

Evidence for consideration of the House of Commons Public Bill Committee regarding the Border Security, Asylum and Immigration Bill from the charity Young Roots

1. [Young Roots](#) is a charity that supports young asylum seekers and refugees (aged 11-25) in London. We provide one-to-one case work and youth work (including nine youth clubs/drop-ins every week in our three locations of Croydon, Brent and King's Cross) and through our activities young people can access therapeutic support, legal advice and learn English and other skills. We work with more than 1400 young people each year from over 70 countries, the vast majority of whom are here in the UK alone without their families. We are submitting evidence to the Border Security, Asylum and Immigration Bill ("BSAI Bill") Committee because our extensive specialist frontline experience has given us in-depth understanding of how the Bill will impact young people, and how it could be amended to better address flaws in the current asylum system.

Summary

2. Having seen the impact of punitive criminalisation provisions on young people simply as a result of them trying to reach safety (and with no options for reaching safety in the UK through legal routes), we are gravely concerned about the further criminalisation of refugees in this Bill (clauses 13-18).
3. We welcome the repeal of the Safety of Rwanda Act and many provisions of the Illegal Migration Act, due to the highly negative impact these laws – even without being fully enacted – had on the safety, well-being, mental health and integration prospects of the young people we support.
4. Our extensive frontline experience shows the damaging impact of the Nationality and Borders Act, particularly provisions around victims of trafficking, standard of proof, and age assessments, and we believe an opportunity has been missed in this Bill to repeal this legislation which impedes people's ability to seek safety in this country and increases the risk of children being put in danger by being wrongly treated as adults.
5. Recommendations:
 - amend the BSAI Bill to remove provisions from the Bill which further criminalise people for seeking safety
 - amend the BSAI Bill to repeal the Nationality and Borders Act 2022, and in particular the provisions that introduced scientific methods of age assessments and created the National Age Assessment Board as part of the Home Office (s50

and s51); and that changed the standard of proof required for recognition of asylum claims (s32)

- Repeal the provision of the Illegal Migration Act that introduced a cap on how many people can be admitted through safe routes (s60).

Further criminalisation

6. We are concerned that the BSAI Bill (clauses 13 to 18: offences relating to articles or information for use in 'immigration crime'; 'endangering another during sea crossing to United Kingdom) would introduce new wide-ranging criminal offences, expanding the offences introduced by the Nationality and Borders Act. This will potentially criminalise more people simply for seeking safety, including young people and children.
7. At Young Roots, we have seen first-hand the grievous harm experienced by young people who are criminalised for seeking protection. Young people we have supported have been criminalised for illegal entry to the UK, which generally results in 8-10 months prison sentences (of which 40% can be expected to be served). The young people we have worked with have been imprisoned for sometimes 5 or 6 months waiting to be sentenced – a longer period than would be expected to be served as a custodial sentence. On being released, the majority of young people experience street homelessness for many days due to a lack of coordination between the criminal justice and asylum support systems. One young person we supported didn't eat for days as a result.
8. This experience of arrest, imprisonment, criminalisation and subsequent homelessness and destitution is the very opposite of the support and integration young people who are fleeing danger at home need during their first few months in the UK. Young Roots works directly with people who have just arrived, mostly after fleeing awful situations and experiencing traumatising journeys to the UK, that often includes experience of modern slavery and trafficking en route. We have specialist expert experience of the support young people need in those first weeks and months, which includes social and community support, access to English language learning, specialist physical and mental health services, and legal representation. Young people who are criminalised instead have their formative experience of the UK based on deprivation of liberty and punishment, undermining their ability to rebuild their lives and thrive in this country.

9. None of the young people in this situation are granted bail – and yet there is no risk of reoffending, they have not committed a violent crime, and they would be in regular contact with Home Office officials as part of their asylum claim and would be housed in Home Office accommodation. The young people we have supported have very little information about what is happening to them – in at least one case, the young person had no documents given to him about his arrest, charge and imprisonment. This is a kafkaesque, irrational and inhumane situation, in which it is well-recognised and understood that the vast majority of young people are fleeing extreme danger in Sudan or South Sudan, have a right to seek safety and indeed be granted asylum here (99% and 94% successful grant rate) and yet there is no safe route to get here to claim asylum, and so they are criminalised for taking the only route to safety which is open to them.

10. We recommend that the BSAI Bill is amended to remove clauses 13 to 18.

Repeal of the Safety of Rwanda Act 2024 and many provisions of the Illegal Migration Act 2023

11. We welcome the government repealing the Safety of Rwanda Act and many provisions of the Illegal Migration Act. We saw firsthand the damaging impact the Rwanda scheme had on the young people we support. Young people were living in fear, even those to whom the scheme would not apply if operationalised. People started disengaging with services, which had negative impacts on their mental health and their social integration. A similar loss of hope, and a feeling of being in limbo, was experienced by the inadmissibility provisions of the Illegal Migration Act – young people were unable to think about the future and rebuild their lives with these laws hanging over them.

12. We are, however, disappointed that not all provisions of the harmful Illegal Migration Act are to be repealed. We are particularly concerned that instead of introducing safe routes so that no-one has to make a dangerous journey in order to be safe, the government is in fact retaining the Illegal Migration Act's cap on safe routes. The government has stated they are determined to reduce dangerous journeys, but this is simply not possible if people are given no other option for reaching the UK and claiming asylum.

13. We recommend that section 60 of the Illegal Migration Act, which introduces a cap on how many people can enter the UK through safe routes, be repealed.

The Nationality and Borders Act 2022

14. Our extensive frontline experience, working with over 1,400 young people last year, shows the damaging impact of the Nationality and Borders Act, particularly provisions around standard of proof, and age assessments, and we believe an opportunity has been missed to repeal this legislation which impedes young people's access to asylum, and increases the risk of children being placed in danger by being wrongly treated as adults.

15. We believe the BSAI Bill would be an opportunity to address the harmful age assessment provisions of the Nationality and Borders Act, including the introduction of 'scientific' methods to assess age. So-called scientific methods have been repeatedly shown to be unreliable, and invasive, and the Home Office's own advisory committee concluded that these methods can only assess whether a claimed age is *possible*.

16. The Nationality and Borders Act introduced the National Age Assessment Board (NAAB), sitting within the Home Office. We were concerned at the time that this would undermine the independence, decision-making and approach of age assessments and our concerns seem to be being borne out. Our frontline work has brought us into contact with a significant number of NAAB age assessments, and the poor standard of these decisions is worrying. Of particular note is that the NAAB is the training body for local authority age assessors, suggesting that the NAAB is considered to be a centre of excellence, when our experience has shown that NAAB decisions contain elements [we have highlighted as poor practice](#) among local authority age assessment decisions.

17. Age assessments have a severe negative impact on young people, as shown in the evidence and experiences of young people supported by Young Roots in [this Helen Bamber Foundation report](#). Yet there has been a disturbing trend of the Home Office ordering NAAB assessments in cases when a local authority has accepted a child's age (or assessed them to be under 18). This is unfair and deeply upsetting for the child, and we have seen first-hand the distress this causes to children we have supported in this situation. These children are in care and should be able to get on with their lives, feeling safe and protected, and instead have the ever-present threat of an unnecessary age assessment hanging over them, which could remove the support and care to which they are entitled. This practice seems to show a blatant disregard for the principle of benefit of the doubt (established through guidance and

case law), as the experts of children's social care assessments (local authority social workers) have found the young person to be a child. Age assessments are a children's social care assessment, intended to establish the needs and protect the well-being of children. If NAAB continues to exist it should be part of social care and therefore independently making decisions on whether an age assessment is necessary in accordance with guidance and case law, not just at the request of the Home Office, and conducting these in a trauma-informed way.

18. The Nationality and Borders Act introduced a higher standard of proof required for a grant of protection to be made (from a reasonable degree of likelihood to a two-tier standard of proof). The Home Office has themselves said that this may have contributed to the dramatic decrease in grant rate from 67% in 2023 to 47% in 2024. In the context of a legal aid crisis, in which very few young people we support are able to secure specialist, high-quality legal representation needed to navigate a complex asylum system, this undermines the functioning of a fair asylum system. The young people we support, most of whom are here alone in the UK, face huge challenges in establishing their risk if removed from the UK, and raising the threshold for establishing this risk puts people's lives at risk.

19. We recommend that the BSAI Bill be amended to also repeal the Nationality and Borders Act 2022, and in particular the provisions on age assessments (s50 and s51) and the change in standard in proof required for successful asylum claims (s32).

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