

Judicial Communications Office

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COURT DISMISSES APPEAL ON ASYLUM AGE ASSESSMENT

Summary of Judgment

The Court of Appeal¹ today dismissed an appeal against an age assessment in the context of an asylum claim. The appellant contended he was a minor, but the court rejected this and upheld the High Court’s conclusion that he is an adult.

Background

The appellant, HR256, claimed asylum in Manchester asserting he was a minor. Manchester City Council conducted a detailed age assessment (a *Merton*-compliant assessment), concluding that he was an adult, approximately seven years older than he claimed. After moving to Belfast, the appellant came to the attention of the Belfast Health and Social Care Trust (“the Trust”) which carried out a further age assessment dated 2 December 2021 and accepted the appellant’s claimed date of birth, expressly applying the “benefit of the doubt”. The Secretary of State for the Home Department (“the respondent”) rejected the Trust’s conclusion, relying instead on the earlier Manchester assessment and disputing the Trust’s methodology and failure to engage with contrary evidence.

The High Court dismissed an application for judicial review brought by the appellant, JR256, concerning a disputed age assessment in the context of an asylum claim. The High Court concluded, on the evidence before it, that the appellant was an adult. The appellant challenged this decision contending that the High Court had erred in its assessment of the evidence and in its treatment of the “benefit of the doubt” principle.

Issues on appeal

The principal issues for the Court of Appeal were:

- Whether the High Court judge had erred in law or fact in determining that the appellant was an adult;
- Whether the High Court judge improperly preferred one age assessment over another without adequate consideration of the underlying evidence; and
- Whether the “benefit of the doubt” principle and article 8 of the European Convention on Human Rights (“ECHR”) were correctly applied.

The court reaffirmed that there was no dispute as to the applicable legal principles governing disputed age assessments. Where an age is disputed, it is for the court to determine the matter as a matter of fact on the evidence available. The court reiterated the principles derived from *R(A) v Croydon LBC* and *R(B) v Merton LBC*, including that lawful age assessments must be procedurally fair, informed and evidence-based and that physical appearance along is

¹ The panel was Treacy LJ, Horner LJ and Huddleston J. Treacy LJ delivered the judgment of the court.

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insufficient. It was further noted that section 55 of the Borders, Citizenship and Immigration Act 2009 and article 8 ECHR may be engaged, but their application depends on an objective determination of age by the court.

High Court's findings

The High Court conducted a detailed examination of both the Manchester and Trust age assessments. The judge was highly critical of the Trust's approach, identifying significant shortcomings including its failure to engage with the Manchester assessment, disregard of multi-agency concerns, and acceptance of the appellant's account at face value. By contrast, the Manchester age assessment was found to be comprehensive, *Merton* compliant, and supported by observations from multiple experienced professionals, analysis of the appellant's history, and consideration of inconsistencies in his account.

On the totality of the evidence, the High Court concluded that the appellant was an adult and rejected the Trust's assessment as inadequate. The judge held that the evidence overwhelmingly favoured that conclusion and that the case was neither borderline or finely balanced.

Court of Appeal's analysis

The court emphasised the limited scope for appellate interference with findings of fact. An appellate court may only intervene where a conclusion is plainly wrong, unsupported by evidence, or affected by a material error of law. The appellant's primary submission – that the High Court had merely preferred one report over another without examining the underlying material – was rejected as misconceived. The court held that the High Court had carried out a meticulous and detailed evaluation of the evidence.

The argument that the judge failed to apply or misapplied the “benefit of the doubt” was also rejected. The court held that this principle had not application where the evidence was clear and compelling as it was in this case.

The court further rejected the article 8 ECHR arguments advanced by the appellant, holding that the judicial determination of age was based on a robust and proportionate assessment of the evidence and did not violate the appellant's Convention rights.

Conclusion

The court concluded that the High Court's factual determination was entirely open to it on the evidence, disclosed no material error of law, and was not plainly wrong. All grounds of appeal were rejected. The appeal was dismissed and the decision of the High Court upholding the conclusion that the appellant is an adult was affirmed.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available shortly on the Judiciary NI website (<https://www.judiciaryni.uk/>).

ENDS

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