

The Guarded Gate: DNA Testing for Refugees

Nipun Verma

The United Kingdom Borders Agency started the pilot program, Human Provenance Project, in September 2009 to pinpoint the nationalities of people seeking refugee status in the United Kingdom. Specifically, U.K. officials were concerned that Kenyans were trying to pass themselves off as Somalis, who have a greater chance of being granted refugee status due to the civil war in Somalia. The program would use DNA testing to compare nucleotide sequences of living individuals to sequences of historic populations to determine ethnic origin. The program would also use isotopic analysis, which matches certain isotope ratios in hair and nails to the ratios found in the individual's place of birth or upbringing [1]. However, the DNA analysis for African populations has limited resolution and is subject to considerable errors. There is also no evidence that isotopic ratios present at birth or early childhood are preserved in continuously growing tissues. More obviously, these tests ignore the fact that people move and nationalities can change, whereas DNA remains the same [2]. The scientific community and refugee support

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groups expressed outrage the moment the program was announced. This reaction led to the temporary suspension of the program in October 2009 [3].

The emergence of the Human Provenance Project highlights the capacity for scientific technology, including DNA testing, to expand from its traditional fields and to influence refugee cases. When refugees flee their country of origin, they often leave family members behind. Many countries have established procedures that use DNA testing to determine biological relationships in family reunification cases, but other countries, notably the United States, have not yet come to a decision on this issue [4, 9]. Programs like the Human Provenance Project, which try to establish nationality, should be terminated because they are fundamentally flawed. But what about employing DNA testing to establish biological relationships? Comparing DNA sequences between individuals can be used to establish biological relationships, because blood relatives share similar sequences of DNA, which can be obtained from cell samples drawn from blood, saliva or hair [5]. The technological accuracy and validity of this genetic testing is unquestioned; DNA testing to establish paternity is regularly used and the results are admissible in court. Nevertheless, is DNA testing for family reunification ethically justifiable?

Family reunification is vital for refugees. The absence of family members can exacerbate the trauma of migration and can impede assimilation into a new country [6]. Several international documents stress this importance of family



How well does our blood reflect us? Reproduced from [13].

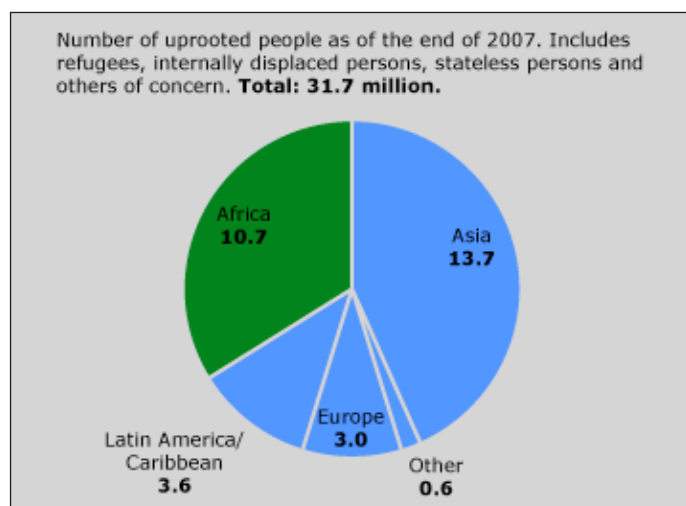
reunification. The Universal Declaration of Human Rights of 1948 and the United Nations Covenant on Civil and Political Rights of 1966 both recognize that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State” [7]. In addition, the executive committee of the United Nations High Commissioner for Refugees has issued numerous recommendations urging refugee family reunification. However, the executive committee’s recommendations are not binding upon governments and are fairly broad and non-descript. As a result, national governments have developed their own procedures to determine the legitimacy of family reunification in individual cases [7]. Although the humanitarian reasons for allowing family reunification are understood, financial support for refugees comes from domestic welfare programs, so governments have an incentive to limit the number of refugees admitted [8]. Ultimately, the issue of family reunification underscores the tension between a national governments’ responsibility to respect the human rights of refugees and their interests in curbing migration across their borders.

The problem of fraudulent applications is an important point of focus for governments that deal with refugees, as shown by the emergence of the Human Provenance Project. In the context of family reunification, this would arise when refugees claiming to be family members have no actual hereditary link. In 2008, the U.S. Department of State suspended the humanitarian program, Priority 3, which reunited African refugees with relatives living in the U.S. In February 2008, the U.S. government started a pilot DNA testing program to verify the genetic ties between relatives. The initial DNA testing included 500 individuals, primarily from Somalia and Ethiopia, but it was later expanded to over 3000 individuals from Ethiopia, Uganda, Ghana, Guinea,

Gambia and Cote d'Ivoire. DNA testing showed that a large number of the applicants were not related to their

“ The Human Provenance Project [is] fundamentally flawed ”

putative family members, and thus they were ineligible for family reunification. Due to the high number of fraudulent applications, the reunification program was suspended in October 2008 and has not yet been reinstated [9].



Source: United Nations High Commissioner for Refugees. Reproduced from [11].

In the past few months, reports have surfaced that the Obama administration is considering restarting the Priority 3 program, with new procedures that include DNA testing for some refugee applicants [10]. If the program does include DNA testing, the U.S. will be far from alone. Many nations, including Denmark and Canada, have already instituted procedures for DNA testing as part of family reunification procedures. Other countries, like Germany and Switzerland, have established DNA testing for immigrants, and these procedures often overflow into the refugee context [4]. As such, DNA testing is well established in some countries and is increasing in popularity in others.

Although DNA testing to establish biological relationships is scientifically accurate, it poses some important limitations and ethical ramifications. Most importantly, families are

not always biologically related. For example, the traditional family conception ignores the case of adopted children. Also, there is no universal definition of family; it is a socially constructed term that differs from one culture to another. In many cultures, family incorporates both biological and close social relationships [12]. In fact, after U.S. DNA testing revealed fraud, many refugee advocates argued that the definition of family among Africans extends beyond blood relatives, especially in cases in which relatives are scattered due to persecution or warfare [11].

The application of DNA testing can produce practical problems as well. There are concerns that DNA testing is more likely to be requested from individuals from poorer countries. These individuals are less able to obtain documentary evidence from their governments, and the receiving governments are more likely to reject these documents as fraudulent. Furthermore, DNA testing can be expensive, and applicants may not be able to pay. Others may be constrained by religious beliefs that ban the surrendering of blood samples. Lastly, DNA testing poses serious concerns on the right to privacy for refugees because of the risks that personal data obtained can be disclosed to unauthorized parties [12].

Nations ultimately have a responsibility to guard their own borders. DNA testing can be useful in family reunification cases as long as the method's limitations are recognized and its use is carefully regulated. First and foremost, DNA testing should be used as a last resort, and results showing no biological relationship should be overturned by sufficiently strong contrary evidence equivalent to a family tie. There must be strict and uniform national guidelines detailing when DNA testing should be used, in order to ensure its application is as non-discriminatory as possible. The cost of DNA testing for refugees should be borne by the receiving government and there must be clearly defined measures for data protection.

Family reunification at heart is a matter of humanitarianism and needs to recognize the rights of refugees. However, reuniting families of displaced refugees also has positive social and economic consequences for the receiving country. The presence of family members eases assimilation into the national culture and integration into the workforce. Although an open door policy is not the solution, neither is the creation of more restrictive measures that unfairly prevent refugees from joining their families. ■

Nipun Verma is a senior in the College of Arts and Sciences, Cornell University and is studying Biology.

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