



Ad-Hoc Query on Conducting other investigation (using a DNA test) in family reunification cases

Requested by HU EMN NCP on 14 August 2009

Compilation produced on 20 October 2009

Responses from Austria, Belgium, Estonia, Finland, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Slovak Republic, Slovenia, Sweden, United Kingdom (16 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



1. Background Information

According to Article 5 of the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification „if appropriate, in order to obtain evidence that a family relationship exists, Member States may carry out interviews with the sponsor and his/her family members and conduct other investigations that are found to be necessary”. We would like to know whether any Member State conducts other investigations.



The Hungarian authorities have faced problems in family reunification cases (mainly in cases regarding Somali nationals): in many cases there are absolutely no documents to prove the identity of the family members aiming to unite with their family member or the documents they provide lack security features therefore the misuse of the family reunification system cannot be ensured.

The idea of using a DNA test to identify the family relationship is being discussed and Hungary would like to meet the decision in the light of the other Member States' practices.

2. Responses

		Wider Dissemination?	<ol style="list-style-type: none"> 1. <i>Does your Member State conduct any other investigation form according to Art 5 of the family reunification directive? If yes, what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i> 2. <i>Does your Member State use a DNA test to identify family relationship? If yes,</i> <ul style="list-style-type: none"> - <i>what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i> - <i>is it being used in case of asylum-seekers/refugees/beneficiaries of subsidiary protection as well?</i> 3. <i>Who bears the costs of the procedure, is there a specific arrangement for reimbursement in the case of positive result on the existence of family relationship?</i> 4. <i>How and where the examination of the samples taken is carried out?</i> 5. <i>Has this procedure affected the relations vis-a-vis the third country with respect to which such additional method of obtaining evidence of the family relationship was introduced?</i>
	Austria	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1. Yes, if no valid documents that can prove the family relationship are handed over to the Immigration Office or should the documents produced by the applicant not comply with common international standards, the Immigration Office can use other methods such as interviews or investigation. If interviews and investigation do not produce sufficient evidence, the Immigration Office can propose a DNA test, as a last resort in proving the family relationship (Art. 12bis of the Law of 15.09.2006 pertaining to the right of stay of aliens and art. 44 of the Royal Decree of 08.10.1981 for family members of an EU citizen). Other methods of investigation are used in case of adopted dependents (recognition of the non-biological filiation by the Federal Central Authority) or wards of legal guardians (recognition of the legal decision appointing the guardian). 2. Yes, DNA tests are carried out abroad at 21 Belgian diplomatic posts (figures from the Immigration Office's Annual Report 2008), or in Belgium (if the parent(s) and the child are both on the Belgian territory). Each test costs about 200 € It is also being used for dependent family members of refugees and of beneficiaries of subsidiary protection. DNA tests raise several issues: 1) the cost of the tests can be an obstacle, especially for large families; 2) the use of DNA tests raises ethical issues when negative results come as a surprise for the parent(s); 3) practical obstacles can be insurmountable when family members live in remote areas and/or have to travel very far to get to the diplomatic posts where the tests are performed; 4) in case the child is to be reunited with a single parent, no visa will be delivered and no DNA tests will be performed without an authorisation of both parents for the child to live abroad or a document establishing the sole legal custody of the child, as a preventive measure against risks of international child abduction.¹ 3. The costs are borne by the family reunification applicant(s), be the results negative or positive. A Fund for Family Reunification was created in 2008 to help recognised refugees pay air fares or DNA tests in relation to their application for family reunification. The Fund is managed by a non-profit organisation (Comité Belge d'Aide aux réfugiés, CBAR) 4. Since 01.09.2003, a secured and organised procedure has been set up in collaboration with the Federal Public Service Foreign Affairs. All blood samples taken at diplomatic posts are analysed in Belgium (Hospital Erasme, Brussels). Between 01.09.2003 and 31.12.2008,

¹ This can be problematic in cases where the material impossibility of obtaining parental authorisation can not be proven: e.g. one of the parent has disappeared or is deceased but no official attestation is available

			<p>4002 individuals (i.e. 1990 applications of family reunification) underwent a DNA test. 23.80% of the DNA tests were performed at the diplomatic post in Abidjan, about 20.26% in Kinshasa and about 16.93% in Islamabad. Overall, about 6.86% of the tests performed gave negative results (14.18% for tests performed in Abidjan and 0.63% for tests performed in Islamabad). Since January 2009, tests are performed by means of a blood sample obtained from a heel stick or finger stick (most rapid and burden free method).</p> <p>5. We have no evidence that performing DNA tests have influenced diplomatic relations with third-countries.</p>
	Estonia	Yes	<p>In case of Estonia there are some possibilities to prove the family relationship: by birth certificate, if the needed information is in the parent passport/ the statements of the legal representative, marriage certificate, DNA tests, by fixing the paternity of the child. All the results of DNA probes shall be entered into the national DNA register. In case on migration that is in applicant interest to prove the family relationship and applicant pays for the costs. In case of asylum seekers the Estonian Citizenship and Migration Board may order an expertise for DNA tests from the Forensic Science Institute. In practice there is only a few cases, so we are also very interested of others MS experiences/practice. . .</p>
	Finland	Yes	<p>1. <i>Does your Member State conduct any other investigation form according to Art 5 of the family reunification directive? If yes, what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i></p> <p>Yes. In trying to establish that the family relationship really exists, the Finnish Immigration Service also conducts interviews of both parties and asks for documentary evidence. These are carried out for all FR applicants and only in selected case is DNA-testing used. According to 69 (a) § of the Aliens Act 301/2004 as amended by the Act 380/2006, the decision on residence permit on grounds of family tie shall be served to the applicant within nine months of the day when the application was lodged. Under exceptional circumstances the decision can be served later than that. Previously such a time limit was not set and therefore the Act was amended in this respect and thereby brought in line with the provisions of the Directive. The cost to file the application is 175 €for adult and 50 €for a minor. For a more detailed list of the documentation required for various categories of persons, please see Centre for Migration Research website for Finland's answer on this issue: http://cmr.jur.ru.nl/CMR/Qs/family/Finland/#D1</p> <p>2. <i>Does your Member State use a DNA test to identify family relationship?</i></p> <p>Yes, According to the Act that entered into force on the 1st of May 2000, the Finnish Immigration Service may give an applicant and a family member legally residing in Finland an opportunity to produce evidence of their biological relationship by means of a DNA analysis if the family tie can not be adequately established in any other way, i.e. lack of documentary evidence, such as birth certificates, identity cards or marriage licence. This Act is also applied to cases which have become pending before its entry into force. DNA-tests are not conducted on a routine basis in all cases of family reunification, but only when there is a lack of identity documents or there are other reasons to believe that a DNA test is an efficient way to check the purported existing biological family tie. It is always done only at the full, voluntary consent of the persons tested. The nationalities that mostly lack documentation to prove their identities / family ties are Somalis, Iraqis and, to a lesser extent, some African nationalities (e.g. Angola, DRC).</p> <p>The number of DNA-tests conducted between 2000-2008:</p> <p>2000 227 2001 389 2002 250 (approx.)</p>

2003 266
2004 390
2005 270
2006 150
2007 500
2008 600 (approx.)

The increase since 2007 is explained by the deterioration of the situation in Somalia, which has resulted in more persons being given a residence permit on the basis of 88 § in the Aliens Act and hence there being more positive decisions in family

In 2009, the number is estimated to increase from the previous year, and be over 600. Since the summer of 2009 there is a liaison officer of the Finnish Immigration based in Addis Abeba, who monitors the DNA-sample taking on a monthly basis. This will speed up the family reunification process in cases where DNA-tests are conducted, as the waiting period for the tests is not shortened considerably.

reunification with this category of persons.

If yes, what kind of method is being used (procedure, responsible authority, costs, problems if any)?

Procedure & Responsible authority:

The Finnish Immigration Service is the responsible authority for asking the applicant for a permission for the DNA analysis. At this juncture, the persons are given information about the test in their mother tongue if possible (brochure available in the Somali language, in English and in Finnish). or in some other language that the applicant knows. The brochure explains what DNA can tell, how the test is conducted and mentions the risks involved. Approximately 2 -4 weeks after the family member residing in Finland has given consent for the DNA test, the Finnish Immigration Service will send the persons concerned written instructions about the time and place of the test. As with the family reunification interviews, it is the applicant's responsibility to inform the family members to be tested abroad about the testing arrangements.

The cost for the DNA test is approximately 20 € abroad and 30 – 40 € in Finland, depending on the municipality. The analysis in Finland costs 269 € per sample.

No major problems have been encountered, no-one has so far refused the test on ethical or religious grounds. A new phenomenon with the family reunification cases after the DNA-tests have been implemented since 2002 is a noticeable increase in the number of foster children in the Somali families. One explaining factor for this development is the unstable conditions in Somalia.

Is it being used in case of asylum-seekers/refugees/beneficiaries of subsidiary protection as well?

As a rule, DNA-testing is not used in connection with applicants seeking international protection. In some rare cases with unaccompanied

minor asylumseekers, a DNA-test has been carried out , with the applicants' consent, to check whether an adult, who has been staying in Finland, or has applied for political asylum in Finland, already prior to the UAM's arrival, is his/her parent, as attested by the applicant.

3. *Who bears the costs of the procedure, is there a specific arrangement for reimbursement in the case of positive result on the existence of family relationship?*

As a rule, DNA-analysis is paid from the State funds. However, if the person concerned has deliberately given false information on his family ties, on the basis of which him/her and the family member (s) have been referred to a DNA analysis, the Finnish Immigration Service may oblige the person to compensate the State for the costs resulting from the test, unless this is unreasonable under the circumstances.


4. *How and where the examination of the samples taken is carried out?*





Initially three different methods were utilised for DNA tests; 1. Drawing blood from the vein for the adults, 2. A smear test collected on an FTA TM blood collection card with blood obtained from a finger-puncture in case of small children and 3. A buccal swab-test as a back-up method for all tested persons. The buccal samples are labelled and stored in a plastic tube immediately after the samples have been taken. Later on, when the expert analysing the samples had attested that the quality of the buccal swab samples was consistent, yielding test-results that were of the same quality than those obtained from the two kinds of blood samples, buccal swabs have been the main testing method. It is much easier to transport these test samples compared to the blood samples. The equipment and what ever is needed to store and transport the samples in, is purchased in Finland.



Testing in Finland: The testing of the applicant residing in Finland takes place around the same time that their family members are tested abroad. The samples needed for a DNA-test are taken by a public health service professional at the Helsinki University department of Forensic Medicine, or a local health care centre if the person concerned is living outside Helsinki. The sample taking procedures monitored by the local police. The police personnel also take care of giving the information concerning the test and checking the identity of the person who is being tested. The Police also verifies that the consent form has been signed earlier on and checks which family members does the family reunification process involve.





Testing abroad: The Finnish Alien's Act states that DNA-testing is to be carried out in the Finnish diplomatic mission or in premises provided by them, and that it shall be monitored by a civil servant employed by the diplomatic mission or the Finnish Immigration Service, or the Police. If the Police is present, they take care of the preliminary matters , such as taking down the personal info, when applicable asking about possible plans for engagement or marriage, comparing the persons with their photographs in the application and taking finger prints (except from children under 1 year old). In some countries the Immigration Service staff member carries out the buccal swab test, labels and stores the test samples and is also responsible for transporting the back to Finland to be analysed by the designated research institute. In other countries, the Finnish Diplomatic Mission staff escort the tested persons to a local health clinic, and monitors the test being carried out there. Earlier on, when blood tests were still conducted, local laboratory technicians were hired to take the blood samples at the embassy premises.


Due to practical arrangement, there is generally a couple of months waiting period between the family reunification interview and the DNA-analysis. Depending on the country, the staff from the Finnish Immigration Department, sometimes accompanied by the police personnel, conduct 1 - 4 combined interview and DNA-testing trips per year. The persons being interviewed on one trip are usually tested

			<p>on the next trip, if that is deemed necessary. If there are pressing concerns, such as health reasons, the persons are sometimes interviewed and DNA-tested during the same trip to speed up the family reunification. A person is given two chances to show up for the DNA testing. After a second 'no show' a decision will be taken on the case.</p> <p>Analysis: The analysis for the DNA samples has been carried out at two institutions; the National Public Health Institute or the Helsinki University of Forensic Medicine by the short tandem repeat (STR) PCR-method. The research certificates based on the analysis are sent to the Finnish Immigration Service. After a decision is made on a case where DNA-analysis was utilised, the Immigration Service requests the Institute which carried out the analysis to destroy the samples and the data on the DNSA-profile. However, in some cases there needs to be a delay in destroying the samples; for example, when a family that has been DNA-tested, is expecting a new baby to be born shortly after the tests have been completed, or there are some family members, who for some reason could not come for the test at the same time with the rest of the family and need to be tested later on and have a separate decision made on their cases.</p> <p><i>5. Has this procedure affected the relations vis-a-vis the third country with respect to which such additional method of obtaining evidence of the family relationship was introduced?</i> NO</p>
	Germany	Yes	<p>Ad 1 – 4.:</p> <p>If an application for a residence permit is based on family relations, evidence is usually proved by identity documents issued by the competent authority and by certificates of civil and family status. These documents are deemed to be of sufficient evidential value if the German representation in the respective country considers them as authentic and correct in terms of its content, taking into consideration the reliability of the issuing body. Especially in countries of origin where the legalisation of official documents is suspended and where it is impossible or excessively difficult for visa applicants to obtain the required documents, prima facie evidence of identity may be considered. The relevant information must be assessed on a case-by case basis and may include: other informal documents indicating particulars concerning the respective person's identity (like school reports); questioning of relatives or other witnesses; investigations at the applicant's place of residence via a trust counsel of the foreign representation on behalf of and subject to the agreement of the applicant; investigations at the authorities in the country of origin; solemn declarations or affidavits, and finally also medical statements on parentage.</p> <p>In cases where the required proof of parentage cannot be produced by reliable documents and where the doubts regarding identity, descent or family ties cannot be clarified, the German representations cannot accept the application for visa and/or passport. In these individual cases, i.e. not as a standard procedure, applicants are informed for their own benefit about the further possibility to provide evidence in form of a DNA proof of parentage to meet the requirements connected to the issuance of a visa for family reunification purposes. In any case, a DNA test is subject to the applicant's free consent, i.e. in particular on his or her voluntary request to a laboratory to carry out the test during the visa procedure. The legal basis for this administrative practice is Section 82 of the German Residence Act obliging the person in question to produce forthwith the necessary evidence relating to his or her personal situation, other required certificates and permits and other required documents which he or she is able to furnish.</p> <p>The DNA parentage test must be carried out in accordance with the guidelines for expert opinion on descent ("Richtlinien für die</p>

			<p>Erstattung von Abstammungsgutachten”) elaborated by the Scientific Council of the Federal Medical Association of Germany (Wissenschaftlicher Beirat der Bundesärztekammer), the Joint Working Group of Experts on Paternity Evidence (Arbeitsgemeinschaft der Sachverständigen für Abstammungsgutachten) and the Robert Koch Institute. These guidelines contain in particular the conditions to be met by the test laboratory in order to guarantee that the quality requirements of an expertise in conformity with the guidelines are fulfilled. Also, the guidelines lay out the modalities for identity check, taking of samples, analysis and documentation. The results of a medical DNA expertise in accordance with these guidelines are accepted by the German courts and are considered as sufficient proof of descent.</p> <p>If an applicant wishes to have a parentage test carried out, the co-operation of the German representation is limited to monitoring the sampling of the saliva to be sent to the mandated test laboratory and to establishing the identity of the person giving the saliva sample. Sample-taking itself is carried out by a medical officer known to the German representation.</p> <p>The costs for the DNA parentage expertise must be borne by the applicant. Depending on the effort required and the fees of the mandated laboratory, the costs are currently varying between approx. 200 and 500 EUR.</p> <p>On 24.04.2009 the Federal Parliament has enacted a new law on genetic examinations of human beings. The Act will enter into force on 01.02.2010; however, parts of the legislation have already been in force since 01.08.2009. The special characteristics of genetic data and the potential risks connected with genetic examinations with regard to the respect for and protection of human dignity, health and informational self-determination of every person have made it necessary to introduce a special legal basis for handling genetic information and implementing genetic examinations.</p> <p>Ad 5.:</p> <p>In the individual case, DNA tests serve to prove the descent of a person within the frame of family reunification (person-centered approach). As described above, this instrument is not used for the systematic examination of certain nationals within the visa procedure for family reunification (no state-centered approach). Hence, DNA tests have not caused any harm to relations between Germany and third countries until now.</p>
	Greece	Yes	Greek diplomatic or consular authorities in order to ascertain the family relation, make investigations, especially by calling the interested parties to a personal interview and by communicating with the competent authorities of the country of origin. DNA test is not included, for now, among the above mentioned investigations.
	Hungary	Yes	The idea of using a DNA test to identify the family relationship is being discussed and Hungary would like to meet the decision in the light of the other Member States’ practices.
	Ireland	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Latvia	Yes	<p>1) Does your Member State conduct any other investigation form according to Art 5 of the family reunification directive? If yes, what kind of method is being used (procedure, responsible authority, costs, problems if any)?</p> <p>In cases of persons granted refugee or subsidiary protection status other investigation forms for family reunification purposes are not conducted.</p>

			<p>2) Does your Member State use a DNA test to identify family relationship? NO. and as far now, there is no discussions planned about use of DNA test to identify family relationship. The family identity is checked only with the documentation.</p> <ul style="list-style-type: none"> - what kind of method is being used (procedure, responsible authority, costs, problems if any)? - is it being used in case of asylum-seekers/refugees/beneficiaries of subsidiary protection as well? <p>3) Who bears the costs of the procedure, is there a specific arrangement for reimbursement in the case of positive result on the existence of family relationship?</p> <p>4) How and where the examination of the samples taken is carried out?</p> <p>5) Has this procedure affected the relations vis-a-vis the third country with respect to which such additional method of obtaining evidence of the family relationship was introduced?</p>
	Lithuania	Yes	<ol style="list-style-type: none"> 1. The Law on the Legal Status of Aliens foresees for a possibility to make a DNA test. This test can be taken only in case when there are no other means of proving the family relation. 2. However, the competent authorities do not use this possibility of obliging the alien to make a DNA test, as there are always other possibilities to prove the family relation. Therefore we have no procedure for making the DNA test established in practice. 3. According to the mentioned law, if the alien is a “simple” immigrant, s/he has to cover the expenses from his or her own funds. The state pays only for making DNA tests for asylum seekers. 4. n/a 5. n/a
	Malta	Yes	<ol style="list-style-type: none"> 1. Persons who are permitted to reside in Malta can apply for Family Re-Unification provided they satisfy certain conditions, amongst which the condition to provide the authorities with documents attesting the existence of the family relationship with the relative concerned. In the case of Third Country Nationals who enter irregularly in Malta, and who obtain refugee status can apply for Family Re-Unification, on the basis that the family relationship existed prior to their application for asylum. The procedure as regards Family Re-Unification involves that applicants submit a formal application with the Citizenship and Expatriate Affairs Department, Ministry for Foreign Affairs. In the case of persons granted refugee status liaison is maintained with the Ministry for Justice and Home Affairs. 2. The presentation of supporting documents in the case of persons who arrive legally is compulsory. In the case of convention refugees the absence of documents should not hinder them from exercising their right for family re-unification. In this respect a DNA testing can be useful in particular, for refugees who in relation to their circumstance of arrival possess little documentation that may assist with establishing the relationship of family members or the existence of relationships for family re-unification purposes. However, it must be stated that there are several elements that would need to be examined in determining the existence of family relationship without the need for a DNA test. In this regard, applicants for Family Re-unification in Malta are not subjected to a compulsory DNA test. However, an applicant may voluntarily chose to present a DNA test result, as a supporting document, in the absence of other means for obtaining reliable information. Understandably such test are costly. 3. No, applicants may provide a DNA test voluntarily, in which case the costs are borne by the applicant. 4. However, an applicant may request an examination to be carried out by IOM (International Organisation for Migration) in the country of origin. There are no statutory arrangements for DNA testing in respect of Family Re-Unification procedures. Samples are sent to a certified laboratory under contractual with IOM. 5. Malta has no experience of the application of such methods as yet.

	Netherlands	Yes	<p><i>Does your Member State conduct any other investigation form according to Art 5 of the family reunification directive? If yes, what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i></p> <p><i>If possible there is a DNA test taken, if not there are identification interviews held with all family members about there family ties.</i></p> <p><i>Does your Member State use a DNA test to identify family relationship? If yes,</i></p> <ul style="list-style-type: none"> - <i>what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i> - <i>is it being used in case of asylum-seekers/refugees/beneficiaries of subsidiary protection as well?</i> <p><i>Yes, a DNA test is used for family reunification for all categories asylum seekers if they cannot prove their family ties with valid documents. The procedure: a qualified nurse takes the material from the to be investigated person and this is sent to a lab in the Netherlands for DNA-analysis. No specific problems with this procedure, only that it is quite expensive and since the Netherlands takes these DNA-tests there are more applications of non-biological children, for example foster children, by whom a DNA-test cannot be taken.</i></p> <p><i>Who bears the costs of the procedure, is there a specific arrangement for reimbursement in the case of positive result on the existence of family relationship?</i></p> <p><i>In asylum related cases the Dutch government pays for the DNA-test. It is possible though that the asylum seeker has to pay the costs if a claimed family member appears not to be biological family.</i></p> <p><i>In non-asylum related cases the applicant has to pay a part of the costs, which is refunded if the test is positive.</i></p> <p><i>How and where the examination of the samples taken is carried out?</i></p> <p><i>In three labs in the Netherlands with iso-cerificated standards.</i></p> <p><i>Has this procedure affected the relations vis-a-vis the third country with respect to which such additional method of obtaining evidence of the family relationship was introduced?</i></p> <p><i>No.</i></p>
	Slovak Republic	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Slovenia	Yes	The Republic of Slovenia does not carry out DNA tests in order to establish family relationship in migration or asylum procedures. Documents, statements and interviews are used to establish family links.
	Sweden	Yes	According to a paragraph in the Swedish Aliens Act, in cases regarding permit to stay on basis of family reunification the Swedish Migration Board may in certain cases <i>offer</i> the applicant and the sponsor in Sweden a DNA-analysis to prove the claimed biological

			<p>family relationship. A prerequisite for offering DNA-analysis is that investigations of the claimed family relationship in the (particular) case have proven inadequate to either approve or deny the application. In other words, the decision in the case should be undefined/indefinite – despite normal written and oral investigations – in order for a DNA-analysis to be considered.</p> <p>It is of course up to the applicant, or the sponsor, to reject the offered DNA-analysis. Yet if the offer is rejected, this rejection is considered as a circumstance in the decision-making of the case.</p> <p>In general, DNA-analysis is not used in cases concerning asylum, but rather in cases concerning family reunification.. The number of family reunification cases where DNA-analysis were used was approximately 1 500 in year 2008. DNA-analyses are performed via samples from the mouth, collected both from the applicant abroad and the sponsor in Sweden. The samples are analysed by the National Board of Forensic Medicine, and the result is presented to the Migration Board.</p> <p>The Swedish Migration Board covers the costs for the DNA-analysis, regardless of the outcome of the DNA-analysis or the case. The cost for the analysis of the National Board of Forensic Medicine is normally around 2 000 SEK (approximately a little less than 200 euro). The Swedish Embassy, to which the application was made and conducts the investigation, is responsible for all costs in connection with testing the sample from the applicant while the Swedish Migration Board is responsible for the costs in connection with testing the sponsor in Sweden.</p> <p>The only negative effect of conducting DNA-analyses is that the procedure prolongs the handling time of the case with approximately 1-2 months. Yet this, and the costs associated with these analyses mentioned earlier, is considered minor dilemmas in relation to the great advantage DNA-analysis provides for the decision-making regarding the application for family reunification.</p> <p>Any reactions from third countries to the described process has not been noted.</p>
	United Kingdom	Yes	<p><i>Does your Member State conduct any other investigation form according to Art 5 of the family reunification directive? If yes, what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i></p> <p><i>We do not conduct any other investigations and DNA tests are last resort procedures.</i></p> <p><i>Does your Member State use a DNA test to identify family relationship? If yes,</i></p> <ul style="list-style-type: none"> - <i>what kind of method is being used (procedure, responsible authority, costs, problems if any)?</i> - <i>Where an applicant applies for in-country asylum related family reunion the UK Border Agency will look into the relationship as claimed and will expect to see evidence to establish the bona fides of the relationship between the sponsor and the applicants i.e. that they had the necessary connection as per the Immigration Rules 352A- FI with the sponsor prior to the sponsor having fled their country of former habitual residence to seek asylum in the United Kingdom (UK).</i> - <i>The position with regards to DNA testing in-country asylum related family reunion cases (i.e. where a person has leave to remain, their close relative is in the UK and seeks leave in line) is that we do not request applicants take a DNA test. Where there are doubts as to the claimed relationship and applicants are unable to provide any documentary proof, an applicant may opt to undergo DNA testing. We do not make any arrangements or payments for DNA tests, however where the applicant has undergone DNA testing we will only accept test reports from accredited organisations accredited by the Ministry of Justice (MOJ). A list of accredited organisations can be found on the H.M Courts Service website and is publicly available.</i>

			<ul style="list-style-type: none"> - <i>The procedure for dealing with applications at diplomatic posts overseas is slightly different for in-country applications. This guidance is found in our Entry Clearance Guidance website which is accessible by members of the public. See following link Section SET 7.11: https://ukvisas-stage.ukvisas.gov.uk/en/ecg/settlement/children#18165823</i> - <i>DNA tests are used only for first time settlement or family reunion applications as a last resort when every other means of verifying the relationship to their UK sponsor has been exhausted. Also in cases where 'related as claimed' would be the sole reason for the refusal of a visa application. DNA test arranged through the Government DNA Scheme are provided free of charge. This is a last resort used by the ECO (Entry Clearance Officer). Arrangements are conducted at the relevant post overseas.</i> - <i>DNA tests are not compulsory and are only undertaken with the agreement of the applicant(s) and sponsor and can only be offered with the prior authority of an Entry Clearance Manager at posts overseas. The DNA test results are the property of HMG (except in cases of private DNA tests) and will be sent directly to the ECO. If an applicant declines a DNA test that alone will not be grounds for refusing a visa application. However an ECO would record the fact together with the reason given (if any) by the applicant for declining the offer of a DNA test.</i> - <i>is it being used in case of asylum-seekers/refugees/beneficiaries of subsidiary protection as well? (See the procedure for in-country asylum)</i> <p><i>Who bears the costs of the procedure, is there a specific arrangement for reimbursement in the case of positive result on the existence of family relationship?</i> <i>UK Border Agency bears the full cost of the procedure. There is no reimbursement as no fees are charged to the applicant.</i></p> <p><i>How and where the examination of the samples taken is carried out?</i> <i>The applicant is informed to attend the surgery of any one of the designated panel of doctors in the country where the ECO has requested the DNA test. Samples are taken by the doctor and despatched to a designated DCA accredited company based in the UK for analysing. The test results are then despatched to the ECO. If the applicant so wishes, they can commission a private DNA test. Posts involvement should be minimal in private DNA testing cases. Posts should send the applicant/testing body their list of the approved medical practitioners for this procedure in their region. The applicant has to bear the full costs of the procedure and it is also their responsibility to arrange for the collection and transportation of samples from the medical practitioner to the testing body.</i></p> <p><i>Has this procedure affected the relations vis-a-vis the third country with respect to which such additional method of obtaining evidence of the family relationship was introduced?</i> <i>Unless the applicant has any reason to conceal their claimed relationship, the majority of applicants are willing to undergo DNA test results at the request of ECOs at posts overseas.</i></p>
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