

Cyflwynwyd yr ymateb i'r [Pwyllgor Iechyd a Gofal Cymdeithasol ynghylch y Cydsyniad Deddfwriaethol: Y Bil Cenedligrwydd a Ffiniau](#)

This response was submitted to the [Health and Social Care Committee](#) regarding the [Legislative Consent: The Nationality and Borders Bill](#)

LCM NBB 09

Ymateb gan: | Response from: EYST Wales

---





**Ethnic Minorities  
& Youth Support  
Team Wales**

Tîm Cymorth  
Lleiafrifoedd Ethnig  
& Ieuenctid Cymru

## **EYST response to inform the Health and Social Care and Children, Young People and Education Committees' scrutiny of the Legislative Consent Memorandum ("the LCM") on the Nationality and Borders Bill ("the Bill")**

**Prepared by:** EYST Sanctuary Team Lead and EYST Wales All Wales Black, Asian and Minority Ethnic Programme Team Lead

**On behalf of:** EYST Wales [www.eyst.org.uk](http://www.eyst.org.uk)

Date: 28<sup>th</sup> January 2022

**1. Overall Views** – see below

**2. Impact on Devolved Competence:**

If the Senedd disagrees with specific aspects of the bill it may not have control over it. For example, implementing "scientific measures" is in direct conflict with Wales' commitment to becoming a Nation of Sanctuary. If devolved control or competence is impacted this will be completely undermined.

3. Please see comments below under point 6.

**4. UN Convention on the Rights of the Child**

We are disgusted by the negative impact this bill will have upon the rights of the child. It directly undermines many of the Articles but specifically:

- Article 22: Refugees having the same rights as other children.
- A child should not have to undergo "scientific methods" because they are seeking asylum when others do not. Children who are traumatised are protected and those seeking asylum should not be treated differently or physically discriminated against because of their circumstances.
- Article 12: A child should have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.
- A child who has experienced significant trauma, potentially abused, trafficked, raped, seen family members being killed, lost their home etc. May not have the confidence to speak up

when asked to undergo a “scientific process”. Even with the help of an interpreter they will listen to the adult and authority figure.

There is no way that any of Part 4 of the Anti Refugee Bill/Nationality and Border’s Bill supports the right of the child. It challenges many of the articles within the convention and puts our most vulnerable children in situations that risk their wellbeing further.

## **5. The use of “Scientific Methods” for age assessment purposes.**

Below is an excerpt of the bill which is truly worrying:

*Clause 51 allows for: a) the Secretary of State to make regulations specifying scientific methods that may be used for the purpose of age assessment. These may include: i) examining or measuring parts of a person’s body (e.g. imaging technology) ii) analysis of saliva, cell or other samples, including DNA b) The Secretary of State must seek scientific advice before determining whether the scientific method is appropriate; c) The use of scientific methods may only be carried out if consent is given (either by the individual concerned or, where they do not have capacity, a parent, guardian or another person set out in the regulations); d) Where consent is not given and “there are no reasonable grounds for that decision”, this will be taken into account when assessing the credibility of the age-disputed person.*

The bill states that this may include measuring body parts. Not only is this a move towards implementing racist, ignorant, and homogenous practices within systems it will also delay and make mistakes.

It does not take in account physical issues such as growth delays or disability. It entrenches the hostile environment and instead of improving a flawed system a new and hugely flawed methods are being introduced. We need to be putting systems in place to safeguard our most vulnerable children instead of finding new ways to penalise them.

The bill is in place to find ways in which to move people up and out of migration processes. Unfortunately, this section of the bill is finding ways to scrutinise a child’s biological identity.

There is no information about what stage this will be implemented, will it be at initial accommodation, screening? If it is at the earliest stages, then the young person will have no support in place and potentially no advocate/appropriate adult. They will be completely alone.

Social workers may be experienced but they may lack cultural competency, language, culture and lived experience. I attended an age assessment once as an appropriate adult and the social workers commented on the young person’s shoes as a point of reference for his youth. We need to focus on developing a quality service that moves quickly to support people in genuine need.

These new methods alongside the flawed age assessments will create delays, trauma and put children at risk. This is truly concerning and a move backwards towards the use of phrenology and racial profiling. The implications of such a move are dangerous and sickening and we in no way support this aspect of the new bill.

## **6. Impact on NHS and Local Authorities**

We would like to ask if the front-line workers who will be carrying out “scientific methods” have been consulted about this?

We suspect a negative impact on the nurses' mental and emotional wellbeing.

How will they be trained? Who will they be?

A general nurse may not be culturally competent and a young person may have language barriers. They may have religious or cultural beliefs that would not allow a physical examination. This lack of understanding could have a negative implications for many young people.

Will there be specific centres for this? The concern is that this will impact our hostile environment and lends itself to racist segregation.

If the NHS are responsible for aspect of the age assessment then it will impact other services. There are already delays (especially after COVID 19). If the age assessment is in two parts, the interview and the "scientific part" then they may be waiting for the latter for some time. This in turn will create longer waits for asylum decisions, impacting mental health and costing more money regarding NASS/LA support long term.

### **7. Mental Health Impact on Age Disputed children**

Young people from BME backgrounds and are seeking asylum who are going through an age assessment will be alone. They are already isolated, they may struggle with language, have religious/cultural beliefs that differ from those in the country are in, could be traumatised, may have experienced, rape, trafficking, FGM, physical abuse. They may have come from camps, without education and quite often have unrecognised learning difficulties. The impact that a "scientific method", measuring body parts, taking blood/saliva could have upon someone's identity and mental health will undoubtedly be huge. It's feeding into increased segregation and hate and will leave young people at risk.

### **8. Community Cohesion**

EYST originated in Swansea and we are proud to commit to Swansea's City of Sanctuary vision and working towards the implementation plan set by WAG to be a Nation of Sanctuary. Swansea is also working towards being a Human Rights City. We also welcome the Welsh Government's commitment to being an Antiracist Wales by 2030 as set out by their Race Equality Action Plan. Sadly this bill and its actions will undermine all of this good work and hope.