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CLOSER TO THE TRUTH:
DNA profiling for family reunification and the rationales of immigration policy in Finland

Abstract

DNA profiling is used to verify the claimed parentage of immigrants who apply for family reunification in at least 20 industrialised countries. Finland was one of the pioneers in the adoption of the technology. While laboratory practices are relatively similar, there are considerable differences between countries in the ways DNA profiling is used in decision-making. In this article, DNA testing is studied in the context of the Finnish migration regime in the late 1990s and early 2000s. Analysis of policy documents and interviews with immigration experts demonstrate the entwining and modification of two policy rationales: securing human rights and combating fraud.

Keywords

Finland • immigration policy • family migration • DNA profiling • family reunification

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1 Introduction

In this article, we approach family migration by studying implementation of DNA profiling in the management of family reunification in Finland. In general, family reunification refers to the right of foreign family members living abroad to join relatives who hold long-term residence permits or are citizens of a given country. The right to family is derived from the protection of the family as laid down in the *Universal Declaration of Human Rights* (United Nations 1948) and it has been enshrined in many instruments of international law. In the European Union, family reunification is guaranteed in the *Charter of Fundamental Rights of the European Union* (European Parliament 2000) and in the *European Convention on Human Rights* (Council of Europe 1950). All member states of the European Union – except the United Kingdom, Ireland and Denmark – are bound by the Council Directive 2003/86/EC (Council of the European Union 2003) on the right to family reunification of the third country nationals. In Finland, the Directive was fully transposed into the Aliens Act (SDK 301/2004) by 2006, and the national legislation is in some respects more liberal than the provisions of the Directive. The procedures of national immigration management of family reunification are an important issue in European migration policies as "family life is quietly becoming the major battlefield of immigration struggles" (Bledsow & Snow 2011: 175). Family migration is currently the dominant form of legal long-term immigration into Europe, since immigration policy, in general, has become more restrictive (e.g. Middleton 2011; Ruffer 2011). In Finland, 40% of all applications for residence permits were based on family ties in 2012, which amounted to 33% of all positive decisions (Maahanmuuttovirasto 2013). Today, DNA profiling is used for the verification of the claimed family ties in the context of family migration in at least 20 industrialised countries around the world, including 16 European countries (EMN 2008, 2009). The purpose of DNA testing is generally seen as a supplementary technique of ascertaining the claimed family ties of immigrants who lack the required documents or whose documents are seen invalid by the authorities and who have not proved the existing of family ties in interviews. However, it seems to have become a standard procedure in national immigration administrations during the 2000s (Hautaniemi 2007; Heinemann & Lemke 2013; Holland 2011; La Spina 2012; Murdock 2008; Taitz, Weekers & Mosca 2002; Villiers 2010).

2 Biotechnology and immigration policy

We situate DNA testing for the verification of family ties in the context of the Finnish migration regime in the late 1990s and early 2000s. Our study is a part of comparative research on the social, political and ethical implications of DNA testing in Austrian, Finnish and German immigration policies.[1] Findings of this research and a few previous studies demonstrate that while the laboratory practices are relatively similar throughout Europe, there are considerable differences in the ways DNA analysis is used in decision-making in different countries (Heinemann, Naue & Tapaninen 2013; Pascouau 2011; Taitz, Weekers & Mosca 2002). Finland was a pioneer in deployment of

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DNA testing and one of the first countries to incorporate regulation of the testing in a law and to establish a standard procedure in the immigration administration. The process of law-making and its implementation have been rather transparent, and the relevant documents are quite easily accessible in Finland. The Finnish system is also centralized as the Finnish Migration Service is responsible for the processing of all applications for residence permits and asylum, and also for ordering of the DNA tests. For these reasons, Finland has figured as an exemplary case in research literature (La Spina 2012; Murdock 2008; Taitz, Weekers & Mosca 2002).

The subject of our study is twofold. First, we are interested in the framework of immigration policy in which DNA sequencing technology is deployed. Second, we study the role and impact of DNA testing in policy and administrative practices. Our inquiry is inspired by two approaches of social research, which focus on interconnections between scientific research and practices of governing people in Western societies today: first, ethnographic studies and sociology on the use of new molecular genetics in non-medical contexts such as forensic investigation and insurance (e.g. Hindmarsh & Prainsack 2010; Lynch *et al*.2008; M´Charek 2005) and, second, Foucauldian analytics of governmentality (e.g. Bröckling, Krasmann & Lemke 2011; Dean 1999; Helén 2005). By combining these perspectives, our study of the implementation of a technical procedure of DNA testing in immigration management can show essential features of policy-making, administrative practice and their changes.

Foucauldian approach in particular directs our analysis to focus on *problematisation in practice*. We concentrate on the ways certain issues are seen as problems and worked out and on contexts of reasoning and practice in which the problems emerge, are defined and are attempted to solve. (Helén 2005.) Our study is guided by three questions: What are the problems of immigration management DNA profiling has been thought to provide solution? How does the testing "solve" the problems? What sort of new problems, tensions and contestation does the use of DNA testing of family ties engender? By analyzing policy documents and expert interviews (see below), we unfold *practical reasoning* of the Finnish immigration authorities, policy-makers and experts: how do they define the problems, what role do they give to DNA testing in policy and administrative practice, and what do they expect from the biological "tool"? From a critical social research perspective, we pose the views and reasoning of the experts in context not only of legislation and policy-making but also of concrete administrative work and decision-making. Through such a multiple contextualization, we present a nuanced picture of today's immigration management and its rationales.

We begin our article by describing the immigration regime in Finland in the 1990s for the context of initiation of DNA profiling. Then, we proceed to analyse the implementation of the testing from the pilot project in 1996 to legal and administrative normalization of the use of DNA proof for family reunification in the early 2000s. For our analysis, we use contemporary policy documents and interviews in which experts and policy-makers present how they understand the beginnings and objectives of DNA testing in light of the current problems and policy. Our main finding is that the use of DNA profiling for family reunification has been framed by a continuous coupling of two policy rationales – securing of the human rights and combating fraud – during two decades of its deployment for immigration management in Finland. We emphasize that despite obvious tensions between two rationales, they are not mutually exclusive but exist in parallel, providing a sort of "double track" for reasoning over and justification of the use of DNA profiling within the Finnish migration regime. For a conclusion, we discuss recent trends in the use of DNA testing for family reunification in Finland and Europe in the light of our analysis.

3 Data and methods

Our article is based on policy and administrative documents from the mid-1990s to 2010s and on 20 interviews with experts in immigration administration, laboratories, NGOs and law firms.[2] The research material also comprises discussions in seminars, e-mail correspondence and telephone discussions with other experts. Some of the interviewees have been contacted several times to update the information with regard to changing administrative practices. Interviewees have also given us unpublished documents, e.g. internal reports related to the pilot project on DNA testing.

Finding informants, conducting interviews and gathering material have been akin to fieldwork. In this sense, our research follows the methodological approaches of grounded theory and ethnographic research. Embedded in and directed by our data, our analysis attempts to capture the use of DNA profiling for family reunification as it is understood, conceptualized and reasoned over by those involved in actual practices within Finnish immigration management. We consider our study a process in which a strictly structured approach would not yield valuable results. Instead, interviews and encounters are illuminating takes of evolving narratives within a particular field. In what follows, we do not specify the data quantitatively, analyse distinct views of the institutions nor decipher opinions of single informants or stakeholders. Rather, we understand our data in the context of dialogically unfolding discussions in a dynamic and contested field in which the story of the beginning of DNA testing is narrated, and the rationales and justifications for the testing are formulated by the authorities and experts involved.[3]

3.1 Migration regime of the 1990s

Introduction of DNA sequencing technology in immigration administration was related to new migratory flows in Finland in the 1990s. The year 1990 was a watershed in the post World War II Finland. After the collapse of the Soviet Union, the eastern border of Finland was "opened", after having been all but closed during the cold war. It was now crossed by refugees, especially Somalis, who were fleeing from their war-ridden homelands. Even though the number of asylum seekers was small compared with the other Nordic countries, mobility from the global South was an unforeseen phenomenon in a peripheral country with a long history of labour emigration instead of a *Gastarbeiter* (e.g. Germany, Austria, Sweden) or a postcolonial (e.g. the UK, France) immigration regime. The borders were opened also in relation to international conventions and regulations. Finland joined the European Council in 1989, ratified the European Convention of Human Rights in 1990 and joined the European Union in 1995. During the same years, Finnish Ingrians from the former Soviet Union began to cross the border, and they were received as returnees. Both the Somalis and the Ingrians received a lot of media attention and their presence instigated legislative amendments, albeit their differences as newcomers were great.

The decade began with headlines notifying a "mass migration" of refugees from Somalia by train from Moscow (Aalas 1991; Leitzinger 2010; Lepola 2000). In the end of 1990, 250 Somalis arrived within 2 days, which "became number one piece of domestic news" (Lepola

2000: 9). President Koivisto reacted forcibly by demanding "the Somali flood" to be stopped (Lepola 2000: 80). Despite public ado, the numbers were relatively small: by the end of 1990, <1,500 Somalis had applied for asylum (Leitzinger 2010: 85). Public dramatisation of immigration testified to unpreparedness and almost xenophobic fear by the Finns when facing a new phenomenon.

Public authorities felt that the refugee flow was unmanageable, and they repeatedly emphasised that the asylum seekers did not usually have proper identity documents or visas. The Finnish Ingrians were also suspected of being "fake Ingrians" (Leitzinger 2010: 80–85). However, the documents of the former Soviet Union and Russia were seen more reliable. In contrast to Somali nationals, their applications were considered easier to process, since, as an immigration official said: "We speak the same language of bureaucracy" (Official, 1). The language of asylum seekers appeared more complicated and suspect for the immigration authorities. The documents they presented were dismissed as forged, and the narrative evidence of interviews was considered fraudulent.

Family reunification as a problem derived from the challenges brought about by asylum seekers' complicated applications. These required new ways of regulation. In Finland, family-related migration was connected almost exclusively to refugees by public discussion, policy-makers and authorities. Today, the scene is more heterogeneous, and the number of applications and granted residence permits for family members of recipients of international protection has decreased dramatically since 2010, amounting only to 10% of all residence permits based on family ties in 2012 (Maahanmuuttovirasto 2013). However, asylum seekers, refugees and their complicated family ties are regularly highlighted in discussion on family migration and on migration in general.

Asylum seekers did not always have documents of their identity and certificates of birth, marriage, divorce, adoption or death. Official documents may have never existed in the country of origin. In the beginning of the 1990s, these questions were tackled in many ways that led to administrative, legal and technical reforms. The Directorate of Immigration set a goal of more efficient decision-making in 1996, including improvement of interview methods and DNA profiling. As an official said, "an idea was born that in order get closer to the truth let's instigate a project and investigate the potentials of the use of DNA" (Official, 9). Hence, DNA testing was justified as an efficient tool in the exceptional case of the Somalis[4]; however, it quite soon became a relatively uncontested routine procedure.

3.2 Initiation of DNA testing

In the following, we describe the process that led to the amendments of the Aliens Act in 2000 and to the established administrative procedures of DNA testing for family reunification as it is displayed in the official documents, unpublished primary sources of the law making and the expert interviews. The use of DNA profiling for the "verification" of the claimed family ties was not a new issue for the Finnish authorities, since the topic had been discussed among Nordic immigration experts and officials since 1994 (Kokkarinen, n.d.). The Finnish reports highlight that the "Somali problem" made the biotechnological method topical in the late 1990s. A particular difficulty in the processing of applications by the Somalis was that they had mostly received negative decisions; in 1995, for example, 84% of their applications were rejected (UVT 1996a). The immigration officials and experts aimed at swift reconsideration of the rejected applications for family reunification because a remarkable number of the Somali applicants were underage, half of them with rejected applications (UVT 1996a). It was also pointed out that some of these children had waited for their family members as long as 5 years (UVT 1997). Furthermore, the refugee office of the Ministry of Social Affairs and Health, Office for the Ombudsman for Foreigners and Refugee Advice Centre had been contacted by dozens of Somalis whose family reunification applications had been rejected because of lack of valid documents (Kokkarinen n.d; Official, 20). In this situation, DNA testing was not justified only by the general principles of human rights but also by actual cases which were waiting to be solved. Again, the Somalis were singled out: they were the most numerous group of applicants for family reunification, their applications were difficult to process and they had received predominantly negative decisions.

In 1995 and 1996, several meetings were arranged by representatives of immigration administration, NGOs and laboratories. As a result, a "fact-finding" trip was made to Kenya and Ethiopia in 1996 to investigate the possibilities of and facilities for DNA testing. Information was gathered on the experiences of DNA testing and on the views of missions and international organizations (UVT 1996b). The parties participated in the trip unanimously suggested that the prospects of using DNA profiling in family reunification procedure should be studied in a pilot project. The project was seen urgent, and the respect for human rights, especially the children's rights, was the main motivation and justification for immediate initiation of the trials of DNA testing.

The Finnish experts informed the Somalis of the principles of conducting DNA testing of family ties. According to an official involved in the pilot project,

> The project was made know, [there were] discussions with the Somali community, organizations, I recall. They were invited to meetings and they were told. If I recall correctly, the elders of organizations were told and they spread the word. We explained what the DNA system was and that is leads to certainty. There were no moral problems or discussions that it would be ethically wrong, for not even one of the Somalis (…) I remember that an elderly person said that, as they cannot get documents, passports, let the DNA test be their passport! (Official, 9)

It seems that in an encompassing world of uncertainties and doubt, exact knowledge was appreciated by many parties involved, including the applicants, who are said to have rarely refused the test (A 4; NGO 19; Finnish Immigration Service 2008; EMN 2009).

The pilot project was conducted in 1996–1999. The cases were selected among the applicants with negative decisions due to missing documentation and inconsistencies in interviews. In the first phase, 43 persons in Finland (including 37 minors) and 291 family members in Ethiopia and Kenya were tested. A meticulous report (Kokkarinen n.d.) on the pilot project explicated the reasons for not showing up for the test: death, disappearance, divorce, returning to Somalia or leaving for another country when waiting for the decisions. Furthermore, it depicted few cases in which DNA analysis did not confirm the claimed family ties and lead to exclusions. The main conclusion was that that "test results showed almost without exception that the family members claimed in the application were real family members" (Kokkarinen n.d.). Despite occasional inconsistencies, the test proved to be a ticket to Finland for people tested during the pilot project.

For politicians and officials in immigration administration, DNA profiling was justified because it provided precise and certain knowledge of family ties. By reducing the complexities of family ties

to the genetic relationship, many complications were solved. From the beginning, the approach was clearly legalistic. The authorities and legislators thought that DNA testing should be regulated by legislation, because of the interference in privacy by the use of a biomedical method for a non-medical purpose in the family reunification procedure (Official, 6). This happened as the Aliens Act (SDK 378/1991) was amended (SDK 114/2000) with two sections on DNA testing.

Ethical problems were discussed in the pilot project report (Kokkarinen n.d.) and in the government proposal (HE 88/1999). The report stated that DNA testing "cannot become the norm" and that "it cannot be a tool used only for one ethnic group", although DNA testing was linked solely to Somali refugees in the media. It also suggested that the applicants should have the right to demand testing. Furthermore, it was emphasised that the test shall be voluntary, and refusing the test cannot be a ground for a negative decision.

The statement by the Ministry of Justice to the Ministry of the Interior (OM 1999) highlighted the point of view of basic rights as laid down in the new Constitution of Finland (SDK 731/1999). With regard to the informed consent, the statement acknowledged that the applicant's consent is conditioned by the fact that his or her refusal from the test will probably lead to rejection of the application. The scope of the test was another question raised. It was considered to be only the final option after all other investigations were deemed inadequate. The use of DNA testing should be limited to cases in which it probably can lead to positive results, which was articulated also in the Aliens Act (SDK 378/1991), and later incorporated in article 65 (1) of the current Aliens Act (SDK 301/2004): "DNA tests should be done when it is evident on the basis of other investigations that the alleged family tie does exist". In its statement, the Refugee Advice Centre (HaVL 1999a) extended the potential uses by emphasising that all applicants should be offered the right to DNA testing free of charge when other evidence is not considered adequate.

The emphasis of human rights was central in the rationale which directed initiation and establishment of DNA testing for family reunification in Finland. Authorities and experts tend to consider DNA analysis a right, "the last resort", offered to the applicants without proper documents of their identity and family ties. For example, a geneticist and forensic scientist involved in the pilot project summed up the findings by saying that the project "proved that nobody had lied, they were genuine biological families" (Geneticist, 7). For him, such a result confirmed the view that the main purpose of the "truth" provided by DNA profiling is to secure the human rights of the persons tested. A similar rationale of human rights is central in numerous Finnish administrative and policy documents of the late 1990s and early 2000s as they see verification of family ties by a technique of molecular biology to affirm human rights and to support applicants' claims.[5]

3.3 Established procedure

Even though the Finnish migration policy has changed considerably after the 1990s, the procedures of DNA testing for family reunification are based on the same principles. Cooperation and division of labour between the authorities are defined in the Section 66 of the current Aliens Act (SDK 301/2004). The Finnish Immigration Service (former Directorate of Immigration) coordinates the information processing and makes the decision. In Finland, the applicants without sufficient documentary proof are interviewed by the police who also monitor the taking of the DNA samples. Abroad, the personnel of the Finnish Diplomatic Missions conducts the interviews and organizes the sample tacking and its delivery. The Finnish Immigration Service requests the DNA analyses from the Hjelt Institute (former Department of Forensic Medicine) laboratory at the University of Helsinki. The authorities involved – officials of the Finnish Immigration Service and of the diplomatic missions, the police and the forensic experts – exchange information and are regularly in contact with each other even though their roles in decision-making are clearly differentiated. The procedures of DNA testing are defined in the provisions of law. Pursuant to Section 65 (1) of the Aliens Act (SDK 301/2004),

> Finnish Immigration Service provides the applicant or the sponsor with an opportunity to prove their biological kinship with DNA analysis paid for from States funds if no other adequate evidence of family ties based on biological kinship is available and it is possible to obtain material evidence of the family ties through DNA analysis

The applicants are not burdened by the price of the test unless, pursuant of Section 65 (3), "they have deliberately given false information, as a result of which the person and the family member indicated by him or her have been ordered to take the DNA test". Furthermore, the idea of DNA testing as an option offered to the applicant is underlined as the Section 65 (2) of the Act demands "a free written consent based on information and free will". The information on the purposes and nature of DNA testing is shared to the applicants in a Fact Sheet available in nine languages which is also read out, translated and explained by the interpreters, if necessary. From the human rights perspective, it is also important that, under Section 65 (2), "the results may not be used for any purposes other than establishing the family ties required for issuing a residence permit in cases as specified in the person's consent".

Contrary to explicit justifications and intentions for amending the legislation in Finland, DNA testing has become routine, as it does throughout Europe (La Spina 2012; Taitz, Weekers & Mosca 2002). In particular, DNA testing is a significant tool in the processing of applications of the targeted populations. It is evaluated that the Somalis find it very difficult, even impossible, to get a positive decision without verification of the family ties by the DNA test (Official, 4; NGO, 14; NGO, 19).

3.4 Fighting fraud

The human rights perspective was dominant in the discussions when DNA testing was experimented and established in Finland in the late 1990s. Despite of this, administrative documents and expert interviews demonstrate clearly that a general assumption of untruthfulness of applicants of family reunification has been a central motivation and justification of DNA testing from the very beginning. "As wrong families and wrong relatives have come to Finland either accidentally or on purpose, the introduction of DNA analysis has been suggested", reported the Ombudsman for Foreigners already in 1996 (UVT 1997). The Government Proposal (HE 88/1999) closed by stating that residence permits were granted to 120 persons "who were not family members" in 1992–1997, and "(…) because of the nature of the issue, the extent of the phenomenon cannot be known". It was also noted that with DNA testing only "genuine family members" would be given a residence permit. Thus, the Finnish immigration authorities and policymakers saw the technique of DNA

profiling as an effective tool for "the elimination of misdemeanour in family reunifications", as the report of the pilot project (Kokkarinen n.d.) stated.

The administrative documents and the officials' interviews are impregnated by the ubiquity of fraud – or, rather, ubiquity of the suspicion of fraud. In the policy documents of the late 1990s and early 2000s, false documents of identity and contradictory answers by the applicants are highlighted. In general, the applicants without valid documents of identity, marriage or parenthood are framed through the problem of fraud, and the lack of documents merges with the forged ones in the eyes of the immigration authorities. In interviews, the officials tend to refer to misdemeanours in family reunification rather vaguely and they are cautious and non-specific when questioned about the actual cases of fraudulent applications. It appears that a sort generalized suspicion prevails among the Finnish immigration authorities and, therefore, they consider strong indications of fraudulent intention in individual cases secondary: all applications submitted by certain nationalities – especially Somalis, but also Iraqis and, to a lesser extent, some African nationalities (EMN 2009) – are *a priori* considered suspect and potentially subjected to DNA testing.

Furthermore, the "multiplier effect" (Honahan 2009) of fraudulent reunification is emphasized among the Finnish authorities. A statement by Heikki Taskinen, currently the director of the Immigration unit of the Finnish Immigration Service, indicates this clearly:

> In some applications for family reunification misdemeanours began to appear (…) some Somalis applied for a residence permit on the basis of family ties for people who were not really their family members. After getting into Finland, these sooner or later reported that they belonged to another family but then, in turn, applied for a residence permits for others to whom they were spuriously related. (Leitzinger 2010: 86.)

This tendency is frequently noted by officials and other experts as related to the problems of "anchor children" and human trafficking and seen especially problematic regarding the children's rights (Official, 4; Lawyer, 5; Official, 6; Lawyer, 11).

The rationale of suspicion, based on the argument that "Finns shall not be deceived" (NGO, 14), leads immigration officials to emphasize that "we have to get the true families and not the fake ones" (Official, 9). To reach this objective, they welcome precision and objectivity of DNA analysis. It is seen useful for revealing fraudulent applications and making right decision over "truthful" applications case by case, not least because focusing of verification on genetic ties reduces complexity of the cases.

In addition, immigration authorities tend to applaud indirect, self-selective consequences of the testing: "Awareness of the availability of DNA testing also forestalls applications submitted on false grounds", evaluated Matti Saarela, Director General of the Directorate of Immigration, in 2000 (UVI 2001). The authorities consider DNA testing an efficient means of fighting fraud *beforehand*, because the potential applicants learn about the purpose and results of the test and can therefore evade filing fraudulent applications. There seems to be a tendency to construct a narrative of the progressive success in combating fraud despite the findings of the pilot project. As an official of the Finnish Migration Service said,

> (…) When DNA testing began, in the beginning there were a lot of exclusions, that is, it turned out that some of the children were not one's own. Thereafter these cases became more and more infrequent, because the applicants knew that they would be tested, and *there is a pre-emptive effect which was actually the initial purpose.* (Official, 1)

Finally, the use of DNA profiling has contributed the reinforcement of the rationale of suspicion in immigration administration. Since authorities can use a technique which they expect to provide exact and objective information about family ties to support their decision-making, they seem to have become more mistrustful to other forms of evidence and to the applicants. In administrative documents and interviews, authorities make continuously references to false documents and to inconsistent answers given in interviews, as a contrast to "accuracy" of information provided by DNA analysis. Such a manner of speech reflects a sort of ubiquity of the suspicion of fraud that prevails in immigration policy in many European countries. In such a mood of control and regulation, division between immigrants with appropriate identity documents and those without becomes increasingly critical.

3.5 *Equivocal role of DNA profiling*

What then is the role of information provided by the DNA test in the procedure of family reunification? How significant is it in decision making? Although the Finnish immigration authorities appreciate DNA testing as the provider of accurate and objective knowledge of family ties, the significance of genetic information has remained open to interpretation. In recent years, the number of applications for foster children has increased, which has indirectly resulted in reconsideration of the weight of the result of DNA analysis in decision-making. The Finnish immigration authorities adopted a policy that a foster child can get a residence permit if reliable evidence of *de facto* guardianship is provided, as specified by the amendment to the Aliens Act (SDK 549/2010). Partly due to this development, the interviews of the applicants have acquired a pivotal role. The purpose of the interviews is to clarify family ties and provide detailed information, the "proofs", of genuine family life – for example, on permanence, dependency, sharing of a household and intentions to continue family life in Finland. In the eyes of the Finnish authorities, verification of the genetic ties and the proof of "real" family life are entwined to each other, and in each case the result of the DNA test is considered in relation to the assessment of family life based on interviews, which are seen to provide primary evidence.[6]

This approach may lead to equivocal and conflicting interpretations of family ties. In some cases, the DNA test does not necessarily provide enough support for a favourable decision. This is presented quite bluntly in a press release in 2008: "A purely biological relationship is not, however, sufficient for a positive decision on residence permit without the background of a genuine, permanent family life" (Finnish Immigration Service 2008). Hence, positive test results do not necessarily lead to positive decisions. Recent tendencies in the decision-making procedure imply that DNA testing is hardly a "last resort" to the applicants anymore. The "DNA truth" is becoming increasingly subject to bureaucratic contingencies.

The role of DNA testing is changing in the family reunification procedure as more restrictive immigration policy sets new requirements and obstacles to family migration. For example, Finland and Sweden require nowadays that all applicants are personally present for biometric identification. Moreover, they have to present a passport before the process can begin. With these requirements,

the number of applications for family reunification by family members of recipients of international protection has decreased drastically and "family reunification has become so difficult, even impossible, that people only bring their true family members", as a lawyer evaluated the current situation (NGO, 24). Consequently, the role of DNA testing is bound to diminish as the administrative process becomes more difficult. However, there are also signs of a quite contrary development. Following a court ruling in Sweden in January 2012, Somali children without a travel document can get a residence permit to join their parents if it can be proven through DNA analysis that the child and the parent are "biologically" related (Swedish Migration Board 2012). Thus, not only the family ties but also identity and credibility of the applicants can be tested and proven by DNA analysis. Similar exceptions were made in Finland in 2012, and while DNA profiling is not explicitly mentioned as a tool, in practice its role may become more important in a parallel way.

4 Conclusions

Our analysis of the reasoning of the Finnish immigration authorities and experts shows that they consider DNA testing a crucial help for their decision-making for two reasons. First, the biological technique defines the object of administrative inquiry – i.e. family ties – in a clear cut way on the basis of biological traits of the applicants; second, it provides a means to acquire exact, objective knowledge that cannot be manipulated by any individual. Deployment of DNA profiling narrows the family concept to biological ties mediated by DNA which is contradictory to extension and multiplication of family definitions in legislation and family policy (Heinemann & Lemke 2013; Lippert & Pyykkönen 2012; Taitz, Weekers & Mosca 2002). However, due to the features essential to this "geneticization", DNA testing can bring the immigration officials "closer to the truth" in their decision-making. For them, the testing is a "truth machine" in a similar sense as techniques of forensic medicine function in criminal investigation (Lynch *et al*. 2008).

However, our analysis points out that the implementation and use of DNA testing are framed by rationales which direct policy making and administrative practices upon family migration. One line of reasoning is related to securing human rights – the right to family life, the children's rights – and the other one emphasises the need to combat fraud in asylum seeking and family reunification, which reflect a more general trend in immigration policy at large (Fassin 2005; Huysmans 2000; van der Ploeg 1999). Consequently, knowledge produced by DNA testing machinery can serve two contrasting ends and the use of biotechnology can be considered reasonable and justified from two conflicting but not mutually exclusive ankles in the context of migration policy and administration.

The rationale of human rights was particularly highlighted in policy reasoning when DNA testing for family reunification was initiated and established in Finland in the late 1990s and early 2000s. Even today, authorities and experts tend to consider DNA analysis "the last resort" which can secure the right to family for applicants without valid documents. From this perspective, the purpose of using a technique of molecular biology for verification of family ties is seen as production of "truth" that may affirm human rights, support the applicants' claims and secure non-discrimination.

Another influential framing for the use of DNA testing for family reunification in the Finnish immigration policy and administration is a rationale of suspicion built upon a general assumption of untruthfulness of the applicants. From this perspective, DNA analysis of family ties is seen as an effective tool in a campaign against fraud and it functions as a kind of biological lie detector (see Weiss 2011).

The idea of fighting frauds was a central motivation and justification for the introduction of DNA testing for family reunification in Finland in the late 1990s, and the rationale of suspicion has become the predominant framework for DNA testing during the past 15 years. This is a general trend in Europe, clearly indicated by the European Commission Green Paper on family reunification (2011) and a study on "marriages of convenience" and false declarations of parenthood by the European Migration Network (2012). In both documents, DNA analysis for family reunification is explicitly given on the agenda of immigration policy, but only in the context of fraud. Such a framing is compatible with a general tendency to emphasize containment of "flows" of refugees and illegal immigrants and to set more restrictions to family migration in European migration policy in the 2000s (Cholewinski 2002; Groenendijk 2006).

Amendments to the Finnish Aliens Act (SDK 301/2004) in 2010 provide a testimony of this trend to restrict family migration. The Government proposal set the goal for the changes "to cut down certain pull factors" (HE 240/2009). Six of the nine amendments directly concern family migration. For example, Sections 6a and 6b of the law regulate age assessment of alleged minors, and Section 38 specifies that the child has to be underage when the decision is made and also at the time the application is submitted. The amendments are claimed to regulate already existing practices by the law but they undeniably place new restrictions on family reunification, especially on issues related to information and verification. This is quite clear in the Section 36 (3) of the law which states

> A residence permit by reason of family ties may be refused if there are reasonable grounds for suspecting that the sponsor has received a residence permit by circumventing the provisions on entry or residence by providing false information on his or her identity or family ties.

In the service of a restrictive policy, biotechnology such as DNA profiling is deployed for control of the immigrant applicants and may contribute to suppression of their rights.

All in all, DNA analysis for the verification of family ties has become routine, and the procedure for conducting the testing has largely remained the same for almost two decades in Finland. However, the role of DNA testing in family reunification has been modified with the changes in migration policy. When the use of a technique of molecular genetics is increasingly framed in the context of prevention of fraud and illicit entry of immigrants, the function of testing is to detect fraudulent applicants, to form a pre-emptive block against hoax application and even to test overall credibility of the applicants. As DNA testing serves such functions it strengthens the predominant rationale of the Finnish and European immigration policy which emphasizes strict boarder control and containment of immigration "flows" to Europe and tend to consider an "alien" attempting to enter Europe a suspect of illegal immigration (Fassin 2005; van der Ploeg 1999). In this context, the use of DNA profiling for the verification of family ties implies that the bodies of the immigrants and asylum seekers bear the evidence (Aas 2006; Fassin & d´Halluin 2005).

The restrictive turn in the Finnish and European immigration policy may also bring changes to the weight of DNA test as evidence in the procedure of family reunification. There are some indications in decision-making of the Finnish authorities that the "DNA truth" is becoming relative to other evidence. The way the Finnish immigration

officials have tackled with the "phenomenon" of foster children has reinforced a more general tendency to consider information of interviews as primary evidence of "genuine" family life. Consequently, evidence of family ties are weighed against evidence of family life by the officials and decision on family reunification is based on the consideration of these two elements. In some cases, the results of DNA analysis are "not enough" to prove the existence of family life, whereas in others the evidence of family life may overcome the negative test results.

The above tendencies in decision-making procedure have two implications for the role of DNA testing in family reunification. First, DNA analysis cannot guarantee positive decisions and therefore it is hardly a "last resort" for the applicants anymore. It seems that the role of the "DNA truth" is becoming increasingly subject to administrative and juridical interpretation. As a consequence, evidence of family ties will become increasingly contested in immigration politics. Related to this, shifts in conduct and reasoning of the Finnish authorities indicate that delineation of "family" has again become problematic, and the reduction of complexity that DNA technology promised is not as accurate as it used to be 15 years ago. Consequently, even ontology of family – What is family? Who does belong to it? – will remain contested in the politics of family migration.

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Notes

1. The trilateral research project "DNA and Immigration" (IMMIGENE) comprised one empirical study of policy and practices of testing in each country and an inquiry of ethical implications. For further information, see http://www.immigene.eu/.
2. In the following, the interviewees are identified by their status – "'official" refers to representatives of immigration authorities (nine in total), "lawyer" to experts providing juridical help to the applicants (2), "NGO" to representatives of NGOs (7) and "geneticist" to experts in forensic medicine conducting the laboratory analysis (2) – and followed by the consecutive number of the interview.
3. Immigration authorities and experts do not only communicate and collaborate with each other but individual experts, especially lawyers, can also change their institutional affiliations and work places between immigration administration, NGOs, independent law firms, UNHCR, diplomatic missions and the courts of law. Therefore, the interviewees do not represent only one perspective but, rather, their answers reflect a dialogical formation of official and unofficial narratives. By saying this, we do not deny evident tensions between different stakeholders. Because of the contacts within a confined field, our efforts not to disclose the informants' identities has been challenging; yet, the respect for their privacy has been a priority in our work, and we have also discussed our findings and interpretations with the key informants.
4. Somalis have been singled out in the context of DNA analysis also in other countries, for example, in Hungary (EMN 2009), Denmark (HE 88/1999) and the United States (Villiers 2010).
5. The documents do not indicate ethical controversies about DNA testing. However, a forensic expert reminisced that destroying of the sample and the data, required by the Section 65(3) of the Aliens Act (SDK 301/2004), is an indication of the fact that genetic knowledge was seen frightening by the legislators: "Horrible, horrible, horrible; genes, genes, genes" (Geneticist, 7). In its statement, the Department of Forensic Medicine (HaVL 1999b) argued against the definite requirement of destroying the data of the tests.
6. In contrast, the findings of our comparative project indicate that the result of DNA analysis seems to trump other forms of evidence of family ties in the family reunification procedure in Germany (Heinemann & Lemke 2013).

References

Aalas, E 1991, *Somalishokki*, Suomen Pakolaisapu, Helsinki.

Aas, KF 2006, 'The body does not lie: identity, risk and trust in technoculture', *Crime Media Culture*, vol. 2, no. 2, pp. 143–158.

Bledsow, CH & Snow, P 2011, 'Family reunification ideals and the practices of transnational reproductive life among Africans in Europe', in *Reproduction, globalization, and the state: new theoretical and ethnographic perspectives*, eds CH Browner & CF Sargent, Duke University Press, Durham, pp. 127–191.

Bröckling, U, Krasmann, S & Lemke, T (eds) 2011, *Governmentality: current issues and future challenges*, Routledge, New York & London.

Cholewinski, R 2002, 'Family reunification and conditions placed on family members: dismantling a fundamental human right', *European Journal of Migration and Law,* vol. 4, no. 3, pp. 271–290.

Council of the European Union 2003, Council Directive No. 2003/86/EC, EUR-Lex, *Official Journal of the European Union* L: 12–18.

Dean, M 1999, *Governmentality*, Sage, London.

European Commission 2011, 'Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive2003/86/EC), COM (2011) 735 final', *Lex.europa.eu.* Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0735:FIN:EN:PDF> [Retrieved 20.12.2012].

European Migration Network (EMN) 2008, 'Family reunification: synthesis report' *Emn.intrasoft-intl.com*. Available from: http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?directoryID=105, [Retrieved 12.12.2012].

European Migration Network (EMN) 2009, 'Ad-hoc query on conducting other investigations (using a DNA test) in family reunification'. *Emn.intrasoft-intl.com*. Available from: <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=84F0FC77DA26F42A10151C744E6BE1D8?fileID=826>. [Retrieved 12.12.2012].

European Migration Network (EMN) 2012, 'Misuse of the right to family reunification: marriages of convenience and false declarations of parenthood'. *Emn.intrasoft-intl.com*. Available from: <http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=0BEEE0CB1DA11072BF05173EC8C36407> [Retrieved 12.12.2012].

Fassin, D 2005, 'Compassion and repression: the moral economy of immigration policies in France'*, Cultural Anthropology,* vol. 20, no. 3, pp. 362–387.

Fassin, D & d´Halluin, E. 2005, 'The truth from the body: medical certificates as ultimate evidence for asylum seekers', *American Anthropologist*, vol. 107, no. 4, pp. 597–608.

Finnish Immigration Service 2008, 'DNA analysis has unified a record number of immigrant families'. *Migri.fi*. Available from: <http://www.migri.fi/for_the_media/releases/press_releases/press_releases/1/0/dna_testing_has_united_a_record_number_of_immigrant_families>. [Retrieved 15.12.2012].

Groenendijk, K 2006, 'Family reunification as a right under community law', *European Journal of Migration and Law*, vol. 3, no. 2, pp. 215–230.

Hautaniemi, P 2007, 'Diasporic authenticity: connecting genes and building families through DNA testing in Somali family reunification in Finland', in *From Mogadishu to Dixon: the Somali diaspora in a global context*, eds A. Kusow & S Björk, Red Sea Press, Trenton, NJ, pp. 119–234.

HaVL 1999a, Pakolaisneuvonta, Kuuleminen Eduskunnan hallintovaliokunnassa [26.10.1999].

HaVL 1999b, Helsingin yliopisto, oikeuslääketieteen laitos, Jatkolausunto Eduskunnan hallintovaliokunnalle laiksi ulkomaalaislain muuttamisesta (HE 88/1999) [26.10.1999].

Heinemann, T & Lemke, T 2013, 'Suspect families: DNA kinship testing in German immigration policy', *Sociology*, vol. 47, no. 4, 810-826.

HE 88/1999, Hallituksen esitys Eduskunnalle laiksi ulkomaalaislain muuttamisesta.

HE 240/2009, Hallituksen esitys Eduskunnalle laiksi ulkomaalaislain muuttamisesta.

Heinemann, T, Naue, U & Tapaninen, A-M 2013, 'Verifying the family? A comparison of DNA analysis for family reunification in three European countries (Austria, Finland and Germany)'. *European Journal of Migration and Law*, vol. 15, no. 2, pp. 183–202.

Helén, I 2005, Genealogia kritiikkinä. *Sosiologia*, vol. 42, no. 2, pp. 93–109.

Hindmarsh, R & Prainsack, B (eds) 2010, *Genetic suspects: global governance of DNA profiling and databasing*, Cambridge University Press, Cambridge.

Holland, E 2011, 'Moving the virtual border to the cellular level: mandatory DNA testing and the U.S. Refugee Family Reunification Program', *California Law Review*, vol. 99, no. 6, pp. 1635–1681.

Honahan, I 2009, 'Reconsidering the claim to family reunification in migration', *Political Studies*, vol. 57, no. 4, pp. 768–787.

Hyusmans, J 2000, 'The European Union and the securitization of migration', *Journal of Common Market Studies*, vol. 38, no. 5, pp. 751–777.

Kokkarinen, H n.d., Pakolaisten perheenyhdistäminen: DNA-tutkimuksen käyttö perheenyhdistämistapauksissa. Unpublished Report, Pakolaistoimisto, Sosiaali- ja terveysministeriö.

La Spina, E 2012, 'DNA testing for family reunification in Europe: an exceptional resource?' *Migraciones Internacionales,* vol. 6, no. 3, pp. 39–74.

Leitzinger, A 2010, 'Mansikkamaan vartijat: Muistelmia ulkomaalaishallinnosta eri vuosikymmeniltä',. *Migri.fi* . Available from: <http://www.migri.fi/download/16289_mansikkamaan_vartijat.pdf> [Retrieved 8.1.2013].

Lepola, O 2000, *Ulkomaalaisesta suomenmaalaiseksi*, Finnish Literature Society, Helsinki.

Lippert, RK & Pyykkönen, M 2012, 'Contesting family in Finnish and Canadian immigration and refugee policy', *Nordic Journal of Migration Research*, vol. 2 no. 1, pp. 45–56.

Lynch, M, Cole, SA, McNally, R & Jordan, K 2008, *Truth machine: the contentious history of DNA fingerprinting*, University of Chicago Press, Chicago, IL.

Maahanmuuttovirasto 2013, 'Tilastoliite 2012' *Innocorp.fi*. Available from: <http://www.innocorp.fi/migri_tilastoliite_2012/> [Retrieved 20.4.2013].

M'Charek, A 2005, *The human genome diversity project: an ethnography of scientific practice*, Cambridge University Press, Cambridge.

Middleton, T 2011, 'Right to family reunion: the dynamics between EU law and national policy change, MPG briefings for Green Paper on Family Reunion # 2'. *Migpolgroup.org*. Available from: <http://www.migpolgroup.org/public/docs/Right_to_family_reunion-the_dynamics_between_EU_law_and_national_policy_change_MPG_Briefing_2.pdf>. [Retrieved 12.12.2012].

Murdock, TR 2008, 'Whose child is this? Genetic analysis and family reunification immigration in France', *Vanderbilt Journal of Transnational Law,* vol. 41, no. 5, pp. 1503–1534.

OM 1999, Oikeusministeriön lausunto sisäasiainministeriölle luonnoksesta hallituksen esityksestä ulkomaalaislain muuttamisesta 6.8.1999.

Pascouau, Y 2011, *Conditions for family reunification under strain. A comparative study in nine EU member states*, European Policy Centre, Bruxelles.

Ruffer, G 2011, 'Pushed beyond recognition? The liberality of family reunification policies in the EU', *Journal of Ethnic and Migration Studies,* vol. 37, no. 6, pp. 935–951.

Säädöskokoelma (SDK) 378/1991, Ulkomaalaislaki.

Säädöskokoelma (SDK) 731/1999, Suomen perustuslaki.

Säädöskokoelma (SDK) 114/2000, Laki ulkomaalaislain muuttamisesta.

Säädöskokoelma (SDK) 301/2004, Ulkomaalaislaki.
Säädöskokoelma (SDK) 549/2010, Laki ulkomaalaislain muuttamisesta.
Swedish Migration Board 2012, 'For persons from Somalia with children under the age of 18'. *Migrationsverket. se*. Available from: <http://www.migrationsverket.se/info/5515_en.html> [Retrieved 20 April 2013].
Taitz, J, Weekers, JEM & Mosca, DT 2002, 'The last resort: exploring the use of DNA testing for family reunification', *Health and Human Rights,* vol. 6, no. 1, pp. 20–32.
Ulkomaalaisvirasto (UVI) 2001, Ulkomaalaisviraston vuosikertomus 2000, Ulkomaalaisvirasto, Helsinki.
Ulkomaalaisvaltuutettu (UVT) 1996a, Toimintakertomus 1995, Ulkomaalaisvaltuutetun toimisto, Helsinki.
Ulkomaalaisvaltuutettu (UVT) 1996b, DNA-testauksen käyttömahdollisuudet Suomessa asuvien somalien sekä heidän Etiopiassa ja Keniassa olevien lähiomaistensa perheenyhdistämisessä, Unpublished Report 5.7.1996.
Ulkomaalaisvaltuutettu (UVT) 1997, Toimintakertomus 1996, Ulkomaalaisvaltuutetun toimisto, Helsinki.
Van der Ploeg, I 1999, 'The illegal body: "Eurodac" and the politics of biometric identification', *Ethics and Information Technology*, vol. 1, no. 4, pp. 295–302.
Villiers, JD 2010, 'Brave new world: the use and potential misuse of DNA technology in immigration law', *Boston College Third World Law Journal,* vol. 30, no. 2, pp. 239–271.
Weiss, MG 2011, 'Strange DNA: the rise of DNA analysis for family reunification and its ethical implications', *Genomics, Society and Politics*, vol. 7, pp. 1–19.