



Illegal Migration Act 2023

2023 CHAPTER 37

Age assessments etc

58 Age assessments: power to make provision about refusal to consent to scientific methods

- (1) The Secretary of State may make regulations about the effect of a decision by a relevant person (“P”) not to consent to the use of a specified scientific method for the purposes of an age assessment of P where there are no reasonable grounds for P’s decision.
- (2) The regulations may provide that, in the circumstances set out in the regulations—
 - (a) section 52(7) of the Nationality and Borders Act 2022 (refusal to consent to scientific methods to be taken to damage credibility) does not apply, and
 - (b) P is to be treated as if the decision-maker had decided that P was over the age of 18.
- (3) In this section—
 - “age assessment” means an assessment under section 50 or 51 of the Nationality and Borders Act 2022;
 - “decision-maker” and “specified scientific method” have the same meanings as in Part 4 of the Nationality and Borders Act 2022 (see section 49 of that Act);
 - “relevant person” means a person who meets the four conditions in section 2 (duty to make arrangements for removal).
- (4) In Part 4 of the Nationality and Borders Act 2022 (age assessments)—
 - (a) in section 52 (use of scientific methods in age assessments), in subsection (7), at the end insert “(See also section 58 of the Illegal Migration Act 2023 (power to make provision about refusal to consent to scientific methods).)”;
 - (b) in section 53 (regulations about age assessments), in subsection (1)(a)(iv), after “method,” insert “the circumstances in which a person may be considered to have reasonable grounds for a decision not to consent and”.