

# United States DNA Testing Policies in the Context of Family Immigration

Assessing the background, content, and implications of immigration focused DNA testing policies that play a role in family separations and reunifications under the U.S. government



Photo credit: Angelina Katsanis



**Bhalpriya Sandhu, DNA Bridge Research Fellow**

Sara Huston, DNA Bridge President, Co-Founder, Board Chair

Diana Madden, DNA Bridge Co-Founder, Secretary

# Executive Summary

(for links see Appendix 1)

This report summarizes and categorizes the policies used for family immigration, reunification, and separation that require or urge the collection and testing of DNA. The intent of this report is to provide a comprehensive understanding of how DNA testing is used across the Department of Homeland Security (DHS), Department of State (DOS), Department of Health and Human Services (HHS), Department of Justice (DOJ), and their subsidiary organizations.

DNA testing for Priority 3 (P-3) Visas have been required since 2012 and are managed by the U.S. Citizenship and Immigration Services (USCIS), a subsidiary of DHS, in cooperation with the DOS. The testing is required to verify a biological relationship between P-3 visa applicants and their anchor relative in the United States. A 2024 DHS report describes the collaborative effort between the USCIS and DOS to resolve inefficiencies in the P-3 process, including reviewing the procedures related to DNA testing and collection. To reduce processing time, USCIS is considering adjustments to policies that require DNA testing for all P-3 cases that have a parent-child relationship.

Within the first few hours of his second presidency, President Trump issued an Executive Order titled “Securing Our Borders.” This Executive Order condemns the actions of the previous administration’s tactics at the border and reiterates the first Trump administration’s stance on border control. Under Section 9, the Executive Order restates the premise of the DNA Fingerprint Act of 2005, which amends previous acts to allow for DNA collection “from individuals who are arrested or detained under U.S. authority” and authorizes DNA collection by “any other federal agency that arrests or detains individuals or supervises individuals facing charges.” This Act also allows for the inclusion of these DNA samples in the National DNA Index System (CODIS), a database housing DNA profiles from past arrestees and convicted offenders for comparison to DNA profiles collected from crime scenes. DNA profiles entered into CODIS are stored there indefinitely.

The emphasis on the DNA Fingerprinting Act of 2005 comes as a result of whistleblower testimony that exposed minimal DNA collection at the border, a choice justified by citing the impracticality of implementing a policy that would strain resources and criticized as negligent by those advocating for following through with DNA testing at the border.

In May 2025, U.S. Immigration and Customs Enforcement (ICE) awarded a non-bidding contract to a service provider for rapid DNA testing and the equipment for these tests, with the intent to use these services for ICE's Enforcement and Removal Operations. This contract was protested by another DNA service providers through a report filed on May 23, 2025 with the Government Accountability Office (GAO) due to the non-bidding issuance of the contract. A stop work order was issued on May 27 and was lifted on June 11 when the dispute was dismissed.

In March 2025, following the HHS ceasing their placement of unaccompanied children in shelters of Southwest Key Programs, the Office of Refugee Resettlement (ORR) issued guidance for their expansion of DNA testing for unaccompanied children and their sponsors. This document details the measures required for DNA testing used for verification of an unaccompanied minor's biological relationship to their sponsor. DNA testing is not required for the process of applying to sponsor an unaccompanied child, but failure to provide verification of a biological relationship can result in reclassification of sponsorship to a Category 3 (unrelated) sponsor with enhanced vetting required.

In November 2025, DHS proposed a final rule that would expand the collection and storage of biometric information related to immigration, including DNA, fingerprints, palm prints, voice prints, and ocular images. These proposed rules add to and alter current policies governing biometric collection and are aimed across the spectrum of immigration and naturalization laws. If enacted into policy, this new rule will significantly expand DNA collection and surveillance to not only migrants, but also U.S. citizens and children.

## Mission Statement

DNA Bridge is a consortium of scientists and human rights experts working to enable and promote the ethical and secure use of DNA data to reunify families separated by armed conflicts, political repression, immigration, climate change, and disasters. Our goal is to support the use of DNA analysis in a humane manner to reunify families and identify missing persons around the globe.

## About This Report

Bhalpriya Sandhu, Sara Huston, and Diana Madden are the authors of this report. Its creation is the output from Sandhu's summer research fellowship at DNA Bridge, funded by the Human Rights Center at UC Berkeley School of Law.

## Contact

Email: [info@DNABridge.org](mailto:info@DNABridge.org)

Phone: 410.533.7387

Federal Tax ID: 94-3291996

CA Corp #: C2066193



# Abbreviations

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AABB - Association for the Advancement of Blood & Biotherapies

ACF - Administration for Children and Families

AOR - Affidavit of Relationship

CBP - Customs and Border Protection

CODIS - Combined DNA Index System

DDC - DNA Diagnostics Center

DHS - Department of Homeland Security

DNA - Deoxyribonucleic Acid

DOJ - Department of Justice

DOS - Department of State

ERO - Enforcement and Removal Operations

FBI - Federal Bureau of Investigation

HHS - Department of Health and Human Services

HSI - Homeland Security Investigations

ICE - Immigration and Customs Enforcement

ORR - Office of Refugee Resettlement

OSC - Office of Special Counsel

P-3 - Priority 3

PHI - Protected Health Information

RAVU - Refugee Access Verification Unit

RPC - Refugee Processing Center

UAC / UC - Unaccompanied Alien Child/Children

USCIS - United States Customs and Immigration Services

USRAP - United States Refugee Admissions Program

# Introduction

This report aims to outline the basis, application, and implications of policies relevant to nonmedical DNA collection and DNA testing that affect migrants and their families emerging since 2020. The policies fall under the authorities of four U.S. Government Departments: Department of Homeland Security (DHS), Department of State (DOS), Department of Health and Human Services (HHS), and Department of Justice (DOJ). Tracking these policies is necessary for disseminating an understanding of how DNA testing is managed in the context of immigration. Ethical questions arise pertaining to how DNA is taken, who it is taken from, how consent is obtained, and the justifications for required testing. This report highlights important excerpts from executive orders, governmental and nongovernmental organization reports, press releases, data, and news articles while also assessing the intended and unintended effects of these policies.

The first stage of drafting this report included creating a spreadsheet with relevant statutes, news articles, press releases, and statistics. To stay updated on changes to policies, Google alerts for “Rapid DNA tests”, “CODIS”, “‘DHS’ and ‘DNA test’”, “UAC”, and “ORR” were set up and weekly searches across social media using the same key word searches were used. A literature review was completed after establishing a comprehensive preliminary compilation of sources. Then, assessing the relevance of each source and identifying overlaps in themes, the sources were categorized and the process of structuring the report began. In drafting the report, authority, obligations, and resources were being shifted amongst the various agencies. As changes and proposed alterations to policies using DNA testing in the context of family immigration continues, it is hoped that this report can provide the necessary information to understand the implications of these updates.

**Table 1. Overview of Policies**

Context	Sponsorship Applications for Unaccompanied Minors (HHS)	Removal Operations within the U.S. (DHS)	Rapid DNA Testing to Verify Familial Relationships at the Border (DHS)	Collection from Detainees at Border (DHS, DOJ)	Priority 3 Testing (DOS)
Status	Active. Policy instated March 2025	Active. Contract began May 2025	Implemented by December 2025	Active. Policy instated January 2021	Inactive (USRAP program is on hold)
Subjects of DNA testing	Relationship testing as part of application process: an unaccompanied child and the sponsor claiming to be biologically related to said child test to confirm relationship	UNKNOWN – an assumption is that relationship testing will be of families suspected of claiming fraudulent relationships	Tests migrants claiming to be traveling as part of a family unit	Detainees are tested, including all who are fingerprinted, i.e. those 14 and over, but in practice includes children as young as 4	All applicants for family-based visa petitions with parent-child relationship claimed
Governmental departments involved	HHS ➡ ORR	DHS ➡ ICE	DHS ➡ CBP	DHS ➡ CBP DOJ ➡ FBI	DOS ➡ RCP and DHS ➡ USCIS ➡ RAVU
Organization administering DNA collection	Testing is coordinated by DNA Diagnostics Center	UNKNOWN	CBP or ICE agents	CBP official	Coordinated by relationship testing lab
Organization processing DNA test	DNA Diagnostics Center	SNA International	UNKNOWN	FBI	AABB-accredited relationship testing lab
Where DNA sample or test results are stored	DNA Diagnostics Center	UNKNOWN	UNKNOWN	Combined DNA Index System (CODIS) (stored indefinite)	Relationship testing laboratory (stored 2 months-indefinite)
Mandatory or not	ONLY for sponsors who claim a biological relationship to UC	NO	NO, but DHS can test anyone they think might be presenting as a fraudulent relationship	YES, under the DNA Fingerprint Act of 2005	ONLY when a parent-child biological relationship is claimed
Who incurs the cost of DNA testing	Sponsors	DHS ➡ ICE	DHS ➡ ICE	DOJ ➡ FBI	Sponsors, but they are reimbursed by the U.S. government if DNA relationships are verified
Length of time test results are stored for	UNKNOWN	UNKNOWN	UNKNOWN		UNKNOWN

# Policies

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## Department of Homeland Security *Removal Operations*

### **1. Background**

Removal operations entail the investigation, arrest, and removal of noncitizens thought to pose a threat to national security, public safety, or the immigration laws of the United States. The Enforcement and Removal Operations (ERO) branch of ICE “facilitates the processing of illegal aliens through the immigration court system and coordinates their departure from the United States” and “involves planning and coordinating removals across the country and developing and implementing strategies to support the return of all removable aliens to their country of origin.”<sup>1</sup>

A contract worth up to \$25 million was awarded to SNA International LLC by ICE for “rapid DNA tests, equipment, and services for ICE Enforcement and Removal Operations (ERO) field offices to verify biological relatives”<sup>2</sup> on May 22, 2025. Bode Technology Group Inc. filed a protest due to the lack of open bidding and due process afforded to the allotment contract on May 23 and a stop work order was granted on May 27 as a result of the protest, delaying the start of the contract. This bid protest was dismissed in June, allowing the contract to proceed.<sup>3</sup>

Since 2020 CBP and ICE collect DNA from detainees at the border (see DOJ section below). With removal policies now expanded under the 2025 Trump administration, any person detained by DHS would be subject to the DOJ DNA

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<sup>1</sup> U.S. Department of Homeland Security, U.S. Immigration & Customs Enforcement, Removal, (March 6, 2025) <https://www.ice.gov/remove/removal>

<sup>2</sup> IDC 70CMSD25D00000001 SNA International (2025).  
<https://www.highergov.com/idv/70CMSD25D00000001>

<sup>3</sup> Bode Cellmark Forensics, Inc., B-423560.1, [June 11, 2025] (Dismissed)



collection for CODIS. The new 2025 policy in place to conduct DNA testing as part of removal proceedings is separate from the CODIS DNA collection. The contract re-kindles a 2019-2021 pilot to use rapid DNA equipment at 11 border entry points to verify claimed family relationships.

**Table 2: Roughly 0.01% of migrants that crossed the Southwest border and claimed to be a part of familial units between 2021 through 2024 were administered DNA tests by CBP to confirm or fail to confirm claimed relationships.<sup>4</sup>**

Year	# of Migrants Claiming to be Family Units Crossing the Southwest U.S. Border	# of CBP Familial DNA Tests Administered	# Positive Tests (Confirming Familial Relationship)	# Negative Tests (Refuting Familial Relationship)
2021	479,728	12	4	8
2022	560,646	207	178	29
2023	821,537	81	73	8
2024	804,456	14	14	0

## 2. Policy

DNA collection and testing from detainees for CODIS would be mandatory, as detainees who do not comply with DNA sampling protocol can be forcibly restrained and tested by DHS officials, who are authorized under federal law to do so.<sup>5</sup> The 2025 contract for rapid DNA instruments indicates that ICE is likely moving to increasingly DNA test families assumed to be or confirmed to be illegally residing in the United States. CBP and ICE utilized this contract to procure 25 rapid DNA instruments for processing DNA tests and the accompanying equipment required for DNA testing to be conducted “in-house” at selected locations receiving the new equipment.<sup>6</sup> The stated purpose of DNA testing by ICE is to identify “fraudulent parent-child relationships” among families taken into custody.<sup>7</sup> Of the 2.7 million migrants claiming to be family units when crossing into the United States via the Southwest Border from 2021 to 2024, 314

<sup>4</sup> U.S. Department of Homeland Security, Office of Inspector General. (July 17, 2025). CBP's Lack of Familial DNA Testing Limits Detection of Fraudulent Relationships (Report No. OIG-25-31). <https://www.oig.dhs.gov/sites/default/files/assets/2025-07/OIG-25-31-Jul25.pdf>

<sup>5</sup> 34 U.S.C. § 40702(a)(4)(a), (5)

<sup>6</sup> *Id.* at 4

<sup>7</sup> *Id.*

familial DNA tests were administered with 45 tests indicating no biological relationship.<sup>8</sup> CBP estimates that training for conducting DNA tests on the newly purchased equipment will be carried out and completed by December 31, 2025.<sup>9</sup>

### 3. Implications

Several senators, policy analysts, and human rights advocates have expressed concerns about the repercussions of mandatory DNA testing policies.<sup>10</sup> These concerns include consent for tests with regards to how the DNA is to be used; according to a report from Georgetown Law Center on Privacy and Technology,<sup>11</sup> many people have reportedly been swabbed without knowing the test's true purpose. This indicates that CBP and ICE might be communicating about DNA collection and/or testing in a confusing and intimidating manner.<sup>12</sup> This could influence families' willingness to provide DNA and general confusion about why they are doing so, especially if they are not explicitly told it is being done for the purpose of relationship verification. Misunderstanding or confusion as to the purpose of the test could also prevent caretakers from preemptively clarifying their relationship to the child in their care if the child is not biologically related to their primary caregiver. A direct consequence of reliance on genetic data to verify claimed relationships is that it could strip custody from legitimate non-biological caregivers, including godparents and non-biologically related family members.

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Adams-Heard, R., & Akinnibi, F. (n.d.). Trump administration's ICE wants \$25 million to DNA test immigrant families. Bloomberg. <https://www.bloomberg.com/news/articles/2025-06-04/trump-administration-s-ice-wants-25-million-to-dna-test-immigrant-families>

<sup>11</sup> Stevie Glaberson, Emerald Tse & Emily Tucker, Raiding the Genome: How the United States Government Is Abusing Its Immigration Powers to Amass DNA for Future Policing, Center on Privacy & Technology at Georgetown Law (2024). <https://www.law.georgetown.edu/privacy-technology-center/publications/raiding-the-genome/>

<sup>12</sup> *Id.*

With the November 2025 proposed rule,<sup>13</sup> seeking to “allow for identity management and verification through the entire immigration lifecycle,” prior age restrictions and limitations, such as those that preclude children under 14 from mandatory DNA testing, would be lifted.<sup>14</sup> The ability to collect minors’ DNA regardless of age is proposed as a means to verify claimed genetic relationships of “apprehended aliens” and “ensure that UAC are properly identified and cared for.”<sup>15</sup> An increase in unaccompanied children apprehended at the border is cited as a catalyst for the proposed expansion of DNA<sup>16</sup> testing to include minors of all ages, even though data on southwest border encounters shows a decrease<sup>17</sup> in the number of unaccompanied children crossing in the past few years.

The proposed rule would require provision of biometric data from immigration petitioners, U.S. citizens, U.S. nationals, and lawful permanent residents who sponsor or are associated with an immigration benefit request. USCIS would have the authority to use biometrics to determine the “good moral character”<sup>18</sup> of immigration applicants and would collect data from a broader range of individuals involved in benefit requests. The biometric information collected by USCIS, including DNA test results and partial DNA profiles, would be shareable with DHS and other law enforcement entities.

The final rule also includes a provision for using DNA test results “to establish biological sex” for documentation in lieu of a birth certificate.<sup>19</sup> This policy could neglect a child’s chosen identity for their U.S. passport or a person might be

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<sup>13</sup> Collection and Use of Biometrics by U.S. Citizenship and Immigration Services. (November 3, 2025). Federal Register. <https://www.federalregister.gov/documents/2025/11/03/2025-19747/collection-and-use-of-biometrics-by-us-citizenship-and-immigration-services#p-177>

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> U.S. Customs and Border Protection. (October 24, 2025). Southwest Land Border Encounters. U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

<sup>18</sup> Defining “good moral character” according to *Black’s Law Dictionary* 808 (10<sup>th</sup> ed. 2014) as a “pattern of behavior that is consistent with the community’s current ethical standards and that shows an absence of deceit or morally reprehensible conduct.”

<sup>19</sup> Collection and Use of Biometrics by U.S. Citizenship and Immigration Services. (November 3, 2025). Federal Register. <https://www.federalregister.gov/d/2025-19747/p-160>

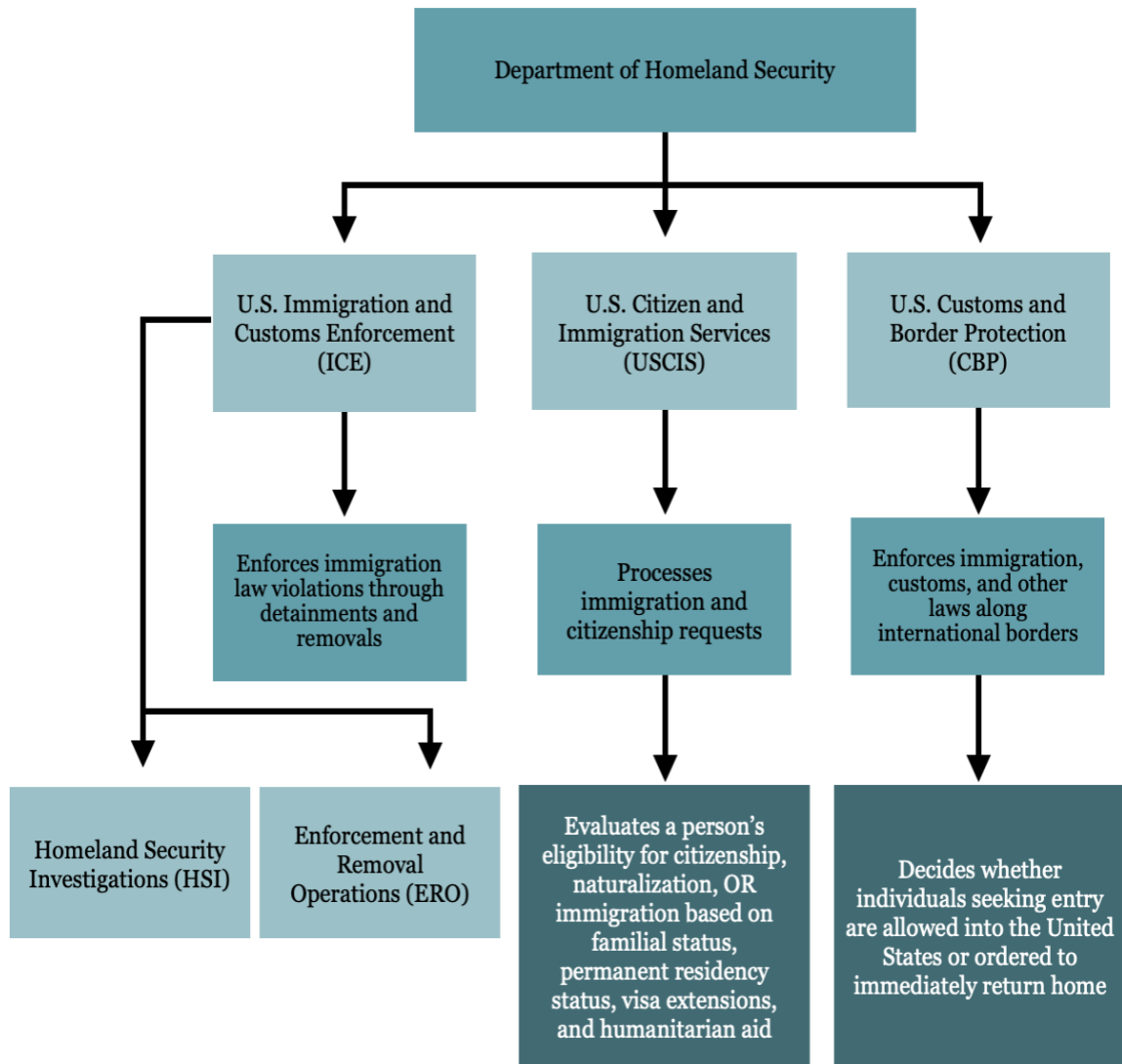
stigmatized if the DNA test result of their sex assigned at birth contradicts their gender.

With this proposed rule, after the biometrics would be used to “assist in enabling definitive identification” of children, DHS would retain the ability to use any biometric information they collect, including DNA, for background checks and law enforcement purposes.<sup>20</sup> Authorities within DHS, (e.g., ICE, USCIS) would be able to submit biometric data collected from unaccompanied children to the FBI for background checks; however, USCIS would more routinely submit biometric data collected from unaccompanied children into the Automated Biometric Identification System (IDENT), the central DHS-wide system for storage and processing of biometric and associated biographic information, currently limited to fingerprints and facial images.<sup>21</sup>

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<sup>20</sup> Collection and Use of Biometrics by U.S. Citizenship and Immigration Services. (November 3, 2025). Federal Register. <https://www.federalregister.gov/d/2025-19747/p-284>

<sup>21</sup> DHS/OBIM/PIA-001 Automated Biometric Identification System. (March 20, 20214). Department of Homeland Security. <https://www.dhs.gov/publication/dhsnppdpia-002-automated-biometric-identification-system>



**Figure 1: Department of Homeland Security (DHS) entities with a role in the immigration process**

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# Department of State

## *P-3 Visas*

### **1. Background**

The P-3 Visa Program facilitates the reunification of family overseas with an “anchor” family member currently residing in the United States as a refugee, asylee, lawful permanent resident, or U.S. citizen who previously held refugee or asylum status. Spouses, unmarried children under 21, and parents of the “anchor” family member can apply for a P-3 visa.

The Department of State first implemented DNA testing requirements for P-3 Visas in 2008 as a pilot program that focused on a sample group of refugees, primarily from Kenya and other African countries, in response to reported fraud in the P-3 program.<sup>22</sup> In this initial pilot project, many individuals refused DNA testing; of those who did agree, fewer than 20% of claimed biological relationships were verified. Among the percent that “failed” testing included those families who failed to show up for testing appointments; as such, the true rate of fraud in this pilot is not known. Following this initial trial of DNA testing, the P-3 program stopped accepting applications as the DOS worked on adjusting procedures to heighten the fidelity of the process, which included the addition of required DNA testing. The P-3 program resumed in 2012 with mandated DNA tests for verification of certain claimed parent-child biological relationships “in order to gain access to a USCIS interview for refugee admission to the United States through the P-3 program.”<sup>23</sup>

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<sup>22</sup> Fact Sheet, United States, Department of State, Bureau of Population, Refugees, and Migration. “Fraud in the Refugee Family Reunification (Priority Three) Program.” U.S. Department of State Archive, December 4, 2008, 2001-2009.state.gov/g/prm/refadm/rls/fs/2008/112760.htm.

<sup>23</sup> U.S. Department of State, U.S. Department of Homeland Security, & U.S. Department of Health and Human Services. (2012). Proposed refugee admissions for Fiscal Year 2013: Report to the Congress. <https://www.wrapsnet.org/documents/Report+to+Congress+for+FY+2013+USRAP.pdf>

## 2. Policy

The current P-3 Visa process requires DNA results to be submitted in all cases that have a parent-child relationship; it also requires that petitioning relatives in the United States arrived as refugees or asylees.<sup>24</sup> Applicants independently contact an AABB-accredited laboratory<sup>25</sup> and the results of the DNA test are sent directly from the laboratory to USCIS. However, an Executive Order issued in January 2025 paused the U.S. Refugee Admissions Program (USRAP) thus halting the acceptance of applications through the P-3 Visa program at this time.

## 3. Implications

According to the 2024 USCIS fiscal report, the “Refugee Coordination Center (RCC) identified that it takes an average of over a year (13 months) to receive DNA test results.”<sup>26</sup> Expediting this process would require USCIS and DOS to draw on DNA policies in similar programs to make adaptations for the P-3 refugee visa processing. The interview process with USCIS cannot start until the DNA test results are received by USCIS which creates delays in the pipeline. The inefficiencies are related to the collection of specimen and coordination of shipments to the laboratories, rather than delays in laboratory testing or reporting. Despite these inefficiencies, DNA testing is a reliable filter for fraudulent claims of biological relationships. However, the challenges of documenting family relationships remain, which can be detrimental to those families who misunderstand Western family labels (e.g., “uncle” can have many definitions in other cultures) or who learn of misattributed parentage.<sup>27</sup> It is unlikely the DNA

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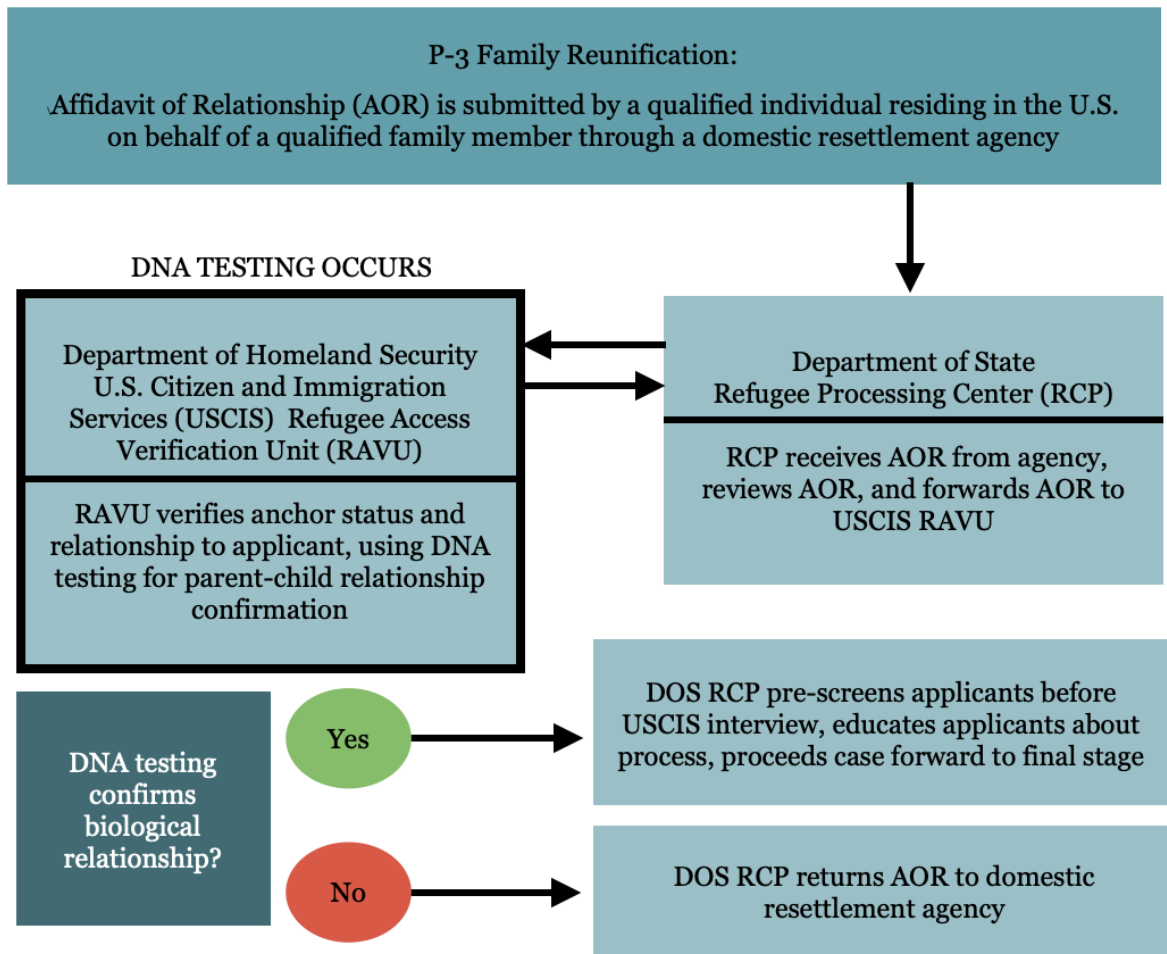
<sup>24</sup> U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services. (October 25, 2024). Priority 3 (P-3) refugee processing: Fiscal Year 2024 report to Congress. [https://www.dhs.gov/sites/default/files/2024-12/2024\\_1025\\_uscis\\_priority\\_3\\_p3\\_refugee\\_processing.pdf](https://www.dhs.gov/sites/default/files/2024-12/2024_1025_uscis_priority_3_p3_refugee_processing.pdf)

<sup>25</sup> AABB, AABB-Accredited Relationship (DNA) Testing Facilities. <https://www.aabb.org/standards-accreditation/accreditation/accredited-facilities/aabb-accredited-relationship-testing-facilities>

<sup>26</sup> *Id.* at 24

<sup>27</sup> Madden D, Baker BA, Wagner JK, Katsanis SH. Framing the utility and potential pitfalls of relationship and identity DNA testing across United States immigration contexts. *HGG Adv.* 2021 Sep 24;3(1):100060. doi: 10.1016/j.xhgg.2021.100060

requirement will be eliminated and more likely that USCIS will attempt to develop a proposal that reduces the processing time of DNA testing.<sup>28</sup>



**Figure 2: DOS and DHS roles in the DNA testing aspect of P-3 visas**

<sup>28</sup> *Id.* at 24



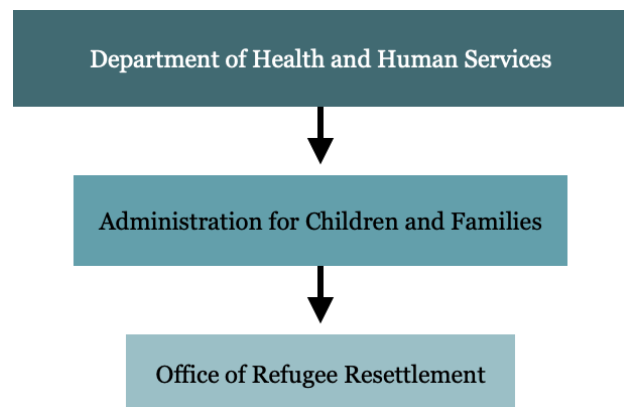
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# Department of Health and Human Services

## *Office of Refugee Resettlement*

### 1. Background

The 2025 Trump administration has indicated their intent to review cases of unaccompanied children who crossed into the United States during the Biden administration.<sup>29</sup> This review process includes dispatching DHS or FBI agents to residential addresses of the sponsors of children who were previously under the care of ORR. The administration claims these efforts are intended to mitigate gaps in the vetting process they suspect occurred under the Biden administration, with the ultimate goal of ensuring a safer environment for the children.<sup>30</sup> DNA testing and fingerprint submissions are now required of sponsors in addition to income verification in order to strengthen the screening process of these sponsors.



**Figure 2: The ORR office is located within the Administration for Children and Families (ACF) agency under the HHS**

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<sup>29</sup> U.S. Department of Homeland Security, Office of Inspector General, *OIG-25-21, ICE Cannot Effectively Monitor the Location and Status of All Unaccompanied Alien Children After Federal Custody* (March 25, 2025), <https://www.oig.dhs.gov/sites/default/files/assets/2025-03/OIG-25-21-Mar25.pdf>

<sup>30</sup> Press Release, Office of Senator Chuck Grassley, *Bombshell Report Confirms Grassley Oversight of Biden-Harris Admin’s Failure to Protect Migrant Children* (August 19, 2025), <https://www.grassley.senate.gov/news/news-releases/bombshell-report-confirms-grassley-oversight-of-biden-harris-admins-failure-to-protect-migrant-children>

## 2. Policy

The Office of Refugee Resettlement (ORR) enacted a new field guidance policy for DNA testing expansion to prove a familial relationship between potential sponsors and Unaccompanied Alien<sup>31</sup> Children (UAC/UC) when a biological relationship is claimed.<sup>32</sup> For children under 14, consent for the DNA testing is assumed, and children 14 or older must provide consent for a DNA testing.<sup>33</sup> According to the field guidance, DNA test results cannot be the sole reason for denying release to a sponsor unless their relationship with the child was misrepresented. DNA that is used for the purpose of verifying a biological relationship between a sponsor and an unaccompanied child is not submitted to law enforcement and is considered Protected Health Information (PHI), only disclosed as required by law.

The cost of the DNA tests –\$479.99 up front or \$139.99 with results withheld until the remaining amount is paid off – are the responsibility of the sponsor. DNA tests are conducted through DNA Diagnostics Center (DDC), an AABB-accredited commercial laboratory. A valid form of identification (e.g., driver’s license, passport) is required to start the DNA testing process.<sup>34</sup>

The laboratory processes the DNA test of both the child and the sponsor, stores the samples and data, and provides a report on the DNA test to the sponsor’s assigned ORR case manager to decide how to proceed in the reunification process depending on the DNA test results.<sup>35</sup>

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<sup>31</sup> The term “alien” is used by the U.S. government to characterize foreign visitors. In our report, we have removed this term, opting for “migrant” or “unaccompanied child.”

<sup>32</sup> U.S. Department of Health & Human Services, Administration for Children & Families, Office of Refugee Resettlement, Field Guidance #27 – DNA Testing Expansion (rev. May 15, 2025), [https://www.acf.hhs.gov/sites/default/files/documents/orr/FG-27\\_-\\_DNA\\_Testing\\_Expansion.pdf](https://www.acf.hhs.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf)

<sup>33</sup> Consent is presumed for children under the age of 14 when DNA sample submissions are used for the purpose of establishing relationships. Voluntary consent must be given by unaccompanied children that are 14 or older for DNA sample submissions. If an unaccompanied child who is 14 or older is deemed incompetent and unable to consent by a clinician, the ORR Federal Field Specialist (FFS) is consulted for a "best interests" determination on behalf of the child to obtain consent.

<sup>34</sup> The necessity of an ID and cost of testing was confirmed in a June 6, 2025 consultation phone call with DNA Diagnostics Center

<sup>35</sup> Field guidance #27 – DNA testing expansion. (May 15, 2025)  
[https://acf.gov/sites/default/files/documents/orr/FG-27\\_-\\_DNA\\_Testing\\_Expansion.pdf](https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf)

### 3. Implications

There are cases where false identification was provided to the government, background checks were not completed, and residential addresses were not checked before a child was connected to a sponsor. This new DNA testing to verify the claimed relationship between an unaccompanied child and sponsor can serve to discover and correct these case errors. Non-malicious or accidental mistakes on the part of the Biden administration or sponsors in composing and reviewing their applications – such as oversight of incomplete addresses, mistyped dates of birth, and spelling errors – could lead to children being stripped from safe sponsors or placed in the care of unsafe sponsors.

Verification of familial relationships by DNA testing also is useful for the prevention of human trafficking when a purported sponsor lies about a relationship in order to gain control of a minor for trafficking. There are instances where comparative DNA tests will not verify a biological relationship because the relationship was intentionally misrepresented. However, misattributed paternity or a cultural discrepancy in what constitutes an avuncular relationship for testing (e.g., an aunt or uncle not biologically related) could also result in DNA tests that fail to verify a biological relationship between an unaccompanied child and a legitimate sponsor.

The legitimacy and safety of sponsors is cited as a concern in a March 2025 DHS report: “HHS ORR reported more than 570 incidents involving unaccompanied children related to human, drug, and weapons trafficking to HSI from FYs 2019 to 2023.”<sup>36</sup> Some sponsors have attempted to take advantage of children they sponsor, with HHS workers discovering that “purportedly different guardians living at several addresses in one U.S. city had ties back to the same person,” a common indicator of an illegitimate sponsor acting as a sponsor with the intent of

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<sup>36</sup> U.S. Department of Homeland Security, Office of Inspector General, *OIG-25-21, ICE Cannot Effectively Monitor the Location and Status of All Unaccompanied Alien Children After Federal Custody* (2025)

recruiting children for labor.<sup>37</sup> DNA also allows for a high-fidelity means of verification of relationships, whereas photographs and other documentation can be altered to match the narrative a purported sponsor hopes to show to the approving agencies.<sup>38</sup>

A genetic relationship is not a requirement for sponsorship, with an average of 8% of sponsors being non-relatives under the Biden administration.<sup>39</sup> For these sponsors, the policy creates hurdles, especially for undocumented sponsors or sponsors without proof of income. The necessity of a DNA test can prolong the time it takes for children to be released from federal custody to legitimate sponsors. Children cannot leave federal custody without being released to a sponsor, so they remain in custody for the duration of the testing and verification process. Even if all other elements of an application for sponsorship are met, if the results of the DNA test are not released, the child must remain in government custody. In March 2025, the average length of the stay of an unaccompanied minor in ORR custody had risen to 6 months from 2 months in December 2024.<sup>40</sup> It can be reasonably inferred that with the new implementation of DNA testing policies, the time children spend in ORR will likely increase.

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<sup>37</sup> Jack Gillum & Michelle Hackman, U.S. Officials Wanted to Avoid Trump's 'Kids in Cages' Problem. Doing So Created Another Dilemma, Wall St. J. (July 7, 2024), <https://www.wsj.com/us-news/biden-migrant-children-temporary-guardians-trump-cages-e4d115f1>

<sup>38</sup> *Id.*

<sup>39</sup> Data. The Administration for Children and Families. (September 11, 2025). <https://acf.gov/orr/about/ucs/facts-and-data>

<sup>40</sup> Lurie, J. (May 12, 2025). "The Children Are Being Used As Bait." Mother Jones. <https://www.motherjones.com/politics/2025/05/unaccompanied-immigrant-children-trump-ice-orr-shelters/>

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# Department of Justice

## *Criminal Justice*

### **1. Background**

The DNA Fingerprint Act of 2005 amends previous Acts regarding the use of DNA by law enforcement and the FBI and requires the collection of DNA from individuals who are detained, arrested, facing criminal charges, or convicted of criminal charges.<sup>41</sup> The DNA collected from said individuals are analyzed, and DNA data are entered into the Combined DNA Index System (CODIS) for criminal justice and missing persons investigations.<sup>42</sup> Regarding migrants, this Act also allows for DNA collection from certain detained noncitizens to be entered into CODIS.<sup>43</sup> An exemption to this policy was created in 2008 as CBP was not prepared to collect DNA from the volume of noncitizen detainees.<sup>44</sup> The exemption, § 28.12(b)(4), specifically applied to noncitizens and was created due to the recognition of the immense cost and complex logistics associated with collecting DNA from thousands of migrants. This exemption was cited by DHS for a decade-long lapse in consistent implementation of DNA collection from detainees. In 2019 a whistleblower alerted the U.S Office of Special Counsel (OSC) that CBP and ICE failed to adhere to the policies outlined by the DNA Fingerprinting Act of 2005, forgoing DNA collection of roughly 88% of DHS

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<sup>41</sup> DNA Fingerprint Act of 2005, S. 1606, 109th Cong. (2005)

<sup>42</sup> CODIS is the term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases

<sup>43</sup> The DNA Fingerprint Act of 2005 authorizes the Attorney General to promulgate regulations for federal law enforcement agencies to collect DNA samples from two groups of individuals: (1) those arrested, facing charges, or convicted by the U.S., or (2) noncitizens, excluding lawful permanent residents, detained under the authority of the U.S. DNA Analysis Backlog Elimination Act of 2000, Pub. L. No. 106-546, § 3, 114 Stat. 2726, 2728-30, as amended by the DNA Fingerprint Act of 2005, enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, title X, 119 Stat. 2960, 3084-86 (2006) (formerly classified at 42 U.S.C. § 14135a and transferred, as amended, to 34 U.S.C. § 40702)

<sup>44</sup> DNA Sample Collection and Biological Evidence Preservation in the Federal Jurisdiction, 73 Fed. Reg. 74,932 (Dec. 10, 2008) (to be codified at 28 C.F.R. pt. 28)

detainees between 2018 and 2019.<sup>45</sup> The whistleblowers claimed that this failure prevented violent offenders, some of whom had been detained multiple times by CBP or ICE, from being prosecuted for their crimes.<sup>46</sup>

By December 2019, DNA data from only 28,594 individuals comprised the Detainee index of CODIS. The waiver was lifted in January 2020 to enable DNA data collection from non-criminal migrant detainees.<sup>47</sup> The move came in an effort to identify criminals among the migrants that cross the United States' southern border. Since DHS does not have access to CODIS, the expanded detainee collection does not assist with detection of repeat border-crossers to enforce national security but rather serves as a DNA surveillance system for migrants who might later commit crimes.

The "Securing Our Borders"<sup>48</sup> Executive Order issued by President Trump in January 2025 reinforces the DNA Fingerprint Act of 2005, specifically authorizing the collection of DNA from non-U.S. persons who are arrested or detained under federal authority. The Attorney General is empowered to delegate this function to other federal agencies, including DHS. This means that DNA samples can be collected from individuals, including children aged 14 and older, who enter the custody of such agencies at the border.<sup>49</sup>

DNA testing is routine for any individual who is fingerprinted, a process that typically applied to those age 14 and over. CBP has been collecting DNA swabs from migrant children and uploading the information to the criminal database managed by the FBI, with roughly 133,539 children and teenagers having their

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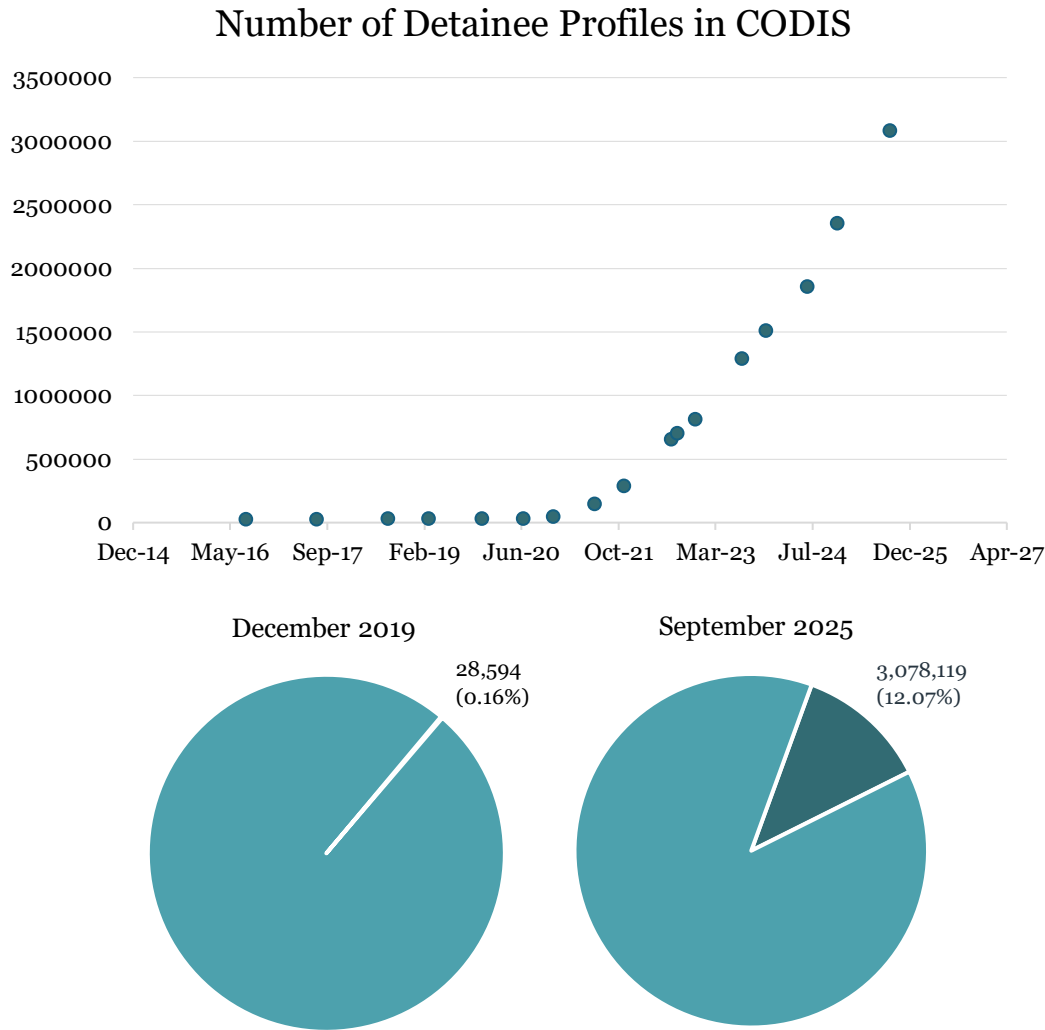
<sup>45</sup> U.S. Department of Homeland Security, Office of Inspector General, OIG-21-35, DHS Law Enforcement Components Did Not Consistently Collect DNA from Arrestees (2021).

<sup>46</sup> U.S. Office of Special Counsel, OSC Urges CBP to Immediately Begin Collecting DNA Samples from Criminal Detainees (August 22, 2019), <https://osc.gov/News/Pages/19-15-CBP-DNA-Criminal-Detainees.aspx>.

<sup>47</sup> U.S. Department of Homeland Security, 2020 DHS/ALL/PIA-o80 CBP and ICE DNA Collection. Department of Homeland Security <https://www.dhs.gov/publication/dhsallpia-o80-cbp-and-ice-dna-collection>

<sup>48</sup> Executive Order 14165: "Securing Our Borders" (January 20, 2025)

DNA taken for CODIS between October 2020 through 2024.<sup>50</sup> Statistics from southwest land border encounters show that CBP and the Office of Field Operations (OFO) have encountered fewer unaccompanied minors at the southern border in 2025 compared to the same time of year in the four preceding years.<sup>51</sup>



**Figure 3: The proportion of the CODIS offender index comprised of "detainee" profiles increased by roughly 9000% from 2019 to September 2025.<sup>52</sup>**

<sup>50</sup> U.S. Customs & Border Protection, CBP Office of Field Operations Statistics, <https://www.cbp.gov/document/foia-record/cbp-office-field-operations-statistics>.

<sup>51</sup> U.S. Customs & Border Protection, Nationwide Encounters, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

<sup>52</sup> Data acquired by Sara Huston from NDIS Administrator

## 2. Policy

Policies that pertain to the use of DNA for criminal justice in an immigration context under the second Trump Administration include the “Securing Our Borders” Executive Order, announced in January 2025, and Trump’s “One Big Beautiful Bill”<sup>53</sup>, signed into law in July 2025. Both the Executive order and the law directly reference back to the DNA Fingerprint Act of 2005 and the necessity of DNA collection and DNA fingerprinting with the aim of preventing the exploitation of unaccompanied children and protecting the security of the United States.

Section 9 of the “Securing Our Borders” EO reiterates in subsection A that there is a legal obligation under the DNA Fingerprint Act of 2005 for DNA testing to be done but explicitly states its requirement for “all aliens detained under the authority of the United States.”<sup>54</sup> Additionally, Section 9 specified that DHS must use all methods available to determine validity of claimed relationships between “aliens” encountered or apprehended by DHS. This specification overlaps with the policy in ORR for verifying biological relationships when one is claimed to exist.

In Trump’s “One Big Beautiful Bill,” DNA testing is listed as a necessary means for “protecting alien children from exploitation”<sup>55</sup> in instances of UCs, specifically migrant children entering the United States without a valid visa. The DNA collected under this bill is to be collected in accordance with sections 235(d) and 287(b) of the Immigration and Nationality Act. Section 235(d) pertains to authority relating to inspections; its aim is establishing that immigration officers have authority to enter and search vehicles or modes of transport believed to be brought into the United States by migrants, to detain migrants, and to collect evidence from migrants or those suspected to be migrants.<sup>56</sup> Section 287(b) also refers to the collection of evidence by immigration officers when determining whether a person can enter, reenter, pass through, or reside in the United States.

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<sup>53</sup> One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025)

<sup>54</sup> Executive Order 14165: “Securing Our Borders” (January 20, 2025)

<sup>55</sup> *Id.* at 53

<sup>56</sup> Immigration and Nationality Act § 235(d), 8 U.S.C. § 1225(d)



This allows immigration officers to act as investigators, with the privileges of gathering and reviewing evidence related to entering or living in the United States. Additionally, it establishes that statements made to these officers are legally binding, and evidence produced to these officers can be used to determine whether the persons who submit said evidence are allowed into the United States.<sup>57</sup>

### 3. Implications

While not specific to the current administration, the collection of DNA from migrants by CBP is managed by the FBI under DOJ for DNA analyses and entry into CODIS. As of December 2024, DNA had been collected from 2.35 million migrants, almost all since 2021.<sup>58</sup> Among these are DNA collected from children as young as 4 years old.<sup>59</sup> The stated intent of the collection of DNA and fingerprints is to prevent the exploitation of unaccompanied children. The sheer volume of DNA taken and stored from people who are detained for entry into the United States is concerning, especially since many are detained as part of their appeal for asylum, which they are legally entitled to make. Migrants are overrepresented in CODIS, and children face having their DNA stored by the system in a seemingly targeted manner.

This method of biometric surveillance has been established and codified by President Trump's "Securing Our Borders" Executive Order that asserts the administration's intent to continue to complete DNA testing and fingerprinting at the border.<sup>60</sup> Currently, DNA is collected from anyone fingerprinted, typically those age 14 and over. These biometric data will be stored indefinitely with no mechanism for destruction if detainees become U.S. citizens or are granted residency. Under Section 9 of the Executive Order, it allows the federal government to collect samples from all detained under the federal government,

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at 52

<sup>59</sup> The U.S. Is Storing Migrant Children's DNA in a Criminal Database, *Wired* (May 29, 2025), <https://www.wired.com/story/cbp-dna-migrant-children-fbi-codis/>

<sup>60</sup> Executive Order 14165: "Securing Our Borders" (January 20, 2025)

and its specific inclusion under the “Protect Our Borders” Executive Order means that it can be used for minors and families at the border who are taken into DHS, ICE, or CBP custody.

This policy further criminalizes migration and asylum-seeking. Most serious crimes in the United States are committed by citizens rather than by migrants and asylum seekers.<sup>61</sup> By adding DNA profiles of the latter groups to the CODIS criminal database, its composition will be biased toward matching future evidence of a crime to individuals who are statistically less likely to have committed a crime. This policy costs millions of dollars to DNA profile the roughly one million migrants genotyped each year. These dollars are better spent on other criminal justice investigations for solving crimes.

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<sup>61</sup> Light MT, Miller TY. Does undocumented immigration increase violent crime? *Criminology*. 2017 May;56(2):370-401. doi: 10.1111/1745-9125.12175

# Conclusion

This report is intended to serve as a foundational resource for human rights organizations, legal advocates, researchers, and journalists monitoring the intersection of immigration policy and biometric technology. It provides a comprehensive snapshot of the policies active as of late 2025 and the governmental infrastructure supporting them. Future work should focus on tracking the implementation of the proposed DHS rule changes to expand biometric collection and the real-world impact of ICE's rapid DNA testing contract. Continued vigilance and research are essential to document the long-term consequences of these policies on migrant communities, family unity, and civil liberties in the United States.

## *Recommendations*

1. Halt collection of children's DNA for CODIS pending a full review by independent oversight (e.g., National Academies).
2. Revisit detainee DNA collection policy to exempt asylum-seekers that legally enter the United States.
3. Revise ORR DNA testing protocols to allow post-placement verification and to recognize the legitimacy of non-genetic caregivers.
4. Provide stipends for DNA testing to ensure that costs are not a burden to reunification.
5. Suspend any ICE DNA testing plans until goals, safeguards, and consent processes are made transparent.
6. Enact Federal guidelines for government use of DNA, emphasizing purpose, limitations, and consent.
7. Convene a Congressional Hearing to investigate the expansion of biometric and genetic surveillance in immigration enforcement.

# Appendix 1

## *Links in Executive Summary*

### **Policies in order of links**

1. Priority 3 Refugee Processing. [https://www.dhs.gov/sites/default/files/2024-12/2024\\_1025\\_uscis\\_priority\\_3\\_p3\\_refugee\\_processing.pdf](https://www.dhs.gov/sites/default/files/2024-12/2024_1025_uscis_priority_3_p3_refugee_processing.pdf)
2. “Securing Our Borders” Executive Order. <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>
3. DNA Fingerprint Act of 2005. <https://www.congress.gov/bill/109th-congress/senate-bill/1606>
4. CODIS Factsheet. <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet>
5. CBP Whistleblower. <https://osc.gov/News/Pages/19-15-CBP-DNA-Criminal-Detainees.aspx>
6. Protested ICE Contract. <https://www.gao.gov/docket/b-423560.1>
7. HHS and Southwest Key Programs. <https://www.hhs.gov/press-room/protecting-uacs-from-abuse.html>
8. ORR DNA Testing Expansion Field Guidance. <https://assets.aila.org/files/af7f987a-98be-429d-8918-a5c9d6ba7d9e/25031416.pdf?1741987926>

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**Bhalpriya Sandhu, DNA Bridge Research Fellow**

Sara Huston, DNA Bridge President, Co-Founder, Board Chair

Diana Madden, DNA Bridge Co-Founder, Secretary

