

CHANGE OF AGE

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Introduction

This instruction provides guidance on the effect an age dispute may have on an applicant's asylum support. It also provides guidance on the eligibility of Unaccompanied Asylum Seeking Children (USAC) and dependants who are turning 18 years of age for asylum support.

Application of this instruction in respect of children and those with children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

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Change of Age

A change of age request must be made in writing and signed by the applicant. If a request is received but not signed Case Owners should write to the applicant requesting a signed request. A copy of the request must be placed on file.

Case Owners should check that the request is not a duplicate and that any amendments have not already been actioned. Information provided by the applicant should be verified with CID and any discrepancies clarified.

Requests should be considered and decided on a case by case basis. Case Owners must consider whether the information provided is sufficient to warrant a change and where a case owner decides more information is needed, he may request further evidence such as statements (from a solicitor, GP, social workers etc), in order to reach a decision. It may be that there has been a data entry error which has not yet been brought to light.

Following the change of age update on ASYS the support application must be reassessed to ensure the applicant will receive the correct level of support. Any changes will be incorporated in the assessment.

Case Owners should be aware that a change of age may imply having to make back payments to the applicant or retrieve money that has been overpaid. Case Owners should refer to [Asylum Support Policy Bulletin 67: Overpayments](#), the Asylum Instructions Overpayments and Back Payments of Asylum Support.

For an outline of the process see the Change of Age Process Diagram.

Transition at Age 18

Unaccompanied Asylum Seeking Children (UASC) who are currently being supported by a local authority social services department and who are approaching their 18th birthday may be eligible for asylum support.

Case Owners must be aware that UASCs who are turning 18 will be eligible for asylum support only in certain circumstances. This will include

- the applicant has an outstanding asylum claim on reaching their 18th birthday.
- the applicant makes an application for further, leave out of time, and it is decided to treat the application as a fresh claim.

Case Owners should refer to the relevant paragraphs of [Asylum Support Policy Bulletin 29: Transition at age 18](#) for further information. When considering whether an application for further leave should be treated as a fresh claim, Case Owners should note that paragraph 346 of the Immigration Rules has been replaced with paragraph 353. Paragraph 353 sets out the criteria for determining whether submissions following refusal of an asylum/human rights claim are to be treated as a fresh claim.

Local authority social services departments will ensure that any UASC's in their care that are eligible, complete an Asylum Support Application Form for asylum support, before they reach 18.

Case Owners must note that references to RANS in the relevant sections of the [Asylum Support Policy Bulletin 29: Transition at age 18](#) should be ignored. In these cases, a s55 interview will need to be carried out as this will not have happened previously. Case Owners should refer to the section on Validation and section 55 and 57 considerations of the Asylum Instruction Eligibility and Assessment of Asylum Support.

Asylum support should only be provided to UASC's where the asylum claim was made as soon as reasonably practical after arrival in the UK and where they are destitute or likely to become destitute. The Social Services department should outline when the support they provided will end and state if there are any resources available to the applicant which The Border and Immigration Agency should consider or which may disqualify the UASC from being granted support. Case Owners must request the details from Social Services department where it has not been provided.

Dependants Who are Turning 18

Dependants that turn 18 are not expected to apply for support in their own right, providing they meet the criteria set out in Regulation 2(4) of the [Asylum Support Regulations 2000](#). Unless the main applicant is a failed asylum seeker who has exhausted appeal rights and has no other child dependants, support will continue until such time as the main applicant becomes ineligible for support.

Age Disputes

Asylum seekers may arrive with incomplete identity documentation or, in many cases, no personal documentation at all. This may make it difficult to accurately assess the age of an asylum applicant.

A person assessed as being under the age of 18 is not entitled to asylum support and should be referred promptly to the local social services department for an assessment under the Children Act 1989.

Case Owners should ensure that the date of birth entered onto ASYS is the same as the one entered onto CID. Any discrepancy should be clarified with the applicant.

If an applicant claims to be a minor but his appearance strongly suggests that he is over 18, he should be treated as an adult until such time as credible documentary evidence or medical evidence is provided that demonstrates he is the age claimed. Case Owners should refer to the relevant part of [Asylum Support Policy Bulletin 33 Age disputes](#).

If an applicant claims to be under the age of 18 and is subsequently assessed as being over 18, Case Owners should refer to the relevant part of [Asylum Support Policy Bulletin 33: Age disputes](#).

In cases where the applicant has been offered support and provides evidence to prove he is under 18, Case Owners should refer to the relevant part of [Asylum Support Policy Bulletin 33: Age disputes](#).

In cases where there are other disputes over the date of birth of an applicant, Case Owners should refer to the relevant part of [Asylum Support Policy Bulletin 33: Age disputes](#).

ASYS Change of Age Letters

AGE1: Letter to be issued to an asylum seeker who is due for a back-payment because his change of age has not been actioned immediately

The support provided to you by the UK Border Agency has been changed to take account of your age. The details of the support you will now receive are as follows.

Start Date	End Date	Value
09 June 2003	15 June 2003	£130.24
16 June 2003	Ongoing	£38.26

You are reminded that you are still required to comply with the terms of the agreement sent to you by the UK Border Agency when your original package was provided.

AGE2: Letter to be issued to inform Applicant that change has been made when support has not been affected or when Applicant is in Initial Accommodation

Thank you for your letter of [date] regarding your date of birth. This letter is to notify you that the UK Border Agency has amended our records to show your date of birth as [dd/mm/yy].

AGE3: Letter to be issued to an asylum seeker who has had their support amended but there is no back-payment due

The support provided to you by the UK Border Agency has been changed to take account of your current needs. The details of the support you will now receive are as follows.

Your cash entitlement has been amended to £38.26 ongoing.

You are reminded that you are still required to comply with the terms of the agreement sent to you by the UK Border Agency when your original package was provided.

It is your responsibility to inform the Office dealing with your case of your new address before you move on [\[Insert contact details here\]](#).

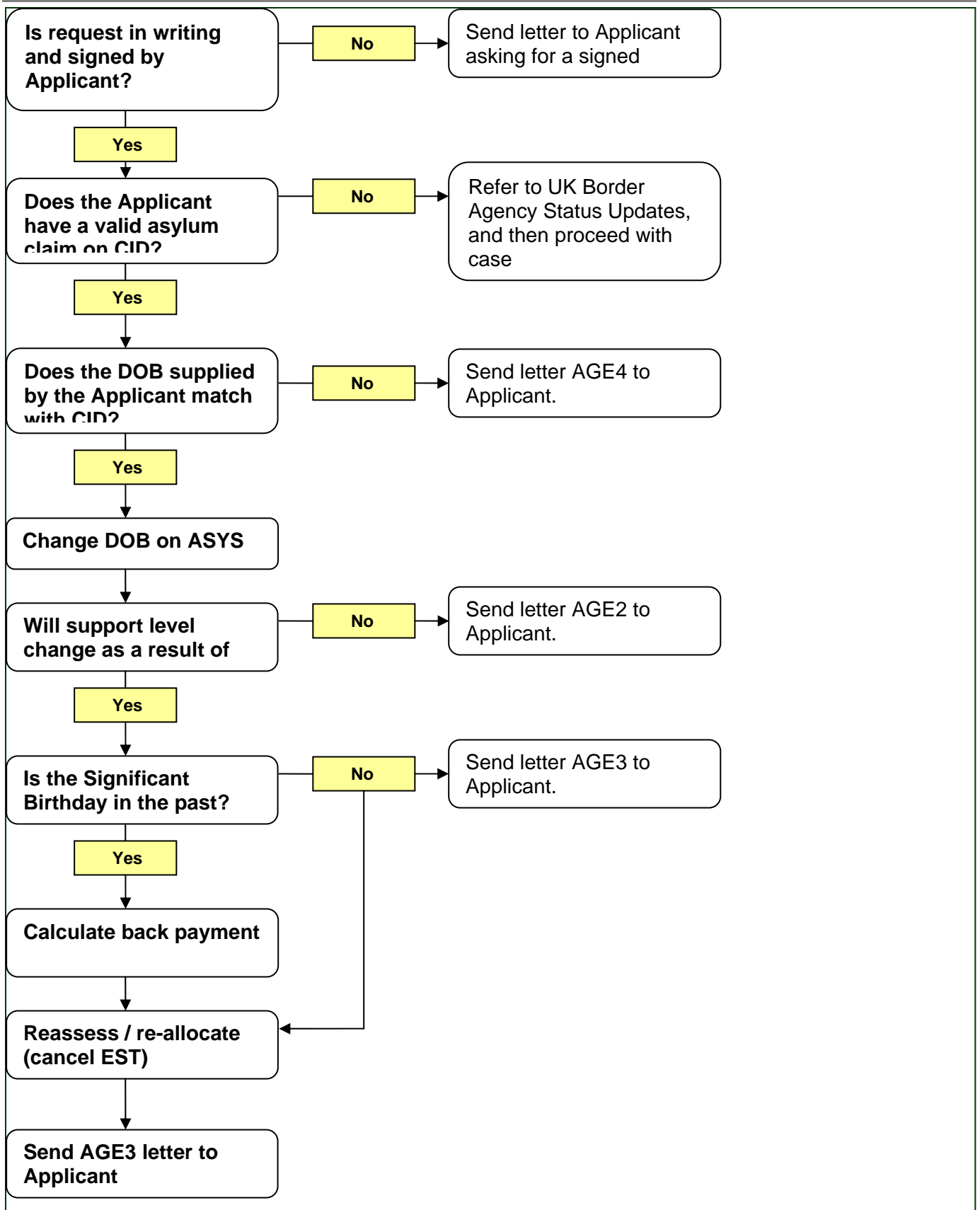
AGE4: Letter to be issued when change of age differs from that on CID records

Thank you for your letter of [date] regarding your date of birth.

UK Border Agency is unable to amend your details until you contact your case owner regarding your date of birth.

You will then need to re-submit your request regarding your date of birth once the UK Border Agency has confirmed that they have amended their records.

Change of Age Process Diagram



Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	MM	12/02/07	Incorporating support processes and implementing website format
2.0	AOPU	05/11/08	Update branding only
3.0	SM	05/10/09	Children's Duty paragraph added