



**In the Upper Tribunal  
(Immigration and Asylum  
Chamber)  
Judicial Review**

JR-2024-LON-  
000331

In the matter of an application for Judicial Review

The King on the application of

Pishtiwan Omar Karimi  
(anonymity direction not made)

Applicant

versus

Sheffield City Council

Respondent

**FINAL ORDER**

**BEFORE UPPER TRIBUNAL JUDGES NORTON-TAYLOR AND BULPITT**

**UPON** hearing Mr C Buckley, Counsel for the Applicant, and Mr B Davies, Counsel for the Respondent, at a fact-finding hearing on 17-18 September 2024

**AND UPON** the Upper Tribunal considering the evidence provided by the parties

**AND UPON** hearing oral evidence from the Applicant

**AND UPON** the Respondent declining to agree or provide any submissions as to costs prior by the deadline of 4pm on 17 October 2024

**AND UPON** the handing down of judgment on 22 October 2024

**IT IS DECLARED THAT:**

1. The Applicant was born on 1 January 2005 and he was a child on arrival in the United Kingdom and when age-assessed by the Respondent

**IT IS ORDERED THAT:**

2. The Applicant's application for judicial review against the Respondent's age assessment of 11 October 2022 is granted
3. No anonymity direction is made
4. The Respondent is to pay the Applicant's reasonable costs, to be the subject of detailed assessment if not agreed
5. There shall be a detailed assessment of the Applicant's publicly-funded costs
6. There has been no application for permission to appeal to the Court of Appeal, but in any event such permission is refused because there are no arguable errors of law in the judgment handed down.

Signed: H Norton-Taylor

**Upper Tribunal Judge Norton-Taylor**

Dated: 22 October 2024

**The date on which this order was sent is given below**

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**For completion by the Upper Tribunal Immigration and Asylum Chamber**

Sent / Handed to the applicant, respondent and any interested party / the applicant's, respondent's and any interested party's solicitors on (date): **22/10/2024**

Solicitors:

Ref No.

Home Office Ref:

### **Notification of appeal rights**

A refusal by the Upper Tribunal of permission to bring judicial review proceedings following a hearing, is a decision that disposes of proceedings.

A party may appeal against such a decision to the Court of Appeal **on a point of law only**. Any party who wishes to appeal should apply to the Upper Tribunal for permission, at the hearing at which the decision is given. If no application is made, the Tribunal must nonetheless consider at the hearing whether to give or refuse permission to appeal (rule 44(4B) of the Tribunal Procedure (Upper Tribunal) Rules 2008).

If the Tribunal refuses permission to appeal, the party wishing to appeal can apply for permission from the Court of Appeal itself. This must be done by filing an appellant's notice with the Civil Appeals Office of the Court of Appeal **within 7 days** of the Tribunal's decision refusing permission to appeal to the Court of Appeal (CPR 52.9(3)(a)). Time starts to run from the decision refusing permission to appeal at the hearing, and not from the date on which this order was served.



Case No: JR-2024-LON-000331

**IN THE UPPER TRIBUNAL**  
**(IMMIGRATION AND ASYLUM CHAMBER)**

Field House,  
Breams Buildings  
London, EC4A 1DZ

22 October 2024

**Before:**

**UPPER TRIBUNAL JUDGE NORTON-TAYLOR**  
**UPPER TRIBUNAL JUDGE BULPITT**

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**Between:**

**THE KING**  
**on the application of**

**PISHTIWAN OMAR KARIMI**

**Applicant**

**- and -**

**SHEFFIELD CITY COUNCIL**

**Respondent**

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**Mr C Buckley**  
**(instructed by Bhatia Best Solicitors) for the applicant**

**Mr B Davies**  
**(instructed by Sheffield City Council) for the respondent**

**Hearing dates: 17-18 September 2024**

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**J U D G M E N T**  
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**Judge Norton-Taylor:**

**Introduction**

1. This judgment follows from a fact-finding hearing conducted over two days for the purpose of determining the applicant's age and date of birth. The applicant asserts that he was born on 21 March 2005, whilst the respondent's position is that he is probably three years older than this.
2. It is common ground that the applicant is an Iranian national who arrived in United Kingdom 1 June 2022, having travelled across the English Channel on what is commonly described as a "small boat". Shortly after his arrival, doubts were raised by the Home Office (through the Kent Intake Unit, which initially deals with young people arriving at, or being escorted to, Dover) as to the applicant's true age. In due course, the applicant was transferred to the care of the respondent who initiated the age assessment process. This took place between July and October 2022.

Ultimately, the respondent concluded that the applicant was, as at October 2022, at least 21 years old rather than the claimed 17. A challenge by way of judicial review was made against the respondent's age assessment report (dated 11 October 2022 - hereafter "the age assessment report") and consequent decision to cease the provision of care under the Children Act 1989. Permission was originally refused on the papers by DHCJ Richard Wright KC, but was subsequently granted on 23 January 2024 by Fordham J following a hearing. In line with usual practice, he then transferred the case to the Upper Tribunal. It is to be noted that Fordham J gave permission for his judgment to be published on Bailii: R (oao Karimi) v Sheffield City Council [2024] EWHC 93 (Admin) for what he said about certain aspects of case preparation in judicial review cases.

3. Once in the Upper Tribunal system, the case was managed by way of directions sealed on 28 February and 27 June 2024. The directions were complied with.
4. We observe that the applicant made a protection and human rights claim to the Home Office. We have been informed that this was refused by way of a decision dated 8 December 2023 and that there is now an appeal pending before the First-tier Tribunal. That hearing is due to take place on 27 September 2024. There has been no suggestion that those proceedings would have any material impact on either the substance or timing of our judgment.
5. At this juncture, we wish to acknowledge our appreciation to the parties' legal teams for their assistance in ensuring the effective conduct of this case. In particular, we express our gratitude to Mr

Buckley and Mr Davies for the constructive and sensible manner in which they have presented their respective cases.

### **Anonymity**

6. To date, there has been no anonymity direction in this case. The applicant is no longer a child and one potential reason for making a direction now does not apply. We are of course aware that the applicant has an appeal pending before the First-tier Tribunal and that this involves protection issues. Ordinarily, this might have persuaded us to make a direction in these proceedings. However, it is a fact that the applicant has already been named in Fordham J's permission judgment, which has been published on a publicly-available website. In light of this, anonymising the applicant now would seem to be an academic exercise. With this in mind, and having regard to the importance of open justice, we do not make such a direction.

### **The applicant's case in summary**

7. The applicant claims that he lived with his parents and two siblings in a village relatively close to a town called Marivan (located in the north-west of Iran) close to the Iraqi border. His father ran a shoe shop in Marivan. The applicant did not attend school. At some point, the applicant started distributing parcels containing leaflets relating to Kurdish politics (as we understand it, specifically the KDPI). Shortly after the applicant turned 17, he claims that the Iranian authorities discovered his father's involvement in pro-Kurdish politics and detained him. The applicant was informed about this by a cousin and was then taken to a maternal uncle's house. The uncle then made arrangements for the applicant to leave Iran. This occurred in late April 2022. The applicant then travelled across the border into Turkey, then by boat to Italy, through France, and as mentioned earlier,

eventually crossing the Channel on a boat. He was seemingly under the control of one “agent” or another throughout this lengthy journey.

8. The applicant asserts that he has known his age and date of birth for many years because his family celebrated birthdays and ages were subject of discussion.

### **The legal framework**

9. The skeleton arguments provided by Mr Buckley and Mr Davies contain helpful references to the relevant authorities on age assessments undertaken by local authorities and the approach to be followed by fact-finding tribunals. We intend no disrespect by not setting out each and every point made. Instead, and in view of Counsels’ confirmation that there are no novel or disputed points of law arising, we provide what we consider to be an appropriate summary of the main propositions to which we direct ourselves in this case:

(a) There is no burden of proof on an individual to prove their age. We are not bound to choose one or other of the parties’ positions;

(b) A Merton-compliant age assessment requires procedural fairness, which in turn relates to the provision of a suitable interpreter (where necessary), the absence of any predisposition as to age, the presence of an appropriate adult, adequate reasons for conclusions reached, an acknowledgement of the limited utility of relying on physical appearance and demeanour, and having a “minded-to” procedure in which the individual is given an



opportunity to respond to concerns prior to a final conclusion being reached;

(c) All relevant evidence must be considered in the round;

(d) At a fact-finding hearing, it is the substance of the evidence which is of primary importance. Matters going to process are unlikely to be of decisive importance;

(e) Issues of vulnerability must be taken into account insofar as relevant;

(f) The fact that an individual has been untruthful about one aspect of their claim does not mean that the same necessarily applies to the rest of their evidence;

(g) The standard of proof is that of the balance of probabilities.

10. In respect of (b) and the need for caution when evaluating physical appearance, we note the observations of Fordham J at [4] of his permission judgment referred to earlier.

11. Any reliance on an application of the “benefit of the doubt” should be treated with caution. It is not a requirement of fairness that a person be afforded any such benefit: see HAM v London Borough of Brent [2022] EWHC 1924 (Admin), at [39]. Further, and having regard to the immigration and asylum context (which is in certain respects analogous), there is no substantive principle of law that a person should be given the “benefit of the doubt”: see KS (benefit of the doubt) [2014] UKUT 552 (IAC). Rather, the evidence of a person must be assessed in the round and in the

context of any vulnerabilities and other relevant matters which might have an impact on that evidence.

12. For the avoidance of any doubt, we confirm that we have had regard to all of the authorities referred to in the skeleton arguments.

### **The written evidence**

13. The parties provided an agreed trial bundle, indexed and paginated A1-C185. We have considered all of the information contained therein with care.

14. As part of the case preparation undertaken by the parties, there was disclosure by the respondent to the applicant. We have not been provided with the disclosure materials as a whole. However, when it became apparent at the hearing that certain items disclosed were being relied on by the respondent, we requested that these be provided to us by Mr Davies. This he did on day 1. Whilst we do not criticise him and it is right that irrelevant disclosure materials are not put into an agreed trial bundle for the sake of it, it is important that specific evidence being relied on to support a party's case should be included in that bundle. Disclosure is a matter between the parties and the materials involved are not evidence unless they are filed and served in the usual manner. In saying this, we note the observations of Fordham J at [10] and [11] of his permission judgment.

15. In summary only, the applicant's single witness statement, signed (in the Kurdish version) and dated 23 May 2024, provides the following information. Having set out his general family background and the claimed basis of the problems which caused

him to leave Iran in 2022, the applicant describes his journey to the United Kingdom in some detail, taking it stage by stage through the various countries involved. He responds relatively briefly to the respondent's age assessment. He states that he answered all questions to the best of his knowledge and provided as much evidence as possible. He describes some of the process as being like "an interrogation". He denies being unable to name his father's shoe shop and having said that it was his cousin who arranged the departure from Iran. In respect of trips made by the applicant from Sheffield to see a friend in Birmingham in the summer of 2022, it is said that this friend provided travel information which made the journey possible. The applicant asserts that the friend was 18 at the time of the age assessment process.

16. In respect of the applicant's date of birth, he confirms that birthdays were celebrated, although these were not "proper" parties. The applicant describes being taught his date of birth in the Gregorian calendar rather than the Persian/Iranian calendar. The reason for this is said to be the fact that Kurdish families, or at least his family, did not use the latter. The applicant confirmed that he did not have any identity documentation, and that he was 17 years old on arrival in United Kingdom, not 16, as recorded by the Home Office. He accepts that he made an error as to his date of birth when setting up his Facebook account, recording it as 20 March 2005 rather than 21 March of that year. The applicant explains that his trips to Birmingham took place when he was still new to the United Kingdom and that he was now happy living in Sheffield. He states he only visited Birmingham "two or three times". He denies being in any contact with his parents and claims not to have any particularly good independent living skills, as recorded by a social worker.

17. We have witness statements from three individuals: Mr Aidan Mascarenhas-Keyes, Ms Marina Schirone, and Ms Paige Atkins. The first two work for Chilypep (Children and Young People’s Empowerment Project), an organisation which, amongst other things, supports refugee and asylum-seeking children and young people in Yorkshire and beyond.
18. In summary, Mr Mascarenhas-Keyes and Ms Schirone confirm that they first met the applicant in November 2023 and had subsequently met him in one-to-one situations as well as in groups. Both held the view that the applicant was the age he claimed to be, that his interaction with other young people did not raise any concerns that he might be significantly older, and, particularly in respect of Ms Schirone, some features of the applicant’s behaviour were “childlike” or at least indicative of him being 18 (at that time), as opposed to several years older.
19. Ms Atkins is employed as a support worker at Roundabout, the local youth housing charity which had provided the applicant with accommodation between June 2022 and November 2023, She first met the applicant in June 2022 and was his key worker between October and November 2023. She regarded the applicant as being “emotionally immature” and that he sometimes exhibited “child-like” responses when meeting new people and developing relationships. She confirmed that she had no concerns about his claimed age. If such concerns had emerged, Roundabout would not have been allowed to support him as he could not have been accommodated with 16--year-olds on account of safeguarding requirements.

### **The applicant’s oral evidence**

20. Prior to the applicant giving his evidence, we ensured that he and the Kurdish Sorani understood each other. No concerns in relation to interpretation were raised at any stage of the proceedings. We are satisfied that there were no problems in this regard.
21. There was no application to treat the applicant as a vulnerable witness. We took account of the fact that he is now 19 years old and there is no medical evidence of any conditions which might have had an impact on his ability to present his evidence at the hearing. Having said that, we of course listened very carefully to everything that was said in order to make sure (as best we could) that the applicant understood the questions and was not displaying any signs of confusion or particular anxiety.
22. The applicant relied on his witness statement and confirmed it had been read to him in Kurdish Sorani before he signed it. Aside from correcting his current address, nothing more was added in examination-in-chief.
23. We only summarise the applicant's responses in cross-examination by Mr Davies. The applicant had been aware of the importance of the age assessment process, at least at the time it began in July 2022. He stated that he had made two trips to Birmingham in July and August 2022. The applicant denied that the year of his birth was 2006 and denied having told the Home Office 2 June 2022 that he was told his date of birth by his mother "10 days earlier". He had not been aware that another young person in the group who went to Sheffield had given the date of birth of 21 March 2006. His error about his date of birth on Facebook account was not significant.

24. The applicant was questioned at some length about celebrating birthdays within his family unit in Iran. He said that there had not been big birthday celebrations, only a small party, with reference to his 17<sup>th</sup> birthday. He said he might have forgotten informing a doctor about that. He recalled being happy on his 10<sup>th</sup> or 11<sup>th</sup> birthday, but provided no further details. He confirmed that his birthday fell on the first day of spring. There had been birthday celebrations for his parents' and siblings' birthdays, although he could not recall his mother's precise age or the months of his siblings birthdays. The applicant initially stated that his father had hit him when he was 15-17 years old, but then stated that it was "around" his 17<sup>th</sup> birthday. He had been hit with a short metal pole.

25. The applicant was asked questions about his trips to Birmingham and the friend who lived there, S. He said that S had told him that he was 18, and there might have been some misunderstanding as to what the applicant then told social workers about that age. As regards the date the applicant left Iran, he confirmed that it was at the end of April and could not have been May because was not possible to travel from that country to the United Kingdom in only three days. The applicant answered questions about his accommodation placement and Roundabout. He confirmed that he had required and received help with independent living skills. He told us that he had begun shaving around the age of 15 and this was common in Iran. He had started to smoke cigarettes occasionally while still in his home country. He had never attended school. He confirmed that he had attended mosque every Friday.

26. We asked a couple of questions of the applicant. He told us that after August 2022 he had rarely travelled to Birmingham. In relation to the applicants claimed use of the Gregorian calendar, he confirmed what had been said in his witness statement, namely that as a Kurdish family, they had not used the Persian calendar. He denied telling the assessing social workers that he had used that calendar.

### **The witnesses' oral evidence**

27. It was originally intended that all three individuals who had provided witness statements were to be called at the hearing. In the event, Ms Schirone has been unwell, a state of affairs which was likely to persist for the foreseeable future. She had not been contactable. Therefore, only the first two witnesses attended the hearing (Ms Atkins on a remote basis, which was unopposed by the respondent).

28. Ms Atkins relied on her witness statement and was not asked any further questions by Mr Buckley.

29. The responses to questions from Mr Davies can be summarised as follows. She believed that the applicant was 18 at the time of preparing her witness statement in May 2024. She had been his Key Worker from October 2023 until he left the accommodation in November of that year. She believed she had been present at 7 or 8 one-to-one sessions with the applicant and her main focus had been to support him with independent living skills, including attending appointments, cooking, cleaning, and self-care. She described the applicant as being shy and timid and she had not seen him acting in a confident way. She regarded him as being "quite lost", although he could possibly be headstrong at times. Ms Atkins had had only some direct contact

with the applicant at the time when he was staying away in Birmingham in July and August 2022. He had been in a different placement from where she was working at that time. She accepted that she had not known the applicant for any more than about 8 weeks in total. She had not heard about any incident where the applicant became frustrated and slammed the door to a social worker and confirmed that she had not been trained in age assessment.

30. In response to a few questions from us relating to [18] and [19] of her witness statement, as Atkins confirmed that the applicant was first placed in “Group Living” a setting run by Roundabout was for 16-18-year-olds. However, because the applicant did not have an allocated social worker (we assume, following the age assessment decision of 11 October 2022), he was unfunded and therefore had to be placed in a different setting for unaccompanied asylum seekers which encompassed a wider range of ages, going up to 25 years old.
31. Mr Mascarenhas-Keyes adopted his witness statement and was not asked any further questions by Mr Buckley.
32. In cross-examination, Mr Mascarenhas-Keyes said the following. He remained as a Support Worker for the applicant and saw him at various intervals, depending on need. The witness described the Happy Group operated by Chilypep, in respect of which the vast majority of young people were aged 16-19. The applicant was in that group. He had met the applicant on approximately 12 occasions between November 2023 and February 2024. This was in the context of one-to-one, two-to-one, and group sessions. He had been trained on the age assessment process, although this did not include being an assessor.



33. In response to a couple of questions from us, the witness confirmed that he had carried out a similar role from when he joined the organisation in October 2021 to date.

### **The parties' submissions**

34. Mr Buckley relied on his skeleton argument and assisted us with concise oral submissions. In summary, he submitted that the applicant's evidence was credible and should be accepted. The applicant had, he submitted, been consistent and there was nothing of substance to undermine what he had said. Certain aspects of the applicant's case had not really been challenged. There was no substance to the arguments about journeys made to Birmingham in the summer of 2022. The applicant had reasonably explained the extent of his independent living skills. There was nothing in the applicant's physical appearance or demeanour which made him as old as the respondent says he is. Mr Buckley criticised the age assessment report, submitting that there was no proper "minded-to" process, that a number of the reasons relied on were superficial or misconceived, and that very little weight should be placed upon it.
35. Significant emphasis was placed on the issue of consistency. Amongst other matters, this related to the question of which calendar the applicant used. Whichever one applied, the applicant's account had not materially differed at various points in the process.
36. Mr Davies relied on his skeleton argument and was also commendably concise in his submissions. Contrary to what Mr Buckley had said, the respondent asserted that there had been numerous inconsistencies in the applicant's evidence and that the

applicant had sought to blame social workers for a number of these. The inconsistencies included, but were not limited to: the number of trips made Birmingham; S's age; the month the applicant left Iran; what calendar he used; the year of birth stated to the Home Office on arrival in United Kingdom; and the manner in which he was beaten by his father. There was also deliberate vagueness in the applicant's evidence. The assessing social workers had been entitled to place some reliance on the applicant's physical appearance. There had been a proper "minded-to" process but even if there had not, this would not fatally undermine the whole of the report. We were urged to place "a great deal of weight" on the report. It was "striking" that the only date the applicant could seemingly provide was that of his birth.

37. Mr Davies submitted that the evidence of two witnesses should attract limited weight, particularly as neither of them had interacted with the applicant in any significant way when he was (on his case) still 17. The inability of Ms Schione to attend the hearing reduced any weight attributable to her written evidence.

38. In reply, Mr Buckley again emphasised the importance of consistency and the absence of a "minded-to" process.

39. At the end of the hearing we reserved our judgment.

### **Assessment of the evidence and findings**

40. In assessing all of the evidence before us, we remind ourselves of the general propositions summarised earlier in this judgment.

41. The order in which we deal with the aspects of the evidence which we regard as being relevant to our task is not indicative of their individual significance, nor should it be thought that we have viewed each matter in artificial isolation. Our assessment is cumulative.
42. A number of the issues which we analyse below bear relevance to the contents of the age assessment report. Our consideration of those issues under separate sub-headings should not be taken as suggesting that we have failed to consider the report as a whole and on its own terms: we have. The particular sub-heading on the report will focus on the procedural aspects of the respondent's age assessment.

### ***Physical appearance***

43. As rightly acknowledged by the parties, physical appearance is not an entirely irrelevant factor to take into account when assessing a person's age. However, it is well-established in the authorities that real caution should be exercised, at least by a fact-finding tribunal, when it comes to the weight attributable to this particular consideration. That is our approach in this case.
44. We have no photographs of the applicant at the time of the age assessment process. We have of course seen the applicant at the hearing. It is apparent that he has thick black hair on his head and black facial hair. There is nothing implausible at all about his evidence that the vast majority of mid-teenagers in Iran begin shaving.
45. Insofar as the age assessment report is concerned, we do not conclude that the applicant's physical appearance was

afforded primary significance and its appearance as the first section in the report is more question of structure than any order of importance, although it was clearly attributed a certain amount of weight.

46. In terms of our assessment, his appearance is of little value to our overall task. We make it clear that this factor does not provide material support for the respondent's conclusion that the applicant is four years older than he claims to be.

### ***Demeanour***

47. Again, this is a relevant consideration, but one which should be treated with caution. This is particularly so in light of potential cultural differences and the wide-ranging subjective views (often at a subconscious level) which might inform conclusions on a person's age.
48. In this case, the applicant has variously been described in the evidence as, on the one hand, "timid and shy" and "child-like", whilst on the other, "challenging" and "very confident". For our part, at the hearing the appellant seems neither particularly shy, nor noticeably confident.
49. Overall, we do not regard the applicant's demeanour as representing a significant factor either for or against his claimed age and date of birth. On our assessment of the evidence, it seems to be the case that his attitude/demeanour/presentation differed according to the context in which it was perceived/noted (delete as appropriate). We accept that he was polite and co-operative with people who he was being helped by, for example, those at Roundabout and Chilypep. When he was faced with what he might have perceived as opposition, he seemingly became

frustrated and, to an extent, obstinate. The main, if not the only, example of this related to the trips to Birmingham in July and August 2022. He clearly wanted to move there, whilst the social workers raised perfectly legitimate concerns about this. The applicant's annoyance at being told he could not do what he wanted to does not, in our judgment, indicate that he was several years older than he claimed to be. Indeed, such behaviour might well be indicative of being a late teenager.

### ***Family history and claimed events in Iran***

50. This section of our judgment does not include consideration of what we describe as the calendar issue and the birthdays issue. These will be dealt with in due course.
  
51. The applicant has been consistent in terms of the composition of his immediate family unit: parents and two younger siblings. He has been consistent as to where they lived in Iran and his lack of any formal education. There is basic consistency as regards other family members, including a cousin, K, and a maternal and paternal uncle.
  
52. The applicant has been consistent as to his father's work as the owner of a shoe shop in the town of Marivan. The age assessment report deemed it to be incredible that he could not recall the name of the shop. The typed notes of the first age assessment meeting indicate that he was specifically asked if he could name the shop and the recorded response is "no". In his witness statement, the applicant asserts that he did in fact provide the name ("Marivan shoe shop"). It is implicit that the applicant is attributing the "no" answer to either misinterpretation by the interpreter or mis-recording by the assessing social workers. Of course, we cannot be certain as to

what took place at the meeting, but this point is one of a number in which the applicant has sought to blame others for what appeared to be clear inconsistencies or examples of relevant omissions or vagueness in his evidence.

53. We are not here to reach conclusions on the applicant's protection claim (this will be dealt with by the First-tier Tribunal in due course). For present purposes, we do not see any specific evidential problems arising from the applicant basic claim to have assisted his father in carrying packages containing leaflets in support of pro-Kurdish politics. If he was doing this, it has no real bearing on his age or date of birth.
54. The applicant has been consistent in stating that his father beat him on one occasion. The age assessment report contends that he could not recall any details about this, including whether or not the father used an implement to hit him. However, the notes of the first age assessment meeting record the applicant is saying that he thought "a bit of metal" was used. We accept that the recorded answer is not stated in definite terms, but it nonetheless undermines what is said in the report. In oral evidence, applicant stated that a short metal pole had been used. Overall, we see no significant inconsistency or deliberate vagueness here, although the lack of certainty surrounding the use of an implement is not entirely irrelevant.
55. There appears to be an evidential difficulty relating to the applicant's age when this incident took place. In his witness statement, the applicant asserts that this was when he was 16. In oral evidence, he initially provided the age range of 15-17, then changed this to "around 17", and eventually settled on "not yet 17". Given the significance of the event, as accepted by the

applicant himself, one might have thought that a more precise answer could have been provided in a consistent manner. On balance, we do not regard this as being of great importance to our overall assessment of credibility, although it bears some weight as an example of (albeit relatively minor) inconsistency and/or vagueness.

56. The respondent has criticised the applicant for being vague (and deliberately so) as regards his day-to-day life whilst in Iran. From our reading of the typed notes of the age assessment meetings, it may be said that more detail could have been provided. On the other hand, the applicant did give answers which set out the basics of what he did: playing football, helping at his father's shop, and suchlike. He was not specifically asked to elaborate on these responses. When he was asked more specific answers at the hearing, the applicant provided some additional information, including his attendance at the mosque. There is nothing of substance in this particular criticism of the applicant.

### ***The calendar issue***

57. We now turn to what we consider to be a matter of significance in this case, namely the applicant's assertion that he use the Gregorian calendar, not the Persian calendar, and that was the primary basis on which he knew his date of birth as being 21 March 2005.
58. The first point relates to consistency. Mr Buckley has placed great store on this issue, submitting that the applicant has been consistent in all material respects. On the calendar issue, and indeed others, we do not entirely agree.

59. The typed notes of the first age assessment meeting clearly state that the applicant was asked which calendar he used, with the response being “Persian calendar”. The accuracy of the record is effectively confirmed by the assessing social workers in their joint witness statement. In his witness statement, the applicant asserts that, as a Kurdish family, the Persian calendar was not used. In response to questions from us at the hearing, he was adamant that he had not told the assessing social workers that he used the Persian calendar. When asked by us about calendars at the hearing, the applicant again confirmed that as a Kurd he did not use the Persian calendar.
60. It is difficult to reconcile this evidence. On balance, we find that there has been a discrepancy on a relatively important matter, which in turn undermines the applicant’s reliability. The applicant’s attribution of error to the assessing social workers is not the only example of him seeking to divert blame for inconsistencies.
61. On the other hand, there are difficulties with the respondent’s evidence as well. First, in the Social History and Family Composition section of the age assessment report, it is said that the applicant stated he left Iran on “28 or 29 May” and that “he confirmed he was using the Persian calendar”. However, on inspection of the typed notes of the second age assessment meeting, it is apparent that the applicant stated he had been using the “European” calendar. Thus, what is said in the report appears to misunderstand the evidence on which it was based. Secondly, the assessing social workers’ witness statement asserts that the applicant had failed to state that he had been told his date of birth in the Gregorian calendar during the age assessment process. The typed notes of the three age assessment meetings



do not indicate that he was ever specifically asked which calendar had been used to teach him that information.

62. In respect of the recorded answer of “May”, the applicant effectively denied having said that, telling us that it was not possible for him to have travelled from Iran to the United Kingdom in three days. On his essentially unchallenged account of that journey, it must be right that he left Iran earlier than the end of May 2002. It might be that he did not in fact ever say “May”, or that he did, but had confused the months because he is not entirely confident with the Gregorian calendar, or indeed that he was simply being inconsistent as a result of untruthfulness. On balance, having regard to what we have said in the preceding paragraph, we find that the applicant probably did say “May”, but not as result of being untruthful; instead, it is more likely that he provided the date in the Gregorian calendar and got it wrong out of confusion at the time. It is more likely than not that this confusion arose because the applicant knows about both the Gregorian and the Persian calendars and was at the time probably not expert in the use of the former.

63. We have potential concerns surrounding the plausibility of family living in Iran using the Gregorian calendar rather than the Persian calendar. It might seem as though the ability to function within that country would be severely hampered by not using the ‘official’ calendar at all. When considering whether to place any, or any significant, weight on this, we have taken into account the following factors. First, whilst age assessment fact-finding hearings have something of the flavour of a more inquisitorial exercise than is the norm, it is still for the parties to present their respective cases as they see fit. Here, there is no expert or other independent evidence from either party as to the plausibility or

otherwise of a Kurdish family declining to use the Persian calendar (on a point of principle, or otherwise). The applicant was not questioned by the parties on this point (the few questions came from us), nor were there any submissions put forward. Secondly, we should be very cautious before engaging in speculation and the imposition of our perspective of what is or is not plausible, particularly in the absence of any independent evidence. Thirdly, it is right to say that the applicant has not stated that his parents (perhaps more specifically his father) did not *know* the Persian calendar at all: not using it within the family is something different.

64. Having regard to the above, we do not place material weight on the potential plausibility concerns.

65. Mr Davies has suggested that the applicant might have used the same date of birth as another young person who accompanied him from the south of England to Sheffield. The applicant denied having knowledge of the identified other person, or at least any date of birth they might have used. We have not been referred to supporting evidence in relation to this other person and what they might have said, or indeed how the applicant might have come to know about this. We place no weight on this particular point.

***Alternative dates of birth and knowledge of age***

66. This section is of particular importance. We have considered the brief interview conducted by the Kent Intake Unit on 2 June 2022 (the year 2021 is stated, but that is an obvious error and Mr Buckley did not raise any issues in relation to this). In the box marked “Date of birth” the following is recorded:

“I don’t know my date of birth. My mother told me I was 17 about 10 days ago.

IS91 states 21/03/2006 (16) but (sic) Pishiwan states he never told them this, just that he was 17.”

67. In respect of the second part of this recorded evidence, it is clear to us that does not represent a direct answer given by the applicant, but rather refers back to the IS91 document and the date of birth stated therein.

68. Section 1 of the same Kent Intake Unit interview contains the following recorded information in response to the question “Can you tell me your age and date of birth?”:

“16 - 21/03/2006

Claims he never gave this date of birth and just told them he was 17 when he first arrived.”

69. Read in context, we are satisfied that the first line of this passage simply reflects what had been recorded earlier on in the same interview, the date being apparently taken from the IS91 document. The second line of this passage represents a denial stated by the applicant at the short interview as regards what he had told the Home Office.

70. Unhelpfully, we have not been provided with the IS91 document and cannot be certain that the date of 2021 March 2006 was in fact recorded. It is within our judicial knowledge that the IS91 document is issued to a person, including a potential child, who is liable to be detained under immigration powers: it contains basic information about the individual’s identity, but

does not include a record of any evidence on which that information is based. It is of course possible that information provided to the immigration officer completing the IS91 document is mis-recorded or misunderstood at that point and we have taken this into account.

71. Having regard to the evidence on this particular issue and as a whole, on balance, we find that the date of 21 March 2006 was provided to the Home Office and that this was done by the applicant soon after his arrival in this country; there is no other plausible source from which the date could have been obtained. We find that the date was accurately recorded on the IS91 document. Further, it is very unlikely that the person conducting the Kent Intake Unit interview would have misread the date stated in the IS91 document, or mis-recorded that date at two different points within the interview form. It follows that we do not accept the applicant's denial of having stated that date.
72. It is the case that the date of birth which we have found the applicant did in fact provide on arrival in the United Kingdom, 21 March 2006, made him 16 at the time. As recorded in the Kent Intake Unit interview, he very clearly distanced himself from that age at the earliest opportunity. He stated that he was in fact 17 and has consistently maintained this age ever since. For the following reasons, the adamant nature of the applicant's assertion as to his age (as opposed to a particular date of birth) is, in our judgment, of significance when seen in the context of our findings on other issues.
73. First, the applicant's rejection of the 2006 date of birth did not assist him in putting forward a (in the respondent's view, false) claim to be a child: it put him a year older (17, not 16). He

could have maintained the 2006 year of birth and, in the absence of any identity documentation which might have referred to 2005, no one would have been any the wiser. Yet he volunteered, as it were, that he was 17.

74. Secondly, the applicant did not attempt to correct the date stated in the IS91 document. Instead, he effectively denied having given any date of birth at all and that he simply knew that he was 17.

75. Thirdly, there is a further aspect of the Kent Intake Unit interview which bears relevance here, that being the recorded evidence from the applicant, "I don't know my date of birth. My mother told me I was 17 about 10 days ago." That is clearly inconsistent with the rest of the applicant's evidence, which is to the effect that he had known his date of birth due to use of the Gregorian calendar and the celebration of birthdays over the course of much of his childhood. Unlike the references to the 2006 date of birth and the IS91 document, we are satisfied that this particular aspect of the evidence represents an answer provided by the applicant at the interview. The point is not addressed in the applicant's witness statement. When asked about this in cross-examination, the applicant denied having said that at all. We note that this is one of a number of such denials running through the applicant's case. It is difficult to see why the response at the interview would have been recorded if it had not in fact been provided by the applicant. It is stated that the applicant understood the questions put to him and we are satisfied that there was an appropriate interpreter for the interview.

76. The recorded answer undermines the basis on which the applicant has subsequently said that he was aware of his age (i.e. knowledge of the Gregorian calendar and the celebration of birthdays on precise dates known to him), and is indeed contrary to any knowledge of a date of birth. Having said that, it is consistent with an answer provided by the applicant at the first age assessment meeting, where he told the assessing social workers that his mother had told him he was 17.
77. Fourthly, the applicant's initial denial as to knowledge of his date of birth fits in with our assessment of other aspects of the evidence relating to, for example, inconsistencies on the use of a particular calendar and the celebration of birthdays. It also strongly suggests to us that he had in fact had some contact with his family in Iran during his journey to the United Kingdom, contrary to his claim.
78. Moving on, we note that the reasons for refusal letter relating to the applicant's protection claim, issued by the Home Office on 8 December 2023 gives the date of birth as 21 March 2001. That has no probative value in our assessment. The stated year of birth is simply a confirmation by the Home Office that the applicant's claimed age was not accepted and that 2001 reflected the outcome of the respondent's age assessment.
79. During cross-examination, Mr Davies put to the applicant that the Home Office had recorded data birth of 1 January 2005. As with other materials, the evidential basis for this was not included in the trial bundle, but was within the disclosure bundle. Even assuming that date had been recorded by the Home Office at some point, there is no proper basis for us to find that it emanated from the applicant himself. The date of 1 January of

any given year is often used as a default where there is an age dispute.

80. It is clear that the applicant's Facebook account states his date of birth to be 20 March 2005. He told us that this account had been set up whilst he was in the United Kingdom, around December 2023. The applicant regarded the apparent error as being of little importance. We find that, whilst not of the greater significance, it is a further example of the applicant seemingly being in some difficulties when stating dates in the Gregorian calendar. We have already addressed the IS91 date of birth and a confusion at one of the age assessment meetings.

### ***Celebration of birthdays***

81. The applicant struggled with his evidence relating to his family's celebration of birthdays.

82. In oral evidence, the applicant was vague when asked about celebrating the birthdays of family members. Whilst he was consistent about the fact of celebrations, he was unable to provide dates of birth for his parents or siblings. We found that the vagueness was indicative of a lack of knowledge surrounding precise dates of birth.

83. Having said that, the applicant has been basically consistent about the ages of his immediate family members, albeit that ages for his parents have not been stated with precision.

84. We acknowledge an inconsistency in the evidence as regards whether birthdays were celebrated at all. The applicant's witness statement asserts that they were, whilst the case note of

the medical appointment he had with a Dr Tom in July 2022 says the opposite. When this was put to the applicant at the hearing, he sought to explain that there had not been a “big celebration”, or that he might have forgotten to have told Dr Tom about celebrations. In our view, this evidence was fairly unsatisfactory.

85. In light of the above and the evidence as a whole, we find that birthday celebrations did not play a particularly important part in the applicant’s upbringing in the context of any knowledge of precise dates of birth. However, we are prepared to accept that there probably were some celebrations within the family. For the purposes of our central task, the absence of birthday celebrations linked to precise dates does not of itself decisively undermine the applicant claimed knowledge of his age and those of his immediate family members.

### ***Journey to the United Kingdom***

86. There is no specific challenge to the applicant’s account of how he travelled from Iran to the United Kingdom. On balance, we accept that it was as described in some detail by the applicant in his witness statement.
87. On the applicant’s own evidence, he seemed to be under the control of various “agents” throughout much, if not all, of the journey. We accept that he spent approximately one week in a reception camp in Italy, although there is no independent evidence of this.
88. It is more likely than not that the journey invested the applicant with a degree of lived experience which might have had some bearing on a perception of independence once he arrived in the United Kingdom.



***Identity documentation***

89. There is no evidence of identity documentation in this case and there is nothing more we need say about this particular issue.

***The age assessment process and report***

90. We re-emphasise the point made earlier in our judgment: the substantive analysis and reasons set out in the age assessment report are dealt with under separate sub-headings and we will not repeat what has been said elsewhere. What we say about those matters is clearly relevant to our view as to the overall weight which should be attributed to the report. What follows at this stage is a consideration of the procedural aspects of the report.

91. There is no dispute as to the qualifications of the two assessing social workers to have undertaken the process. They describe themselves as “experienced” in the joint witness statement and we have no reason to doubt that. As clarified during a preliminary discussion at the hearing, there is no suggestion that the applicant did not have an appropriate adult with him during the age assessment meetings. We are also satisfied that an appropriate interpreter was provided for those meetings.

92. We find that the eight areas covered by the report before the analysis and reasoning set out were in principle appropriate: Physical Appearance, Demeanour; Interaction of Person During Assessment; Social History and Family Composition; Developmental Considerations; Independent/Self-Care Skills; Health and Medical Assessment; and Information from

Documentation and Other Sources. These are what might be described as standard sections within any age assessment report.

93. There is a particular issue in respect of which we find that the age assessment process was flawed. There was no, or at least no meaningful, “minded-to” stage. We say this for the following reasons.

94. It is clear from the evidence that there were in total four age assessment meetings: 26 July, 16 August, 25 August, and 11 October 2022. It is the last two which are of importance here. On any reasonable view, the meeting held on 25 August did not constitute a “minded-to” process. The applicant was asked questions about, for example, what he had been doing in the United Kingdom and what his aspirations were. Towards the end of the typed notes it is recorded that the applicant was asked whether he had any questions for the assessing social workers. That did not amount to an opportunity for him to address concerns which had arisen from the information he had already provided. At the end of the typed notes the following is recorded:

“Joanne explains that it was decided that we needed to get to know him more to clarify if we accept his age, as he has no proof, we needed to ask further questions. Joanne explains that we will go away and write up our assessment. We will book in a time to come back and share the outcome of the assessment.”

[Underlining added]

95. The stated intention seems clear enough: the assessing social workers were to complete their report and then read it over (or at least summarise it) to the applicant at the next meeting. On

the basis of the passage quoted above, that next meeting could not have constituted a “minded-to” process because the report already having been written up, including the conclusions reached as to the applicant’s age. The fact that the assessing social workers might have wished to ask him further questions about his age is not the same as putting concerns to him so that he could answer them before the report was written up.

96. The 11 October meeting is in fact described on the first page of the age assessment report as the “sharing outcome” session: that is clearly not indicative of a “minded-to” stage.
97. Somewhat oddly, at the very end of the age assessment report under the sub-heading “Conclusion” and after the respondent’s conclusion that the applicant was 21 years old, there is a line stating “Pishtiwan’s responses to the outcome of the Age Assessment when it was shared on 11 October”. Aside from a signature (which is either the applicant’s or that of one of the assessing social workers) nothing is recorded. We cannot say whether there were any responses at all, or, if there were, why they were not set out there.
98. The case note at A70 of the trial bundle simply reinforces what we have already said. It confirms that the assessing social workers read out the report, “including the summary and conclusion”, to the applicant and his responses were then recorded. Put bluntly, that looks very much like a “cart before the horse” approach.
99. We have not been referred to any other evidence which demonstrates that the applicant was given the opportunity to

address concerns raised by the assessing social workers prior to the age assessment report being finalised and shared with him.

100. The absence of a “minded-to” stage in the age assessment process does have a material impact on the amount of weight we would otherwise attribute to the report. It is a procedural flaw which undermined the overall fairness of the assessment. Beyond that, we find that, at least to an extent, it detracts from the respondent’s argument that the applicant has provided deliberately vague evidence. It is true that the applicant has provided more information following the age assessment meetings and it is in some respects fair to describe some of his answers during those meetings as vague. However, if a proper “minded-to” meeting had taken place, this particular concern could have been put to the applicant at that point and/or additional more directed questions could have been asked (as indeed they were at the hearing). As a consequence, there is less force in the respondent’s submission that the applicant has had a chance to “get his story straight” after the age assessment report and to have filled in the evidential gaps once he had a chance to think of more things to say.

101. What we have said above does not of course mean that no weight is attributable to the age assessment report. It represents a considered view by two appropriately-trained assessing social workers as to the applicant’s age following three meetings and a review of other sources of information (such as Roundabout). On the question of substance, there are matters within the report which, for reasons set out elsewhere in this judgment, tend to undermine the applicant’s credibility and there are matters which we regard as deserving of less weight than that afforded by the respondent. In relation to procedure, we have identified a

deficiency, albeit one that does not fatally undermine the entirety of the assessment exercise.

102. Overall, we place some weight on the age assessment report: it is more than the “little” value, as submitted by Mr Buckley: it is certainly less than the “great” significance urged upon us by Mr Davies.

### ***The trips to Birmingham in July and August 2022***

103. We find that the applicant did in fact spend a fairly significant period of time in Birmingham during July and August 2022. The contemporaneous case notes clearly record the absences from the placement in Sheffield and the amount of time spent in Birmingham. We are satisfied that he spent 11 nights in Birmingham during July and 14 nights there during August.

104. The applicant asserts that he only went to Birmingham on two or, at most, three occasions. On the face of it, this would seem to be in direct conflict with the evidence contained in the case notes, which we have accepted as being reliable. However, as far as we can see, the case notes do not record the applicant as having gone to and fro from Sheffield to Birmingham on numerous occasions during the period in question. Rather, it appears as though the applicant was, in the main, “off placement” for chunks of time, as it were (we have not been provided by the respondent with a schedule of the specific nights spent away). It may be that the applicant did go to Birmingham on more than two occasions overall, but we do not find there to be a significant discrepancy in his evidence: it is likely that his evidence related to the number of times he had actually made the journey to Birmingham, whilst the respondent was focused on the total number of nights spent in that city. Our view on this

point is reinforced by the simple fact that the applicant must have known the record of his absences had been kept by the respondent and there would be no point whatsoever in seeking to truthfully assert that he had only spent two or three nights away.

105. There is no definitive evidence as to S's age. It is somewhat surprising that we were not provided with information from, for example, the local authority that had been responsible for him. On what we do have, it is sufficiently clear that there is a discrepancy in the applicant's evidence: the typed notes of the second and third age assessment meetings record him as having given S's age as 20 or 21; in his witness statement and oral evidence, the applicant stated that S was one year older than him, being 18 at the time of the age assessment. S had apparently told him this. The applicant thought they might have been a misunderstanding at the age assessment meetings, perhaps relating to interpretation. We do not accept the applicant's explanation for the discrepancy. The age of 20 or 21 attributed to S by the applicant is recorded in two separate meetings. We do not accept that there were two separate misinterpretations or mis-recordings. Rather, we find that the applicant subsequently sought to reduce S's age so that it aligns more closely to his own claimed age. In our view, it is likely that the applicant believed that this would make his friendship with S appear less concerning.

106. Despite this inconsistency, which might more accurately be described as an untruthful embellishment, the friendship with S does not, when taken in the context of the evidence as a whole, represent a factor which significantly undermines the applicant's overall credibility. Our reasons for this are as follows.

107. First, following his placement in Sheffield in June 2022, the applicant knew no one there. It is not inherently implausible that he met S by chance in that city. If, as we accept, S is also Kurdish Iranian, it is plausible that the two would have connected.
108. Secondly, whilst one might potentially question the motives of a 20 year old befriending a 17 year old, again there is nothing inherently implausible about this taking place across a three-year age gap.
109. Thirdly, if such a friendship had developed, it is entirely plausible that S would have been able to assist the applicant in making the journey from Sheffield to Birmingham, as indeed has been the applicant's evidence on this point. The applicant's ability to actually undertake the journey might in some part been assisted by his experiences travelling from Iran the United Kingdom, although simple instructions in his own language and having telephone contact with S would probably have sufficed in any event.
110. Fourthly, there is nothing to contradict the applicant's assertion that there was a sizeable and/or established Iranian Kurdish community in Birmingham. It might well have been the case that the applicant would have been attracted to that setting, particularly with the encouragement of S. This consideration will apply to a person in the applicants circumstances whether they were 17 at the time or older. In that sense, the trip to Birmingham do not greatly assist either the respondent's or the applicant's cases.
111. Fifthly, and following from the above, the fact that the trips to Birmingham and time spent away from the Sheffield placement

interrupted the age assessment process and led to tensions between the applicant and the social workers is not in our view good evidence of the applicant being substantially older than he claimed to be at the time. The same state of affairs may well have existed whether he was the claimed age or older.

112. We note that the age assessment report refers to the applicant having “older friendships” in Birmingham. The evidence says nothing about any friends in Birmingham other than S and we find that he was the only connection with that city. It is not a situation in which the applicant was socialising with a group of 20-year-olds.

113. Overall, we find that the trips to Birmingham and the friendship with S do not provide significant support to either parties’ case. It is clear to us that a fairly significant amount of weight was placed on this factor as part of the age assessment report. In light of our findings on the evidence as a whole, the respondent’s evaluation of the applicant’s age is therefore undermined to an extent

### ***Independent living skills***

114. The question of independent living skills is often difficult to answer, particularly when the age range in question spans late teenage years into the early 20s. Much can depend on cultural norms, family background, the general level of maturity of the individual, and specific experiences during the journey to the United Kingdom.

115. In the present case, the evidence is to an extent mixed, but overall does not indicate that the applicant is the age attributed to him by the respondent.



116. Some of the points discussed below are related to evidence given by the two witnesses. What they said is also considered under a separate sub-heading and these two sections should be read together.

117. We find that the applicant was capable of undertaking basic cooking. This is evidenced by staff at the placement and the applicant accepted as much in his oral evidence. We find that, at least initially, the applicant was provided with support by in relation to cooking. We cannot see that the ability to undertake basic cooking steps is indicative of the applicant being significantly older than he claimed.

118. The unchallenged evidence from Ms Atkins is that Roundabout provided assistance to the applicant in respect of a variety of skills, including cleaning, self-care, and shopping. There is no reason to doubt any of this and we accept it to be reliable. In this regard, the fact that the applicant had some independent living skills does not in our view indicate that these were as a result of him having acquired them through an ageing process extending beyond the claimed age. We also take account of what we have already said about the trips to Birmingham and the experiences of the journey to the United Kingdom.

### ***The witnesses***

119. We have no hesitation in finding that the evidence of the two witnesses has been provided truthfully and there has been no suggestion to the contrary. Having said that, whilst we are able to place some weight on what they have said, it is not a significant consideration in our overall assessment.

120. Ms Atkins candidly accepted that she had only really interacted with the applicant for a limited period of time, approximately 8 weeks, with most of the direct, focused contact occurring between October and November 2023 when she was his key worker. At most, she attended 8 one-to-one sessions with him. We accept that she had no concerns that the applicant was anything other than the age he claimed to be. We also accept that Ms Atkins has experience in dealing with young people in the 16-25 age range. From her oral evidence, we appreciate that the applicant had been placed in accommodation covering a wider age group rather just the 16-18-year-olds because he did not at that time have an allocated social worker. That state of affairs was, it appears to us, the consequence of the respondent's age assessment report rather than a decision taken by Roundabout that the applicant appeared to be older than claimed.

121. We accept Ms Atkins' evidence that she had not witnessed aggressive or belligerent behaviour by the applicant. As mentioned earlier in our judgment, his demeanour at certain times has been context-specific.

122. Ms Atkins has not been trained to assess age. Without criticising her at all, the absence of any particular concerns as to the applicant's age does not of itself provide very much by way of support for him being 17 when she first met him in 2022 and 18 when she was his key worker, as opposed to, for example, 19 or 20 respectively. It is, however, capable of providing some limited support for the applicant's contention that he is not the age attributed by the respondent, that being four years older than claimed.

123. As with Ms Atkins, Mr Mascarenhas-Keyes has worked with a fairly broad age range of young people ranging from 14-25 years old. We accept his evidence that the great majority of those in the Happy Group are aged between 16 and 19 years old and the applicant has, in the witness's honest view, fitted in with that particular cohort.

124. Like Ms Atkins, Mr Mascarenhas-Keyes has had relatively limited interaction with the applicant. We accept that he has good experience in working with young people through his work with Chilypep since October 2021. We accept that he has met the applicant on approximately 12 occasions, including at one-to-one sessions which took place when the applicant was on any account an adult. We find that whilst he has been trained on the age assessment process, he has not been trained to undertake such assessments himself. Overall, we are prepared to place limited weight on what Mr Mascarenhas-Keyes has said in respect of how he has perceived the applicant to have behaved within the cohort of 16-19-year-olds during the relatively short period of time in question.

## **Conclusions**

125. It should be clear from the lengthy analysis and findings on the evidence as a whole that this case has not been easy to decide. There are a wide range of factors which point for and against the applicant being the age he claims. Of course, we are not bound to agree with either party's position on age and date of birth.

126. In light of the cumulative assessment we have undertaken and the findings set out above, we conclude that it is more likely

than not that the applicant was 17 when he arrived in United Kingdom on 1 June 2022 and that he is now 19.

127. We attribute the date of birth of 1 January 2005.

128. Without repeating what has gone before and emphasising the intensely fact-sensitive nature of this particular case, the essential reasons for our conclusion are as follows.

129. First, we have found that the applicant has been consistent as to his age (as opposed to his date of birth) at all times, stating that he was 17 on arrival in this country and maintaining that age to date.

130. Secondly, it is unlikely that the applicant knew his precise date of birth in the Gregorian calendar and through the celebration of birthdays according to that calendar. It is more likely than not that he had been told of his age by his mother, probably at intervals during his upbringing, but at least at some point during his journey to the United Kingdom.

131. Thirdly, the applicant has been untruthful and/or unreliable about a number of aspects of his evidence. These include: blaming others for his own inconsistencies; asserting a lack of any contact with his family in Iran; denying having said things which we have found he did; at times being at least vague, if not evasive; and, most significantly, putting forward a date of birth which we found not to be correct because he does not in fact know that date. On this final point, we conclude it to be much more likely than not that the applicant did know his age (17 on arrival), then sought to back this up with a precise date of birth and attempting to use the Gregorian calendar. With reference to

the IS91 document, that clearly did not work and so he then changed the date to fit with his age. Whether he did this “off his own back”, as it were, or at the direction or suggestion of others, is something we will never know.

132. Fourthly, we remind ourselves that a person may lie about certain matters, but be truthful about others: the assessment of credibility is not necessarily an “all or nothing” exercise. In addition, there is almost always going to be doubt, but that is why the balance of probabilities plays an important part in age assessment cases.

133. Fifthly, we have identified a number of shortcomings in the respondent’s evidence, including the absence of a “minded-to” stage in the age assessment process and the misreading and/or misunderstanding of evidence. In addition, we have found that other matters on which the respondent clearly placed weight when concluding that the applicant was four years older than claimed are in fact a little probative value, for example: physical appearance; demeanour; independent living skills; and the trip to Birmingham in 2022.

134. Overall, there is nothing in the evidence relied on by the respondent which would lead us to conclude that the applicant was four years older than he claims.

135. Sixthly, the evidence of the two witnesses, provided in good faith, does not, with respect, take the applicant’s case very much further, although it does not support the respondent’s position.

136. It follows from the above that the applicant was a child when he arrived in the United Kingdom and at the time of the age assessment report in October 2022.

**Disposal**

137. The parties are invited to draw up an Order which reflects the terms of this judgment. The Order should address any ancillary matters, including any application for permission to appeal and costs.

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