

Ymateb gan: Gwasanaeth Eiriolaeth Ieuenctid Cenedlaethol

Response from: National Youth Advocacy Service (NYAS)

March 2025

Services for Unaccompanied Asylum-Seeking Children in Wales

About NYAS Cymru

NYAS Cymru is a leading rights-based charity providing high-quality advocacy and legal representation for children, young people and adults in vulnerable situations who might be in care, subject to child protection plans or have mental health issues across Wales.

Provision of Appropriate Adult services in Wales

The age assessment process can cause a lot of anxiety, confusion, and frustration for unaccompanied asylum-seeking children. It can prevent them from accessing school while their age is disputed, isolate them from peers, and result in them feeling humiliated. The main role of an appropriate adult is to make sure the age assessment is being completed fairly, does not compromise a child's rights and making sure the child does not become distressed during the process. NYAS Cymru provides appropriate adult services in Wales to support unaccompanied asylum-seeking children during age assessments. Between April 2024-March 2025, NYAS Cymru received 16 requests for appropriate adults from four local authorities across Wales:

- 6 assessments were accepted as children
- 3 declared as adults
- 3 not requiring further support
- 1 incomplete assessment
- 3 awaiting outcome

NYAS Cymru supported Welsh Government to produce information for the Age Assessment Toolkit about appropriate adult services for unaccompanied asylum-seeking children, in which we strongly believe in these services being independent. NYAS Cymru has concerns about the independent element of these services, whether it is being adhered to in practice and if Welsh Government monitor this.

NYAS research with appropriate adults

In 2024, a student researcher completed a research project for NYAS exploring the role of an appropriate adult in age assessments. The student spoke with appropriate adults across Wales and England. Findings from the study highlighted the following concerns about the current age assessment process:

- Appropriate adults shared several concerns that the age assessment process was very emotional and traumatic for children and young people, and often they were expected to share too much personal and sensitive information. Often appropriate adults would have to advocate for the child to meet their welfare and wellbeing needs during this process (i.e. asking to take a break).
- The environments where age assessments are conducted were sometimes considered to be inappropriate as they did not ensure privacy for the child or young person. The length and time of the age assessment process also created additional distress for the child or young person.
- Unaccompanied asylum-seeking children are not getting the support and care they need from children's social care outside of the age assessment process, with a lack of sufficient funding being highlighted as a reason for this. Unaccompanied asylum-seeking children and young

people need improved social care support at all stages of the asylum process and having this may better their experiences during age assessments.

- There is not enough information for unaccompanied asylum-seeking children to access about the age assessment process, what outcomes means or what social care support they are entitled to after their outcome has been determined.

Advocacy for Unaccompanied asylum-seeking children

NYAS Cymru also provides independent advocacy via the active offer to unaccompanied asylum-seeking children in Wales and between April 2024-March 2025, we received 92 requests for support. Though we are pleased these referrals are being made, we are concerned that access to the active offer is not consistent across Wales. The current referral process (as outlined in Appendix B of Independent Professional Advocacy National Standards and Outcomes Framework for Children and Young People in Wales) means children are reliant on their social worker to both inform them and refer them for the active offer of advocacy, and we are concerned that this is not working in practice.

Very few children and young people are genuinely “opting out” of advocacy, and are missing out on being referred due to factors such as the social worker not properly understanding the active offer entitlement and explaining it incorrectly to the child, reluctance on behalf of the social worker to refer, them believing it is not in the child’s “best interests” to do so, or simply due to their time pressures and heavy work loads. For unaccompanied asylum-seeking children, they may be more likely to miss out on this offer if there are challenges with translating information, misunderstanding of the entitlements for unaccompanied asylum-seeking children, or if professionals are prioritising other areas of the asylum process, such as age assessments.

We believe that a far more robust and impartial system is needed if children and young people are to easily access services to have their views, wishes and feelings heard. NYAS Cymru is calling for a review of the National Approach to Statutory Advocacy and creating a system for all children and young people to be referred automatically to the advocacy provider. With the proposes under the Border Security, Asylum and Immigration Bill likely to place unaccompanied children at a higher risk of criminalisation or subjected to scientific methods within age assessments, it is even more imperative they have access to their right to the active offer of advocacy.

Border Security, Asylum and Immigration Bill

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General views on the Bill

NYAS is a member of the Refugee Migrant Children's Consortium (RMCC). RMCC is a group of NGOs working collaboratively to ensure that the rights and needs of refugee and migrant children are promoted, respected and met in accordance with the relevant domestic, regional and international standards. We share many of the views of the RMCC regarding the Bill, as outlined in their [briefing](#) for the Bill's second reading in February 2025.

We welcome that the Bill will repeal parts of the Nationalities and Borders Act 2022 and Illegal Migration Act 2023 relating to child detention powers, Home Office accommodation powers over unaccompanied children, as well as repealing the measure which would penalise young people for refusing scientific age assessments. However, we also share concerns about the Bill as raised by the RMCC. These concerns include:

- Not repealing some of the modern slavery provisions under the Nationalities and Borders Act 2022 (under clause 63) and expanded upon in the Illegal Migration Act 2023 (under clause 29), which restricts the protections of the Modern Slavery Act, including for child victims of trafficking.
- Building on the existing list of immigration criminal offences including arrival without the required entry clearance or authorisation and if someone travels by boat and creates a risk of injury to another person, which could wrongfully criminalise children who are trafficked and do not have identity documents or those travelling alone to any part of the UK.
- The risk of the Bill criminalising those, including children, seeking safety who have no other means of reaching the UK.
- The continued use of scientific methods within age assessments for children as included Part 4 of the Nationalities and Borders Act 2022. These methods are not supported by medical professionals nor children's rights campaigners.
- Not repealing Section 59 of the Illegal Migration Act which imposes a 'blanket exclusion' on people, including children, seeking asylum from countries like India, Georgia, and Albania, meaning claims are only considered in "exceptional circumstances" rather than assessing individual needs. As a result, children may be left without crucial safeguarding measures and protection.

Some of these concerns raised will negatively impact and compromise children's rights in Wales if not addressed by Welsh Government and nor will they uphold a 'child first, migration second approach' – particularly in relation to the continued use of scientific measures in age assessment processes.