

Home Secretary statement on the use of DNA evidence in immigration applications

An internal review of the government's policy on the use of DNA in immigration applications was commissioned in July 2018 and [the report](#) and findings were published today.

Following the review, a taskforce and dedicated helpline have been set up so that anyone who feels that their immigration case may have been influenced by an inappropriate demand for DNA testing, can get advice and support.

If you think you may have been affected, please call 0300 123 2235. The line is open Monday to Friday from 9am to 5pm (4.30pm on Friday).

The Home Secretary's statement to the House of Commons

With permission Madame Deputy Speaker, I would like to make a statement on the use of DNA evidence in immigration applications.

Many thousands of immigration applications are received every year which involve people applying to come to the UK or remain in the UK, on the basis of a family relationship with someone already here.

If an individual does not have sufficient evidence to show that they are related to someone in the UK, they sometimes choose to do a DNA test to prove that relationship.

Officials will then consider this evidence as part of their claim.

Very often, this will be to the advantage of the applicant because it can help establish family relationships beyond doubt where the other available evidence is sometimes insufficient.

However, the provision of DNA evidence must be entirely voluntary.

At the end of June, it was brought to our attention that there were some immigration cases where the provision of DNA evidence had been made a requirement for issuing a visa or grant leave to remain, and it was not simply a request.

Such demands are unacceptable.

Today I want to take this opportunity to apologise to those who have been affected by this practice. The law in this context is that the provision of DNA evidence should always be voluntary and never mandatory.

My predecessor made this absolutely clear when the changes were made that she brought in in 2014.

Once we were made aware of the issue, we immediately commissioned an urgent internal review, which I am publishing today.

Copies will be available in the House library.

My RHF the Immigration Minister will also be writing today to the Home Affairs Select Committee outlining the key points of the review and of course providing a copy.

The review covered the legal aspects of DNA use, policy and guidance, case working practice and correspondence with applicants, as well as oversight arrangements relating to the use of DNA.

It outlines a number of areas in which guidance was unclear or wrong.

It also outlines areas of operational practice where DNA evidence was improperly required and provides some initial information on the possible scale of the issue.

The review makes a number of recommendations about how to address the root causes within the Border, Immigration and Citizenship system that led to the operational practice.

However, this review is not a conclusion to the work.

The numbers and the information in the report have been collected at pace and they still need to be fully assured that this is subject to change.

Further work is needed to ascertain the full scope of the issue.

But regardless of the numbers of people that have been affected - one case is still one too many.

I am determined to get to the bottom of how and why in some cases, people could be compelled to supply DNA evidence in the first place.

The majority of cases identified so far have been part of an Operation known as Operation Fugal, an operation which the report says started in April 2016 to address patterns of fraud in some specific family and human rights applications for immigration purposes

Letters sent, as part of this operation incorrectly stated that the applicant must provide DNA evidence and that not providing such information without a reasonable excuse would lead to their application being refused on suitability grounds.

It has been reported that 83 applications had been refused at the time of the writing of the report.

Seven of these seem to have been refused on suitability grounds solely for the failure to provide DNA evidence.

And a further six appear to have been refused on suitability grounds for failure to provide DNA evidence, but where that was not the sole reason.

In addition to Operation Fugal, we have also identified improper approach to the use of DNA evidence in 2 further areas.

The first relates to adult dependent relatives of Gurkhas.

In January 2015, a scheme was expanded allowing adult dependent children of Gurkhas discharged before 1997, to settle in the UK.

Guidance was published which stated that DNA evidence may be required, and that applications may be refused if that evidence was not provided without a reasonable excuse within 4 weeks.

This published guidance was wrong and has now been updated.

The report suggests that there were 51 cases identified where DNA was requested from applicants at their own cost.

At the same time the report was written, we were aware of four cases from the same family unit, who had their application refused solely because they did not provide DNA evidence.

These decisions have now been corrected.

The second case relates to Afghan nationals.

In 2013, applications from Afghan nationals formerly employed by the UK government to resettle in the UK were begun to be accepted.

The terms of the scheme included mandatory DNA testing for family groups, paid for by the UK government.

Current investigations suggest that no-one making an application under this scheme has been refused because they did not take a DNA test.

Nonetheless, mandatory testing should not have been part of this scheme and this requirement has now been removed.

Let me be clear, Madame Deputy Speaker Across our immigration system, no-one should have faced a demand to supply DNA evidence and no-one should have been penalised for not providing it.

In particular, I would like extend my apologies to those Gurkhas and Afghans who have been affected.

The two schemes I've described were put in place to help the families of those who have served to keep our country safe.

And I am sorry that demands were made of them which never should have been.

But I would like to reassure the House that I am taking action to correct this situation. Firstly, I have given clear instructions that officials must not seek DNA evidence on a mandatory basis in any immigration case.

Secondly, I have set up a new taskforce so that anyone who feels that their case may have been influenced in any way by an inappropriate demand for DNA testing, so that they can get advice and support.

Thirdly, we will also be looking to reimburse any individual who has suffered financial loss because we required DNA evidence when we shouldn't have done so.

Fourthly, we will continue to closely examine whether this approach might have been taken in any other part of the immigration system.

What we know so far is that there are three cohorts that have been affected, but we must investigate to see if there are any more.

I will be asking for independent assurance on everything we do as we establish the facts.

And fifthly, I know that the immigration system is operated by many highly committed people...

...but we must make sure that the structures and processes that they use are fit for the modern world.

And fit for the a immigration system we will be bringing in as we leave the European Union.

So I will review the structures and processes more broadly that we have to ensure they can deliver a system in a way which is fair and humane.

I will now consider what form that review will take.

But my starting point for this is that it would be helpful to have independent oversight of said review.

And that review will need to build on the lessons learnt from the Wendy Williams review also.

And I will want Wendy to play a full part in this wider exercise.

Madame Deputy Speaker I made it clear when I became Home Secretary that I will take any action necessary to put right wrongs or inconsistencies as and when I become aware of them.

Today I want to promise you that I will get to the bottom of what has gone on in relation to DNA evidence.

And I will build an immigration system which provides control but which is also fair, humane and fully compliant with the law.