



# ELSI FRIDAY FORUM

## Migrant DNA: Context, Ethics and Legal Issues

**Date and time:** Friday, March 12, 9am PT/12pm ET

**Speakers:** Sara Katsanis Vera Eidelman

**Moderator:** Paul Appelbaum

We invite you to browse “*Race, Genetics, and Genetics Education*”, an *ELSIhub Collection* curated by Brian M. Donovan, PhD, Research Scientist, BSCS Science Learning and Daphne O. Martschenko, PhD, Postdoctoral Research Fellow, Stanford Center for Biomedical Ethics.

<https://elsihub.org/index.php/news/elsihub-collections-race-genetics-and-genetics-education>

Learn more about CERA’s BorderDNA Working Group:

<https://elsihub.org/news/developing-resources-dna-testing-border-borderdna-working-group>

Sara Katsanis, MS

Biography: <https://www.luriechildrens.org/en/doctors/katsanis-sara-h/>

Vera Eidelman, JD

Biography: <https://www.aclu.org/other/about-aclus-project-speech-privacy-and-technology>

### Sara Katsanis

#### Slide 3 (“Positive identification of an immigration test case...”)

Link to Jeffreys et al (1985) <https://www.nature.com/articles/317818a0>

#### Slide 5 (“Many human remains in Texas...”)

For more info on Operation ID, see <https://www.txstate.edu/anthropology/facts/outreach/opid.html> and their Facebook <https://www.facebook.com/OperationIdentification/>

#### Slide 6 (“DNA data sharing...”)

Sara and colleagues covered these issues last week in Issue 66 of *Forced Migration Review* <https://www.fmreview.org/issue66>

See an earlier version of this figure published in Katsanis & Spradley, Ch 11, *Silent Witness* (2020) <https://global.oup.com/academic/product/silent-witness-9780190909451?cc=us&lang=en&>

#### Slide 8 (Tweets slide)

Wagner et al examined the 2018 news and social media conversations on DNA for family reunifications in *Frontiers in Genetics* <https://doi.org/10.3389/fgene.2019.01232>



## **Slide 10 (“A surge in migrant children...”)**

Data are available at

<https://www.cbp.gov/newsroom/stats/sw-border-migration/usbp-sw-border-apprehensions>

News article link:

<https://www.nytimes.com/live/2021/03/08/us/joe-biden-news/a-surge-in-migrant-children-detained-at-the-border-is-straining-shelters>

## **Slide 11 (“Rapid DNA operational use”)**

To read the Privacy Impact Assessment on Rapid DNA Operational Use (DHS/ICE/PIA-050), see

[https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-rapiddna-june2019\\_3.pdf](https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-rapiddna-june2019_3.pdf)

## **Slide 14 (“Detainee DNA collection timeline”)**

To read final Rule 28 CFR Part 28 “DNA sample collection from immigration detainees,” see

<https://www.govinfo.gov/content/pkg/FR-2020-03-09/pdf/2020-04256.pdf>

To read Sara’s op ed on the detainee DNA collection policy, see:

<https://thehill.com/opinion/immigration/469911-give-me-your-tired-your-poor-and-your-dna>

## **Slide 15 (“HART”)**

For more discussion of the HART database, see the Electronic Frontier Foundation’s blog post:

<https://www.eff.org/deeplinks/2018/06/hart-homeland-securitys-massive-new-database-will-include-face-recognition-dna-and>

## **Vera Eidelman**

### **RapidDNA for familial verification**

Vera Eidelman, *The dangers of the government’s DNA testing program*, CNN (May 9, 2019)

<https://www.cnn.com/2019/05/09/opinions/dangers-of-government-dna-testing-eidelman> (focused on RapidDNA testing to verify familial relationships)

Vera Eidelman and Jay Stanley, *Rapid DNA Machines in Police Departments Need Regulation*, ACLU (Oct. 2, 2019),

<https://www.aclu.org/blog/privacy-technology/medical-and-genetic-privacy/rapid-dna-machines-police-departments-need>

### **Forced DNA collection in immigration detention**

ACLU comment opposing rule re: forced DNA collection from people in immigration detention:

<https://www.aclu.org/other/immigration-detention-forced-dna-collection-public-comment>



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Vera Eidelman, *Privacy at risk: Trump plan to collect DNA from detained immigrants should alarm all of us*, USA Today (Nov. 7, 2019)

<https://www.usatoday.com/story/opinion/2019/11/07/trump-dna-collection-detained-immigrants-privacy-rights-column/2510652001/>

## **Expanded biometrics collection for immigration benefits**

Notice of Proposed Rulemaking for Collection and Use of Biometrics by U.S. Immigration Services:

<https://www.federalregister.gov/documents/2020/09/11/2020-19145/collection-and-use-of-biometrics-by-us-citizenship-and-immigration-services>

ACLU comment opposing rule re: expanded biometric collection for immigration benefits:

<https://www.aclu.org/aclu-biometric-collection-nprm-comment>

## **Background court cases**

*Maryland v. King*, 133 S. Ct. 1958 (2013), available at

[https://www.supremecourt.gov/opinions/12pdf/12-207\\_d18e.pdf](https://www.supremecourt.gov/opinions/12pdf/12-207_d18e.pdf)