

AESAC Meeting

10 January 2024
13:00 – 15:30
MS Teams

For Information

These minutes are an accurate record of this meeting of the Committee, but some information has been summarised or redacted as it is sensitive and/or related to ongoing work.

Note of Meeting

1 Welcome, introductions and matters arising

- 1.1 Chair welcomed all to the meeting and attendees introduced themselves. A full list of attendees and apologies is available in Appendix A.
- 1.2 An AESAC member declared a possible conflict of interest which was that she currently hosts asylum seekers.

2 Minutes and actions from the previous meeting

- 2.1 Chair asked for comments on the September 2023 minutes.
- 2.2 It was noted that an AESAC member is incorrectly cited in the minutes and this should be amended.
- 2.3 Minutes accepted pending above change.

3 Previous actions from Sep 23 meeting

- 3.1 2023_07_26_01 ACTION: Secretariat were to develop a summary of the roundtable events which have taken place to share with AESAC.
 - Secretariat have provided the required summary to AESAC and Policy.
- 3.2 2023_07_26_02 ACTION: A meeting was to be arranged with AESAC to discuss the interim report.
 - To be actioned following the completion of the DNA methylation commission.
- 3.3 2023_07_26_03 ACTION: Representatives from the National Age Assessment Board (NAAB) were to share the age assessment process model with AESAC once complete.
 - Incomplete as this has still not been confirmed.
 - **ACTION 2024_01_10_01: Secretariat to follow up with NAAB regarding expected completion date to share the age assessment process model.**
- 3.4 2023_09_27_01 Action: Policy were to share data with AESAC on the proportion of asylum seekers that are age disputed.
 - This was circulated following the Sep '23 meeting.

4 Chair's update

- 4.1 A presentation was given to AESAC on the Likelihood Ratio by TC in October 2023.
- 4.2 Members of AESAC and Policy attended the British Medical Association (BMA) Ethics Committee in October 2023. This was to discuss the use of x-rays in the Scientific Age Assessment (SAA) process.
- 4.3 Monthly catchups have been held between Co-Chairs and Policy. Key updates from these meetings have been passed on to AESAC.
- 4.4 Weekly catchups have been held between Co-Chairs and Secretariat. Key updates from these meetings have been passed on to AESAC.
- 4.5 Chair thanked AESAC members for their responses to questions that arose from the second reading of SAA legislation in Parliament.
- 4.6 Chair thanked AESAC members for their contributions to the image triaging commissions, which had been passed on to Policy.
- 4.7 Chair thanked Policy for their work and expressed appreciation that delivery timelines weren't always under their control.
- 4.8 Secretariat thanked Policy for sharing a link to the Home Office (HO) and Ministry of Justice (MoJ) Statutory Instrument (SI) legislation prior to the start of the meeting.

5 DNA methylation commissioning brief update

- 5.1 DNA methylation working group Chair presented on work undertaken so far as a part of the DNA methylation commissioning brief. The following key points were raised:
 - The science of DNA methylation was not originally designed to support SAA.
 - DNA methylation describes a change to the function of DNA while leaving the DNA sequence unchanged. Levels of DNA methylation can change over time, which is how DNA methylation could be used as an estimate of chronological age.
 - Work by [McEwen et al. \(2020\)](#) indicated some promise, but substantial questions remain over the effect: ethnicity, stress levels, saliva samples versus blood samples and specific marker set will have on reliability of the method.
- 5.2 Figures from [McEwen et al. \(2020\)](#) were also shown.
- 5.3 AESAC member asked for further detail on the error rate shown in the [McEwen et al. \(2020\)](#) figures and suggested this may not be as low as indicated. Caution was expressed about being overly optimistic about the results in this paper.
- 5.4 AESAC member asked for further detail on the variability in these figures, particularly around those at the upper end of the age range, and the need to understand this. Others agreed and it was suggested further research was needed to investigate this.

- 5.5 AESAC member indicated a preference to express error in percentage terms, rather than absolute terms as set out in this paper. This would enable DNA methylation to be incorporated into the Likelihood Ratio (LR).
- 5.6 AESAC members discussed whether incorporating DNA methylation into the LR would be a valid approach. It was indicated that it would, as DNA methylation is likely statistically independent of current skeletal and dental methods of SAA.
- 5.7 AESAC member asked about the dataset used by *McEwen et al. (2020)* and whether the conclusions are valid if asylum seekers weren't present in the sample population. AESAC members agreed that asylum seekers were likely not represented and suggested further research would be needed to assess the effect this would have on the set of marker sites and results.
- 5.8 AESAC member expressed the need for caution when discussing and reporting on the potential for using DNA methylation in SAA, to ensure that AESAC do not give the impression they believe the technology is sufficiently accurate and ready to be used. This was reiterated by members.
- 5.9 Policy indicated the difficulty of doing research on the asylum-seeking population. This is because many unaccompanied asylum-seeking children don't have documented ages. Policy requested recommendations for potentially representative communities that could be used as a proxy.
- 5.10 Policy asked whether the impact of stress on the results is likely to be long-term, or whether it would reduce if the individual is no longer under stress.
- 5.11 AESAC member believed the effect is likely permanent, citing research that indicated parents who have been exposed to trauma may develop changes that they then pass on to children.
- 5.12 AESAC member asked about the degree to which stress may affect age estimations and whether there was a risk of overestimating the age of individuals who have experienced a high degree of stress.
- 5.13 Another AESAC member indicated that stress may affect age predictions by 3-6 months, but suggested more research was needed. They advised consulting with paediatricians to agree how the maltreatment of children could be defined in this context.
- 5.14 AESAC member highlighted that the degree of error would vary with different age groups. If stress could have an effect on age estimation by 3-6 months, this would reflect a much larger error in younger populations.
- 5.15 AESAC member opined that gathering data on the stress and trauma experienced by asylum seekers would be very difficult, and that some may have experienced a life of trauma, while others may have lived in relative stability and only experienced trauma immediately prior to becoming a refugee.
- 5.16 AESAC member expressed a view that the stress experienced by children seeking asylum was likely to be significantly greater than that experienced by children in the UK. Concern was also raised about the feasibility of doing research on this group of individuals, due to factors such as language barriers and ethical issues. It was also

indicated that some work was currently underway to try and identify a population of asylum-seeking children which could be used for research such as this.

- 5.17 Policy asked what the timeline might be from taking the DNA sample to getting results.
- 5.18 AESAC member stated that this is likely dependent on cost, but could be around 2 weeks.
- 5.19 AESAC members suggested that this may be difficult to implement.

6 Policy introduction and update on work programme

- 6.1 Policy representative provided an update on Policy's current work programme and upcoming developments. These included:
 - The recent appointment of new ministers, including a new Home Secretary and Lord Sharpe taking on the brief of SAA.
 - This year being an election year and the need to focus on current ministerial priorities while staying open to the possibility that these may change post-election.
 - Thanking AESAC for the recommendations and advice they have provided, confirming that some of these have been adopted.
 - Confirmation from Ministers that the Home Office would look to implement SAA in phases.
 - Creating and publishing user guidance on SAA.
 - Work being undertaken with the MoJ and Department of Health and Social Care (DHSC), to ensure compliance with existing guidance when using x-rays in SAA.
 - A desire to boost engagement on SAA with stakeholders such as the medical community, with the possibility of AESAC involvement.
 - A plan to conduct engagement internationally to see what other countries were doing on SAA.
 - Clause 58 in the Illegal Migration Act (2023), which gave the Home Office the ability to make decisions about an asylum seeker's case if they refuse to undergo SAA without reasonable grounds, could not be used unless and until the Home Secretary determines the science and analysis is sufficiently accurate to support providing for an automatic assumption of adulthood so as to be compatible with the European Convention on Human Rights, in particular, Article 8 (right to private and family life). Looking ahead to novel technologies, such as DNA methylation and facial age estimation, to assess whether these have potential to support SAA.
- 6.2 Policy representative outlined the legislative process that has occurred following the publication of the interim AESAC's report. The key points were as follows:

- An MoJ SI authorising use of X-rays for SAA and a HO SI specifying x-ray and MRI methods of SAA had been signed into law. The House of Lords passed a motion of regret on these SIs, but this did not affect them becoming law.
- AESAC was thanked for providing answers to questions that arose in the House of Lords during debates on these SIs.
- SAA legislation was now in place to allow the use of X-ray imaging, and to allow the taking of a negative inference, but a plan was still to be developed to operationalise this.
- Opposition to SAA from some stakeholders, such as the devolved governments in Scotland and Wales remains. Work would be undertaken to promote engagement and stakeholder buy-in.
- Policy were keen to pursue further engagement opportunities following their attendance at the BMA Ethics Committee along with AESAC members.
- AESAC was thanked for their work on the Likelihood Ratio approach and Digital, Data and Technology were currently working to determine how a digital tool could be developed to implement this operationally.

6.3 Policy were thanked for the update and outlined that work was currently underway to determine how and where the phased roll-out of SAA could occur. It was hoped that an update on this could be provided at the next AESAC meeting.

6.4 Policy stated that a commissioning log had been set up to track work being undertaken by AESAC, and improve communication between AESAC, Secretariat and Policy.

6.5 Policy thanked AESAC for their work on the image triaging commissioning brief.

7 AOB

7.1 Chair reminded attendees of the next meeting on Apr. 23rd at 13:00.

Appendix A.

AESAC

Lucina Hackman (Chair)
Stuart Boyd (Co-Chair)
Tim Cole
Sally Andrews
Tabitha Randell
Denise Syndercombe-Court
Allison Ward

Present (Home Office (HO) officials and Stakeholders)

AESAC Secretary and Secretariat
Home Office Policy representatives

Apologies: (Home Office (HO) officials and Stakeholders)

Deputy Chief Scientific Adviser

Apologies: AESAC Member(s)

Liam Way