availability of judicial review.

RCPCH concerns – NC25

- The RCPCH is concerned NC25 to the Illegal Migration Bill which could result in a person being treated as an adult if they refused consent to scientific age assessment methods.
- It contradicts the recommendations made by the Home Office Age Estimation Scientific Advisory Committee (AESAC) who recommended in their 2022 report on age assessments:
 - *"unaccompanied asylum-seeking children should be provided with clear information explaining the risks and benefits of biological evaluation in a format that allows the person undergoing the process to give informed consent and no automatic assumptions or consequences should result from refusal to consent."*
- We are concerned that the NC25 will remove children's right to informed consent as the potential consequences of detention and removal (notwithstanding the trauma they have likely already suffered) place them under duress to consent to the process.
- It [remains our position](#) that:
 - exposure to radiation (used in x-rays for the biological assessment of age) for a non-medical purpose is an unethical and unreliable indicator of age. Therefore, paediatricians should not engage in this work.
 - Children and young people arriving in the UK seeking safety and shelter need to be met with care and dignity. Children should be given the benefit of the doubt with regard to their age and supported appropriately.

RCPCH concerns – NC24

- We are concerned by government amendment NC24 which, in conjunction with new clause 25 outlined above, would make the appeals process near impossible for children who have been incorrectly assessed as adults. The NC set out that someone subject to the duty to arrange removal under the Bill cannot appeal against an age assessment decision. They would be permitted to apply for judicial review, but the application would "not prevent the exercise of any duty or power under this Act to make arrangements for the person's removal".
- All children and young people should have the right to appeal decisions made about them, in particular when these can have such catastrophic consequences on their safety where deportation is considered.
- In its report, 'Identity crisis: how the age dispute process puts refugee children at risk', the Refugee Council highlights the cases of 233 children it supported last year, 94% of whom the Home Office wrongly judged as adult and housed with other adults.

- The removal of the appeals process, which was set out in the government’s own Nationality and Borders Act last year, could see children deported back to unsafe countries and denied their UNCRC-afforded rights to shelter and protection.

Questions

- On what basis has the Home Office decided to ignore advice and recommendations, made October 2022, on age assessments from the scientific advisory committee it itself appointed?
- On what basis has the Home Office decided to remove the right of appeal for those who state their age has been incorrectly assessed?
- Does the Minister recognise that an unaccompanied asylum-seeking child may have witnessed or experienced trauma from their own homeland’s government institutions and may view all authority with suspicion and fear? Would they agree that this constitutes “reasonable grounds” for refusal? If not, in reference to NC25(1)(b), can the Minister define what are considered reasonable grounds for a decision not to consent?

About us

The Royal College of Paediatrics and Child Health is the membership body for paediatricians, and we have over 22,000 members across the UK and internationally. We are responsible for education, training and setting professional standards and informing research and policy. We work to transform child health through knowledge, research and expertise, to improve the health and wellbeing of infants, children and young people across the world.

As members of the Refugee and Migrant Children’s Consortium, the [College supports the wider briefing they have prepared for Report Stage of the Illegal Migration Bill](#).