

Refugee and Migrant Children's Consortium

Decisions in unaccompanied children's asylum claims May 2026

Executive summary

The Refugee and Migrant Children's Consortium, a coalition of over 100 NGOs, remains concerned about the significant decline in asylum grant rates for unaccompanied children seeking asylum in the UK. The period after 2022 is marked by legislative and policy changes which brought a sharp rise in refusals for unaccompanied children's asylum claims. The 1951 Refugee Convention guarantees the right to asylum and applies to all individuals irrespective of age. During its drafting, a compelling affirmation was made to take special measures to protect refugee children.¹ Special measures are necessary as it is a universally recognized and agreed principle that children need additional protection due to their developing capacity and circumstances.² The UN Convention on the Rights of the Child (UNCRC) preamble identifies being a child as warranting special 'safeguards', 'care', and 'legal protection'.

Domestically, Section 55 of the Borders, Citizenship and Immigration Act 2009 provides a duty on the Secretary of State to safeguard and promote the welfare of children in any of her functions relating to immigration, asylum or nationality. Yet, since the implementation of the Nationality and Borders Act 2022 (NABA 2022), there has been a steady decline in protection grants for the most vulnerable year after year. Being refused asylum leaves unaccompanied children without secure status, increasing their risk of exploitation, homelessness and long-term uncertainty.

The Nationality and Borders Act 2022 introduced the provisions in Section 32 which raised the standard of proof required for some elements of the refugee definition. These changed a test that has been consistently applied for more than three decades where an individual would have to prove there was a '*reasonable likelihood*' that they would be persecuted in their home country.³ Under Article 1(A)(2) of the Refugee Convention, a person is a refugee if they have a well-founded fear of persecution for a Convention reason and cannot safely return to their country.⁴ The new framework introduced a two-limb test: decision-makers must now be satisfied '*on the balance of probabilities*' that an applicant has (or is perceived to have) a relevant characteristic and genuinely fears persecution because of it, before then considering at the lower '*reasonable likelihood*' threshold whether they would in fact be persecuted and unable to access protection in their country of origin. In practice, this higher initial threshold requires

¹ Pobjoy, J M. (2017). [The Child in International Refugee Law](#).

² As set out in the [UN Convention on the Rights of the Child 1989](#) (UNCRC), which the UK ratified in 1991.

³ *R v. Secretary of State for the Home Department, Ex parte Sivakumaran and Conjoined Appeals* (UN High Commissioner for Refugees Intervening), [1988] AC 958, [1988] 1 All ER 193, [1988] 2 WLR 92, [1988] Imm AR 147, United Kingdom: House of Lords (Judicial Committee), 16 December 1987,

⁴ [UN Refugee Convention](#), Article 1(A)(2): "a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group of political opinion...and is unable, or [due] to such fear, is unwilling to avail himself of the protection of that country; or...is unwilling to return to it."

asylum seekers and their representatives (of whom there is a shortage) to gather and present significantly more evidence from the outset.

Another significant factor in unaccompanied children's asylum grant rates is the nationality of the child. Unaccompanied children from Albania have had the sharpest drop in grant rates from those decided in 2021. Other nationalities such as Iranian and Iraqi saw a steep decline of more than half of those granted protection. Additionally, the percentage of administrative outcomes increased significantly from 2021 for children from particular nationalities such as Albanian, Egyptian and Vietnamese.⁵

When unaccompanied children are denied asylum, they are exposed to further harm such as exploitation, or they remain in legal limbo for years with significant consequences to their mental health and overall positive outcomes. As one of the most vulnerable groups seeking asylum in the UK, they should not be subjected to such restrictive asylum conditions and their best interests should be considered as a primary consideration. This briefing presents data from 2020–2025, examines the legislative shifts introduced by the Nationality and Borders Act 2022 and their impact on children's asylum outcomes, and sets out why policy and practice must now be re-aligned with the UK's international child rights obligations.

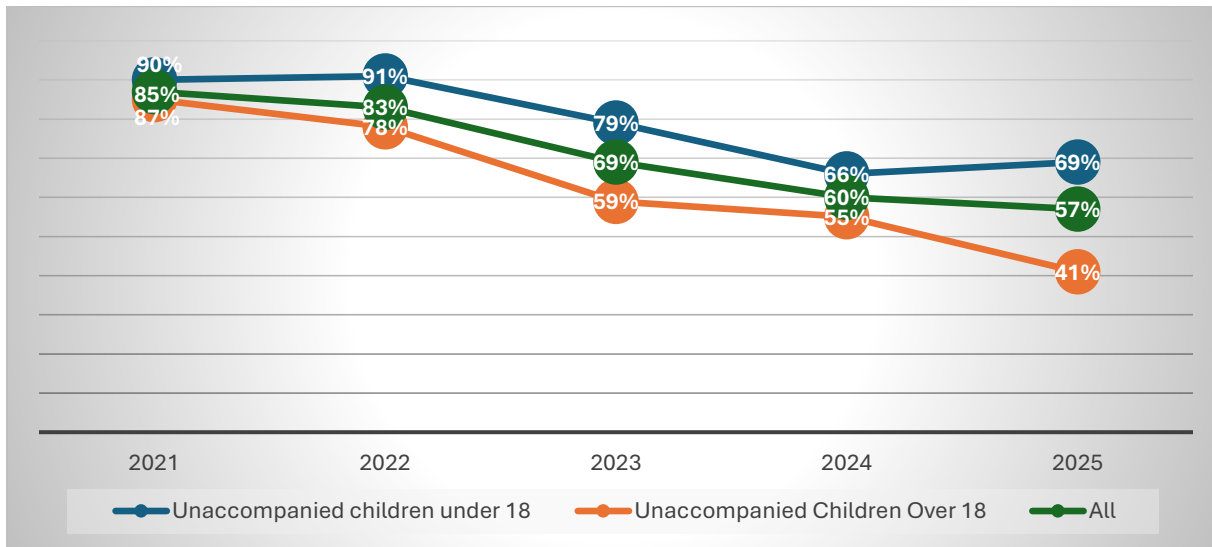
Findings⁶

- The grant rate (all grants of protection) for unaccompanied children who receive a decision aged under 18 has dropped from 82% in 2021 to 69% in 2025
- The grant rate for unaccompanied children aged 18+ when they receive a decision has dropped from 84% (2021) to 41% (2025)
- The overall grant rate for unaccompanied children has dropped from 83% (2021) to 57% (2025)
- The refusal rate for under 18s has increased from 3% (2021) to 22% (2025)
- The refusal rate for over 18s has increased from 12% (2021) to 55% (2025)
- The overall refusal rate has increased from 9% to 36%
- The proportion of cases withdrawn has stayed consistent (2% in 2021 and 1% in 2024) but the proportion of cases for which there is an 'administrative outcome' has increased from 0% (2021) to 9% (516 cases in 2024) and dropped to 3% in 2025.

⁵ Administrative outcomes includes suspended and void cases, cases where the applicant became deceased prior to decision and other administrative outcomes.

⁶ Figures taken from Home Office, [Immigration Statistics, Year ending December 2025](#)

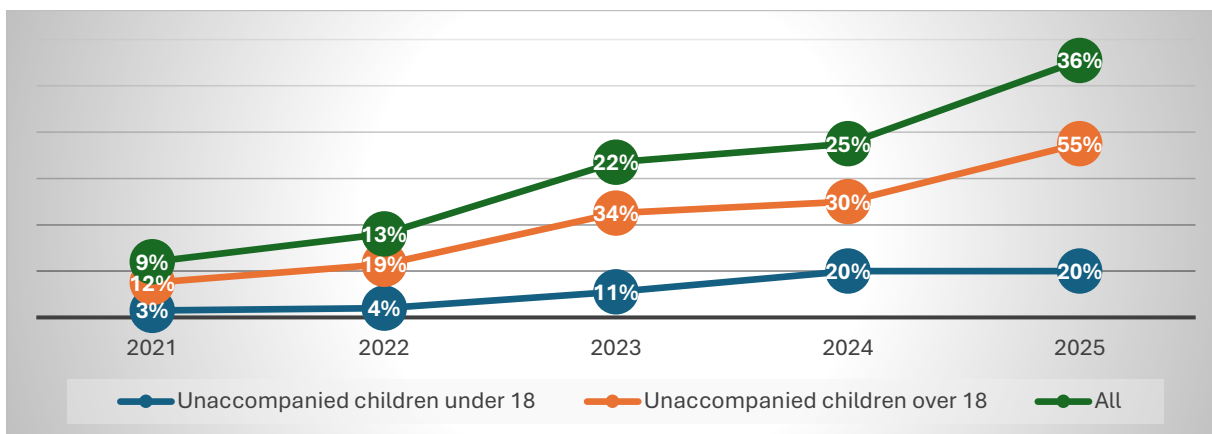
Table 1: Grant rates for unaccompanied children by year



There has been a steady decline in grant rates for unaccompanied children seeking asylum. The grant rate for all positive decisions of refugee permission, humanitarian protection or temporary refugee permission for unaccompanied children who receive a decision aged under 18 has dropped from 82% in 2021 to 69% in 2025. The overall grant rate for unaccompanied children aged 18+ when they receive a decision has dropped from 84% in 2021 to 41% in 2025. The overall grant rate for all unaccompanied children has dropped from 83% in 2021 to 57% in 2025

In 2021, 88% of children were granted refugee protection before they turned 18. In subsequent years the number fell to 85% in 2023 and then a sharp decline to 66% in 2025 for children under 18.

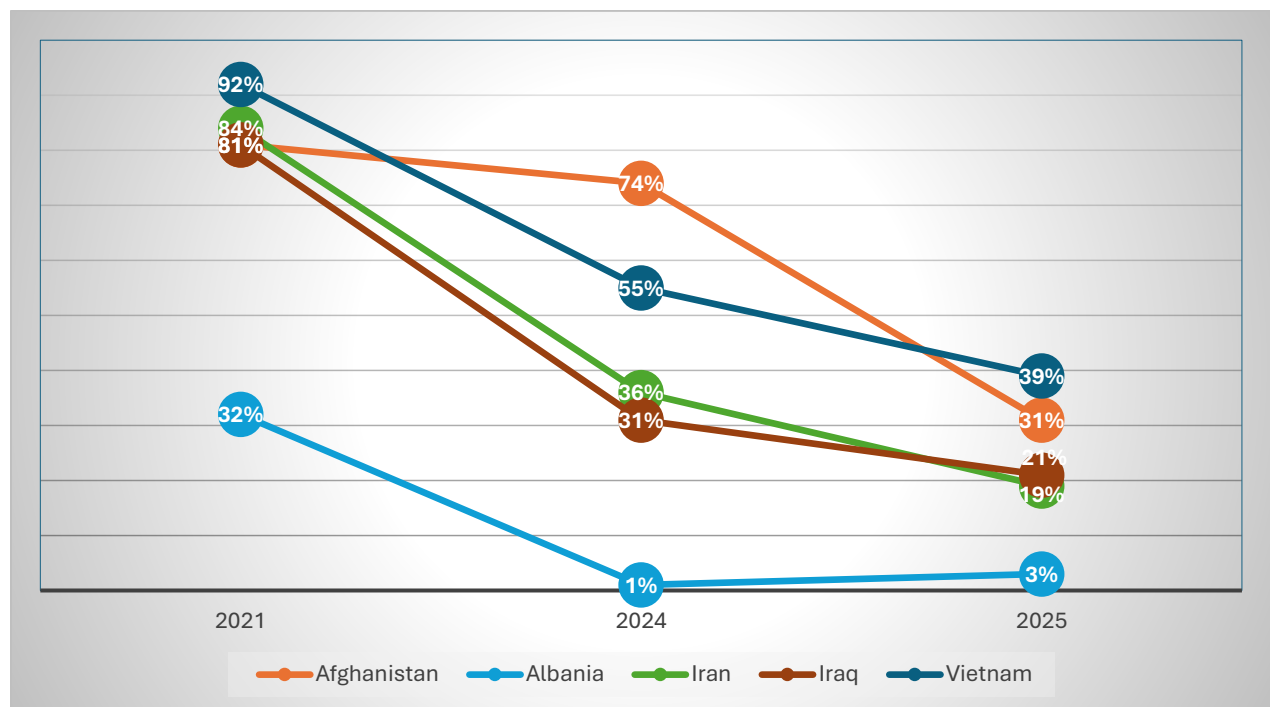
Table 2: Refusal rates for unaccompanied children by year



The rate of refusals for unaccompanied children who got a decision before they turned 18 was 3% in 2021 rising to 22% in 2025. For unaccompanied children who received their decision after turning 18 the refusal rates were 12% in 2021 and rising to 55% in 2025. Unaccompanied children seeking asylum getting decisions after they turn 18 have had a higher refusal rate in

years prior to 2021, yet such a steep rise as seen between 2022 and the subsequent years has been significant.

Table 3: Grant rate for unaccompanied children by nationality



The grant for certain nationalities has been declining since 2021. Albania has the lowest grant rate, of just 3% in 2025 compared to 32% in 2021. Countries like Afghanistan, Iran, Iraq and Vietnam have seen the sharpest declines with falls of 50 percentage points or more over the period.

Why have the grant and refusal rates changed?

Recent shifts in grant and refusal rates for unaccompanied children’s asylum claims are closely linked to the Nationality and Borders Act 2022 (NABA), which received royal assent on 28 April 2022, with most provisions, including changes through Section 32 to the standard of proof, coming into force on 28 June 2022. The Government’s stated aims were to improve the fairness and efficiency of the asylum system, deter irregular entry, and enable the removal of individuals without the right to remain in the UK.⁷

Throughout the Act’s passage, child rights and refugee organisations, including RMCC members, warned that its provisions would endanger unaccompanied children and undermine their ability to secure protection. Despite these concerns, the Government proceeded, and the impact on asylum outcomes for unaccompanied children has been significant.

⁷ Home Office. (2022). [New Plan for Immigration: policy statement.](#)

Before NABA, the UK applied a single, long-established standard of proof: a “*reasonable degree of likelihood*” that an applicant would face persecution if returned, as upheld in the 1988 House of Lords decision in *R v Secretary of State for the Home Department*.⁸ This approach recognised that asylum seekers often cannot provide extensive evidence and that risk must be assessed with caution.

NABA introduced a new two-stage test under Section 32, raising the standard of proof for key elements of an asylum claim. Applicants must now first demonstrate, on the “*balance of probabilities*,” both that they possess (or are perceived to possess) a relevant characteristic and that they genuinely fear persecution because of it. Only after meeting this higher threshold can they proceed to the second limb, which assesses on the lower “*reasonable likelihood*” standard, whether they would face persecution and lack protection if returned. This shift has increased the evidential burden on applicants and their representatives (of whom there is a shortage), and government statistics explicitly link falling grant rates since 2024 to the application of NABA’s higher standard of proof.⁹

This approach to a higher standard of proof is even more concerning in the case of unaccompanied children as they are less likely to have an understanding of fear of persecution or any danger they face, even where objective risk exists. Children at times may not grasp why they are at risk when coming from countries with political unrest or civil wars. Children are also less likely to possess and compile extensive documentation to assist their claims, making the new higher burden of proof onerous. Children from various countries never had documents to begin with or they are lost or taken away from the children in their journey.

Nationality based refusals

Analysis of asylum decision data between 2021 and 2025 indicates that the overall decline in grant rates for unaccompanied children is not evenly distributed across nationalities. Instead, certain national groups such as Iranian, Albanian, Afghan and Vietnamese children have experienced markedly steeper reductions in protection outcomes. This uneven pattern suggests that the fall in grant rates is not solely the result of general system pressures, but reflects shifts in policy application, country-specific positioning, and the impact of legislative reform under the Nationality and Borders Act (NABA) 2022. The declines seem particularly pronounced for nationalities such as Iran, with a 65% decline in asylum grants for unaccompanied children since 2021, followed by Iraq (60%), Vietnam (53%), Afghanistan (50%) and Turkey (44%).¹⁰

These declines are instructive because it is arguable that there has been little concrete change in the relevant conditions in these countries. This suggests that it is political, and not objective factors, that are driving decision-making.

Albania is instructive in this regard. Albanian unaccompanied children currently have the worst grant rate from the Home Office, which stood at just 3% in 2025. Following the UK-Albania migration agreement in 2022 and heightened political focus on Albanian arrivals, decision-making appears to have shifted towards a presumption of safety and internal relocation.¹¹

⁸ *R v Secretary of State for the Home Department, Ex parte Sivakumaran* [1988] AC 958, [1988] 1 All ER 193, [1988] 2 WLR 92, [1987] UKHL 1

⁹ Home Office. (2024). Immigration Statistics.

¹⁰ Home Office. (2025). [Asylum Claims Data Set](#).

¹¹ Home Office. (2022). [Joint UK-Albania Communiqué on Trafficking](#).

Furthermore, decision-making for the country appears to have been further politicised through Operation BRIDORA, launched in December 2022, which looked to reduce the backlog of Albanian claims. A report from the Independent Chief Inspector raised concerns about pressure on the Country Information Team to amend Country Policy and Information Notes and a supposed Ministerial direction that no more than 2% of Albanian claims should be granted.¹²

During this period many Albanian asylum cases were also marked as "withdrawn" without proper consideration. Often this was because claimants were required to report in person but missed deadlines due to not receiving notifications or fearing detention. In 2023, over 10,000 Albanian cases were withdrawn.¹³ Against this backdrop of changes to legal thresholds, country guidance and targeted operations to address Albanian claims it is worth considering the work of the First Tier Tribunal. In response to a Freedom of Information request, outcomes data shows that in the first three quarters of 2025 some 59% of Albanian appeals were successful.¹⁴ The disparity between Home Office decision-making and appeal outcomes is stark and suggests that objective decision-making has been compromised in some way.

The decline in grant rates for Vietnamese unaccompanied children, from 92% in 2021 to 39% in 2025, signals a marked shift in the assessment of trafficking-related asylum claims. Vietnamese children frequently present complex exploitation experiences that rely heavily on testimony rather than documentary evidence. Vietnamese children are often reported as being victims of human trafficking particularly for criminal and labour exploitation in cannabis farms and nail salons.¹⁵ Under the post-NABA framework, heightened credibility scrutiny, greater emphasis on sufficiency of state protection, and broader use of internal relocation reasoning appear to have narrowed recognition of refugee status for these children.

In 2021, grant rates for Afghanistan, Iraq and Iran were above 80%. This likely reflected strong recognition of armed conflict, Taliban control (Afghanistan), political repression (Iran) and ongoing instability (Iraq, Somalia). By 2025, grant rates for Afghanistan (31%), Iraq (21%), and Iran (19%) suggest a move away from implicit group-based risk recognition towards stricter individualised assessments. While individualised assessment is legally required, the dramatic drop suggests a narrowing interpretation of what constitutes a "*well-founded fear*."

Impact on children

The consequences of refusal extend far beyond immigration status. For unaccompanied children, denial of asylum frequently results in prolonged insecurity, heightened risk of exploitation, mental health deterioration, and, in some cases, disengagement from safeguarding systems. While removal may not occur immediately, the transition to adulthood at 18 significantly increases exposure to detention, enforced return, or destitution. For children with histories of trafficking or conflict-related trauma, refusal can act as a destabilising trigger, undermining recovery and increasing vulnerability to further harm.

¹² Independent Chief Inspector of Borders and Immigration. (2024). [An inspection of asylum casework](#).

¹³ Helen Bamber Foundation. (2025). [Dismissing Risk: The impact on trafficking survivors of labelling countries of origin as 'safe'](#).

¹⁴ Freedom of Information Request Reference No. 251023097.

¹⁵ ECPAT UK and Anti-Slavery International. (2019). [Precarious journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe](#).

Immigration insecurity, particularly following an asylum refusal, significantly increases the risk that children will go missing and be exposed to exploitation. In 2024 alone, almost 2,400 children, including trafficking victims and unaccompanied asylum-seeking minors, disappeared from local authority care across the UK, according to a 2025 report by ECPAT UK and Missing People.¹⁶ The report highlights that while missing, these children faced exceptionally high risks of sexual and criminal exploitation. Incomplete data from some local authorities means the true scale is likely even greater. For unaccompanied children navigating the asylum system, the fear of removal or detention, combined with a lack of clarity about their future, can drive them to disengage from services and go missing. This heightened vulnerability, created by immigration uncertainty, leaves them far more susceptible to traffickers and other exploiters who are quick to take advantage of their precarious situation.

Government proposals to activate provisions of the Immigration Act 2016 risk placing vulnerable young people in grave danger by withdrawing essential support at the moment they reach 18.¹⁷ Once their appeal rights are exhausted, all statutory assistance is cut off, leaving them dependent on charities or any friends or family they may have. The measures, set out in the Family Returns consultation, would stop local authorities from providing leaving care support to young people without immigration status when they turn 18. Normally, care leavers continue to receive accommodation, financial help, a personal adviser, a pathway plan up to age 21, support with education and training, and the option to remain with foster carers through “Staying Put” arrangements, crucial safeguards for care leavers. Under the proposed changes, however, former looked-after children who require leave to remain but do not have it at 18, and who have no pending asylum claim, would be excluded from these protections and left with only minimal, narrowly defined assistance, significantly increasing their risk of exploitation and re-trafficking.

Conclusion

The steep decline in protection grants for unaccompanied children is not a marginal or coincidental trend: it is a direct and foreseeable consequence of legislative and policy changes that have raised the evidential burden on the children least able to meet it. The introduction of a higher standard of proof, combined with disparities based on nationality, a rise in administrative outcomes, and the growing number of children refused before they turn 18, has created a system that no longer aligns with the UK’s international and domestic obligations towards children.

For unaccompanied children who arrive without family the consequences are profound. A refusal of protection leaves them in prolonged uncertainty, heightens their exposure to trafficking and re-exploitation, and undermines their ability to recover and rebuild their lives. These outcomes run counter to the Refugee Convention’s protective purpose, the UNCRC’s requirement for special safeguards for children and for their best interests to be a primary consideration, and the duty under Section 55 of the Borders, Citizenship and Immigration Act 2009 to safeguard and promote their welfare.

¹⁶ Home Office. (2025). [Restoring Order and Control: A statement on the government's asylum and returns policy](#)

¹⁷ Home Office. (2026). [Family Returns: Reforming Asylum Support and Enforcing Family Returns Government Consultation](#).

As the data from 2020-2025 makes clear, the system is moving further away from a child-centred, rights-compliant approach. Restoring fairness requires urgent action: revisiting the heightened standard of proof; ensuring processes and decisions fully reflect children's developmental capacities; undertaking proper best interests consideration; addressing stark nationality-based disparities; improving transparency around administrative outcomes; and strengthening legal and social support for children throughout the asylum process.

Unaccompanied children seeking asylum are among the most vulnerable individuals in the UK's asylum system. Re-aligning policy and practice with the UK's international obligations is essential to ensuring that every child in need of protection receives a fair, lawful, and humane assessment of their claim.

Recommendations

- 1. Review and suspend the higher standard of proof introduced by the Nationality and Borders Act 2022 for unaccompanied children** – The Home Office should urgently reassess the application of Section 32 to children and halt the use of the “balance of probabilities” test in their claims. The heightened evidential burden has directly contributed to falling grant rates and is inappropriate for children, who rarely possess documentation and often cannot articulate fear or risk. The standard of proof for child applicants should revert to the long-established “reasonable degree of likelihood” to ensure decisions remain fair, lawful and child-centred.
- 2. Cease certification of unaccompanied and formerly unaccompanied children's cases** – The Home Office should immediately end the certification of asylum and immigration claims involving unaccompanied children and care leavers. Certification removes essential safeguards and restricts access to appeal rights, placing highly vulnerable young people at risk of wrongful removal. This practice is incompatible with child-centred decision-making and contradicts established safeguarding principles and commitments to care leavers.
- 3. Publish comprehensive, disaggregated decision-making data for unaccompanied children** – The Home Office should urgently publish full decision-making data relating to unaccompanied children, including First-tier Tribunal outcomes, in a transparent time series. This must include volumes, grant and refusal rates, appeal outcomes, processing times, percentage legally represented at first instance and at appeal, and any use of certification. Without robust, disaggregated data, it is impossible to evaluate fairness, identify systemic issues, or ensure effective scrutiny.
- 4. In every case, consider a child's best interests and apply Section 55** – The Home Office should apply Section 55 in decisions involving unaccompanied children and ensure that in all cases of unaccompanied children, whether or not they are granted refugee protection, a proper assessment of their best interests is undertaken and their best interests are treated as a primary consideration. This should involve seeking views of an independent child welfare expert and considering any other appropriate pathways.
- 5. Introduce service standards for children and young people within 12 months** – The Home Office should develop and publish clear, measurable service standards for all immigration processes involving children and young people. These standards should cover

timeliness, communication, decision quality, safeguarding practice, and access to support. Establishing transparent expectations would improve accountability and ensure that children's needs are prioritised consistently across the system.

6. **Commission a dedicated ICIBI inspection of unaccompanied children's casework** – The Home Office should request an immediate, full ICIBI inspection focused solely on unaccompanied children's asylum casework including Section 55 compliance. Persistent concerns about delays, inconsistent decision-making and inadequate safeguarding warrant independent scrutiny.
7. **Do not commence outstanding Immigration Act 2016 measures affecting children** – Any remaining provisions of the Immigration Act 2016 that would diminish protections for unaccompanied children or care-experienced young people must not be brought into force..
8. **End the Home Office carve-out from Corporate Parenting duties** – The exemption that prevents the Home Office from being bound by Corporate Parenting duties in relation to immigration functions under the Children's Wellbeing and Schools Bill must be removed. All public bodies making decisions about care-experienced children's lives should be held to the same statutory standards. Aligning Home Office immigration functions with these duties would strengthen accountability, improve safeguarding, and ensure that immigration functions operate within a child-welfare framework.

For more information, contact:

Laura Duran, Head of Policy, ECPAT UK at l.duran@ecpat.org.uk
Kamena Dorling, Director of Policy, Helen Bamber Foundation at kamena.dorling@helenbamber.org
Richard Crellin, Policy Consultant, Migrant and Refugee Children's Legal Unit (MiCLU) at Islington Law Centre at richardc@islingtonlaw.org.uk

The Refugee and Migrant Children's Consortium (RMCC) is a group of over 100 NGOs working collaboratively to ensure that the rights and needs of refugee children are promoted, respected and met in accordance with the relevant domestic, regional and international human rights and welfare standards. For more information and a list of members, please visit www.refugeechildrensconsortium.org.uk