

# **ILPA** information sheet

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## **Human Provenance Project**

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This information sheet provides information about a UK Border Agency project introduced in September 2009.

The Human Provenance Project operates at the Asylum Screening Unit (ASU) in Croydon. It involves taking DNA and other personal samples from asylum-seekers for testing. Further details are given below. There are two different parts of this project:

- One part involves tests to check whether an adult, coming to the ASU with a child (or children) and claiming to be related to the child, is related to the child as claimed.
- The other part involves tests about where an asylum-seeker at the ASU has come from (i.e. testing his or her origins).

Information about these separate parts of the project is given under separate headings below.

### **Adult-child relationship testing**

This part of the project involves placing swabs (a piece of material) inside the mouth of the adult and the child. The swab is wiped against the side of the mouth and from this it collects a sample of the person's DNA. This sample is sent for testing, and the DNA of the adult and the DNA of the child are compared. The tests will give an assessment of whether the adult and child are related. DNA testing of this type has been used for many years in some cases involving children seeking permission to come to the UK to join a parent here.

The UK Border Agency says that it will ask an adult and child, who come to the ASU to claim asylum, to undergo this testing if the UK Border Agency has any suspicion that the adult and child are not related as claimed.

The UK Border Agency policy states that neither the adult nor the child can be forced to undergo the test. The UK Border Agency will ask the adult and child to consent (agree) to the test; and may rely on the adult's consent (agreement) in order to test the child.

Refusing to undergo the test may have serious consequences. If the adult refuses to undergo the test, the UK Border Agency policy states that the child (or children) must be referred to social services immediately; and that there may also be a referral to the police. The test results will not be available on the same day. If you are concerned that you may be asked to undergo this test, ILPA advises that you seek legal advice before you go to the ASU.

## **Origins testing**

This part of the project involves taking a DNA sample by placing a swab (a piece of material) inside the mouth of the asylum-seeker. This works in the same way as described in the previous section relating to the other part of the project (adult-child relationship testing). This part of the project (origins testing) also involves taking samples of an asylum-seeker's hair and nails.

Testing of this type has not been used in the way intended by the UK Border Agency before. Many experts in this area of science have been highly critical of this part of the project because they say that this testing cannot provide results that are accurate enough to be of any value. In response to this criticism, the UK Border Agency has said that it will not, for the moment, be using the test results to make any decision about the asylum-seeker or his or her asylum claim. Instead, it intends to operate this part of the project in order to assess whether it should in the future use this testing to assess whether asylum-seekers have come from the countries they claim to be from.

The UK Border Agency says that it may ask an asylum-seeker, who comes to the ASU to claim asylum, to undergo this testing if the UK Border Agency suspects that the asylum-seeker is not from the country he or she claims to be from. Before asking the asylum-seeker to undergo the testing, the UK Border Agency will ask the asylum-seeker to undergo a short telephone conversation in a language used in the country from which the asylum-seeker claims to be from. If the person to whom the asylum-seeker speaks on the telephone suggests to the UK Border Agency that the asylum-seeker may not be from the relevant country, the UK Border Agency may then ask the asylum-seeker to undergo the test.

Although the results of the tests on the asylum-seeker's DNA, hair and nails samples should not be used in deciding his or her asylum claim, the assessment of the person to whom the asylum-seeker speaks on the telephone may be used to decide whether or not the asylum-seeker is from the country he or she claims to be from.

Nobody should be forced to give DNA, hair or nail samples for this testing, and refusing to undergo the test should have no consequences for an asylum-seeker's claim.

## **What happens to the samples that are taken under this project**

The UK Border Agency policy is that the DNA, hair and nail samples collected under both parts of this project must be destroyed when the person's asylum claim has been concluded. This may be once the asylum-seeker has been granted asylum, or some other permission to remain in the UK; or, if the asylum-seekers is refused asylum, once he or she has left the UK.

## **Comment**

ILPA has strongly protested against the introduction of this project. The scientific evidence, which we have seen, strongly suggests that the part relating to origins testing is inappropriate. In our view, an asylum-seeker asked to provide samples for this testing would be fully justified in refusing to do so. In any case, it would be reasonable to refuse to do so before he or she had a chance to get independent advice about what the tests were for and what would happen to the samples. As for the part relating to adult-child relationship testing, if the UK Border Agency has reasonable suspicions that an adult and child are not related as claimed, a referral should be made to social services. Thereafter, having regard to the views of social services, it may be reasonable to ask the adult and child to undergo the test.

ILPA does not consider it appropriate that asylum-seekers at the ASU, who may not then have any legal advice or representation, should be asked to take part in this testing. We do not consider that asylum-seekers at the ASU can reasonably be expected to fully understand what it is they are being asked to take part in.