



Thursday, August 24, 2006 - 12:00 AM

Permission to reprint or copy this article or photo, other than personal use, must be obtained from The Seattle Times. Call 206-464-3113 or e-mail resale@seattletimes.com with your request.

U.S. turning to DNA to prove family ties

By Lornet Turnbull

Seattle Times staff reporter

After waiting nearly 12 years to help his sister and her family obtain green cards so they could move to the U.S., Nak Sieng faced one final hurdle: proving he and his sister really are related.

An exercise that might have been simple for some was a monumental challenge for the siblings who had lived through Cambodia's revolutionary war and, as a result, couldn't obtain certain documents — like birth certificates or school or medical records — to prove their relationship.

Childhood photos the family was able to save from the war years were too old, authorities told them. And photos from Sieng's more recent visits to Cambodia in 2000 were too new.

Then U.S. embassy officials in Thailand asked for a kind of evidence that attorneys say is becoming increasingly common in immigration cases: a DNA test.

The test proved unequivocally that the two are brother and sister.

"I think it's a perfect idea," said Sieng, 39, a postal carrier who lives with his wife and children in Des Moines.

"Without the DNA I'm not sure what else we would or could have done. I would recommend it for everyone."

Increasingly the U.S. government is recommending the genetic tests for people from certain parts of the world who use their relationship to a U.S. citizen or permanent resident as the basis for permanent residency. Immigration laws allow U.S. citizens to petition to bring spouses, parents, children and siblings to the United States; green-card holders can sponsor spouses and unmarried children.

The DNA test — done through a cheek swab — is often recommended for people from parts of Asia and Africa — in cases where fraud is suspected or where war or other political upheaval has left a country's public records in disarray, immigration officials say.

Sieng had his test at Seattle's Genelex, where DNA testing for immigration has increased from around eight a month in 2001 to about 40 a month this year. Genelex, an industry pioneer and one of several DNA testing centers in Seattle, charges applicants about \$600 for paternity or maternity tests — more for siblings — plus any international shipping costs.

Neither the U.S. State Department, which operates the foreign embassies where visas are processed, nor the



ALAN BERNER / THE SEATTLE TIMES

Nak Sieng, a postal carrier in Des Moines, gave a DNA sample to prove he and his sister really are related.

Department of Homeland Security's Citizenship and Immigration Services, which processes applications in the United States, keeps statistics on how often the tests are used.

Voluntary

Always, they say, the tests are voluntary, recommended only as a last resort. But a test could determine whether a petition like Sieng's, lacking other strong proof of familial relationship, is successful. It also could determine whether a final processing takes an additional three months or three years.

Sharon Rummery, spokeswoman for Citizenship and Immigration, said officials recognize the challenge some people face in proving their own identities and their relationships to other people.

She said an official "might request the test in cases where the name of the parent might be different from the child's and we suspect the person is possibly a grandparent."

"We tend to take for granted that we have so many documents that travel with us through life that we can use to identify ourselves and those to whom we are related. In other cultures that is different," Rummery said.

Seattle attorney Bart Klein said he uses DNA tests for immigration an average of four times a month. He has used genetic tests in this way for 20 years, although he said the government began requesting them only in recent years.

Klein said he tells his clients that after spending thousands of dollars on green-card processing, the cost of the test is worth their peace of mind.

"Imagine how flabbergasted you'd be if after you'd been getting crap from your mother for 15 years some official questions your relationship to her," he said. "It's a huge relief from aggravation for people."

In every case, he said, the test has affirmatively proved the family relationships of his clients. Often they are parents and children seeking to prove their relationships to each other. Far fewer are sibling cases, like Sieng's.

With so many different standards for recognizing vital statistics and record keeping, DNA becomes an equalizer, Portland immigration attorney Brent Renison said. "It is a reliable way to look at blood relations," he said. "It seems to me about time they make that the national standard."

Used as a sword

DNA tests can unearth cultural differences, too — sometimes working against otherwise well-meaning immigrants.

In some countries, for example, aunts and uncles or grandparents assume guardianship of orphaned children without any legal recognition. They then petition on the children's behalf for legal U.S. residency. But U.S. immigration laws don't allow grandparents to petition for grandkids or aunts and uncles to file for nieces and nephews.

Diana Moller, an attorney with the Northwest Immigrant Rights Project, an immigrant-advocacy group, said in every case where immigration authorities have asked for the test — five or so in the past 1 ½ years — it's worked against her clients, ruling out family relations.

In one case, for example, the father was not a blood relative but a stepfather, she said. "Immigration officials were so mad they denied it," she said.

"The government is comfortable with the accuracy of the science, so when there's doubt, it's a fallback position," Moller added. "It's used as a sword rather than a shield."

Lornet Turnbull: 206-464-2420 or lturnbull@seattletimes.com

[Copyright © 2006 The Seattle Times Company](#)