

# Refugee and Migrant Children's Consortium

## Briefing on government plans to send people seeking asylum to Rwanda, June 2022

The [Refugee and Migrant Children's Consortium](#), a coalition of over 60 organisations, is appalled by, and entirely opposed to, the government's plans to permanently remove people seeking asylum in the UK to Rwanda to have their claims processed, as well as live in Rwanda if their asylum claim is successful. We believe the Rwanda scheme to be inhumane and unlawful for many reasons but this short briefing focusses on the possible impact on children.

The government plans to send those with inadmissible claims to Rwanda and the Home Office's current Policy on [Inadmissibility: safe third country cases](#) makes clear that unaccompanied asylum seeking children are "presently treated as not suitable for third country inadmissibility action". This includes "individuals whose age is doubted but who are being treated as children under the Assessing Age instruction". **However, there are no safeguards in place for children who say they are children but are still treated as adults by the Home Office, which is a rising area of concern.**

[RMCC members regularly see](#) children as young as 14 treated as adults by the Home Office and placed in immigration detention or alone in adult accommodation at significant risk. In one case, a young Eritrean, Alex, was [wrongly assessed as an adult](#) and after his death by suicide the inquest noted that this had contributed to the "destructive spiral" that led to his death. In July to September last year the Refugee Council [assisted over 150 young people](#) into local authority care who had previously been sent to adult accommodation or detention following a decision by an Immigration Officer. Data from just 55 local authorities shows that in 2021 over 450 young people were referred to children's service having been sent to adult accommodation/detention. Three quarters were found to be children. Initial data relating to 2022 indicates that this issue continues.<sup>1</sup>

In response to questions from the Home Affairs Select Committee, the [Immigration Minister confirmed](#) that any age dispute "must be concluded, of course, before someone is relocated to Rwanda" but **we are [already seeing cases](#) of children who have been detained as adults being issued with 'notices of intent' to remove them.**

[Changes introduced by the Nationality and Borders Act 2022](#) will only make the process stricter and lead to yet more children being wrongfully treated as adults and placed at risk. **We are extremely concerned that due to the government's flawed approach to age disputes there is a significant risk that children will be removed to Rwanda. This includes the complete lack of information from government about those deemed to be adults by immigration officers who are not currently included in any government statistics on age assessments.**

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<sup>1</sup> Data based on local authority responses to Freedom of Information requests sent by Helen Bamber Foundation in May 2022. This data collection is ongoing.

## The current age assessment process

The registration of births and the importance placed on chronological age [differs across the world](#). Many children who come to the UK on their own from countries such as Afghanistan, Sudan and Eritrea are unable to show official identity documents, such as passports or birth certificates, because they have either never had them in the first place; have had them taken from them; lost them when fleeing or had them destroyed; or been forced to travel on false documentation. Without ID it is extremely difficult to determine a child's age. Even those from similar ethnic backgrounds who have grown up in the same social and economic environment display significant physical, emotional, and developmental differences. These can be exacerbated by experiences of adversity, conflict, violence, and the migration process.

Age determines the support an individual receives and how their asylum/immigration [application is processed](#). The Home Office will come to a view on age simply based on an individual's 'appearance and demeanour', while much more detailed age assessments are carried out by local authority social workers as part of their duty to support children under the Children Act 1989 (or equivalent in devolved administrations).

In the last year, the number of age assessments requested by the Home Office has [significantly increased](#), by nearly 200%, and the Home Office has been found to have been [unlawfully assessing children as adults](#). The government's [statistics show that](#) between 2016-2021, there were 6,177 cases where age was disputed and subsequently resolved – in over half of these cases (52%) the individuals were found to be children anyway.

There are also significant concerns for young people who are assessed to be adults by local authorities but are unable in practice to challenge this decision. Currently, the only way a young person can challenge a decision is through judicial review. Young people should be advised of their right to challenge the decision, as well as be supported to get advice on doing so from an appropriate legal representative. However, practice is very mixed and often children are not properly supported in this regard. The Nationality and Borders Act 2022 is set to introduce a right of appeal, but this provision is yet to come into force and it is unclear when it will do so. **It is crucial that those young people who have had their age assessed as over 18 are supported to obtain legal advice and are protected from inadmissibility procedures while they have an ongoing right to challenge the decision made on age.**

### Recommendations:

- Where a person has claimed to be a child but is being treated as an adult by the Home Office, the Home Office must not issue a 'Rwanda removal notice' until confirmation is received from their legal representative that they have not been, or will not be, referred into the care of a local authority.
- Where a person has been assessed to be an adult by a local authority or the National Age Assessment Board, the Home Office must not initiate or continue with the inadmissibility process until the timeframe for challenging the decision via judicial review or appeal has passed, or the challenge/appeal has been heard.
- Where a person has been issued a 'notice of intent' and is then subsequently accepted into children's services as a child, the Home Office should confirm that their asylum claim will subsequently be deemed admissible. The process that will be followed should be set out and publicly available.