

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

22 September 2014

### CHN104954.E

China: Requirements and procedures for minors to undergo DNA testing by Maxxam Analytics in Guangzhou, including identity documents (2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. DNA Testing in Guangzhou

In correspondence with the Research Directorate, an official at the Canadian Consulate in Hong Kong, which is the visa office responsible for decisions related to DNA testing, indicated that in Guangzhou, sample collection takes place at the CanAm International Medical Center and that "this medical center supports sample collection for the various Standards Council of Canada (SCC)-accredited laboratories" (Canada 16 Sept. 2014a). Maxxam Analytics is one of four laboratories accredited by the SCC listed in Citizenship and Immigration (CIC)'s *OP (Overseas Processing) 1 - Procedures* (OP 1) operational manual [1], from which CIC accepts test results (Canada 18 Nov. 2013, 62). In correspondence with the Research Directorate, a representative of the Maxxam Analytics Forensic and DNA Services Office in Guelph, Ontario indicated that [t]he CanAm International Medical Center in Guangzhou has been the only site used by Maxxam Analytics for DNA sample collection in Guangdong Province, since the Canadian Consulate in Guangzhou advised that CanAm was authorized to collect samples for Citizenship and Immigration (CIC) cases, approximately eight years ago. (Maxxam Analytics 11 Sept. 2014)

According to the official, since January 2014, the CanAm International Medical Center in Guangzhou has not been performing DNA sample collection and all clients must travel to Beijing or Hong Kong for sample collection. (Canada 16 Sept. 2014b). Similarly, the Maxxam Analytics representative indicated that

[a]s of December 2013, in China and Hong Kong cases where Citizenship and Immigration Canada (CIC) requires the presence of a witness from the Canadian Embassy or Consulate for the DNA sample collection, applicants must travel to the Embassy-authorized sample collection sites in Beijing or Hong Kong because the Consulate in Guangzhou no longer provides Consular witnesses in for collection in Guangzhou.

Prior to December 2013, the consulate in Guangzhou would provide a witness at the CanAm facility during sample collection when required by CIC. (Maxxam Analytics 11 Sept. 2014)

The Maxxam Analytics representative further noted that:

Currently, Maxxam only requests sample collection in Guangzhou for private cases and for cases for CIC where CIC has not requested that the applicant conduct the sample in the presence of a consular witness. (ibid.)

#### 2. Procedures and Requirements

According to the Maxxam Analytics representative, the DNA testing procedure is the same for adults and minors (19 Sept. 2014).

CIC's OP 1 operational manual, available on the CIC website, sets out the procedures for DNA testing, a copy of which is attached to this Response. According to the official at the Canadian Consulate in Hong Kong, the official guidance outlined in the OP 1 Manual does not differentiate between immigration categories and applies to all case types (Canada 18 Sept. 2014). The official summarizes the procedure as follows:

[w]hen documentary submissions are not satisfactory evidence of a *bona fide* relationship, officers may advise applicants that positive results of DNA tests from a laboratory accredited by the Standards Council of Canada (SCC) are an acceptable substitute for documents. ...

When an officer determines that DNA testing could be used to establish the relationship, a request letter is sent to the applicant outlining the reasons for this decision and the steps that must be followed to proceed with the testing.

Parentage tests should, whenever possible, involve samples of genetic material from both parents and from the child(ren). If there is no possibility of obtaining samples from both parents, tests of samples from one parent (either father or mother) and the child(ren) are acceptable.

The applicant is informed that they are responsible for the selection of an SCC-accredited laboratory in Canada and for the costs associated with sample taking, shipping, laboratory analysis and report submission.

The following steps are followed when samples for DNA testing are taken:

- The client is provided with the names and addresses of the SCC-accredited laboratories. Applicants, their sponsors or representatives are responsible for choosing a laboratory.
- Applicants are informed of when and where they must give a sample. In Guangzhou, sample collection takes place at the CanAm International Medical Center (<http://www.canamhealthcare.com/english/main.asp>). This medical center supports sample collection for the various SCC-accredited laboratories.
- Applicants must provide two recent photos (passport size and quality), which form part of the documentation shipped with the sample blood.
- Applicants must also present documents to establish the identity they claim.
- An officer or other visa office official who has to be present when the sample is collected:
- ensures the person giving the sample is the applicant and the person identified in the sampling kit;
- verifies that the sample kit has not been tampered with and complete the chain of custody documents for the sample (or witness their completion);
- packages the sample and documentation according to instructions in the kit;
- forwards the package to the laboratory by the fastest, most reliable means possible (Canada 16 Sept. 2014a).

The official further noted that, in these cases, "the presence of an official from the embassy/consulate is mandatory" at the sample collection regardless of the location (Canada 16 Sept. 2014b).

The official also noted that if an individual underwent DNA testing voluntarily, meaning "on their own prior to a request from the visa office," then the visa office "would not accept the test results as the test was not done according to established procedures." (Canada 18 Sept. 2014). According to the representative of Maxxam Analytics:

For immigration cases, Maxxam would then ask the person if they have received a letter from the Embassy, CIC, or CBSA [Canada Border Services Agency] requesting requesting the DNA testing to be undertaken .... If no letter has been received, Maxxam will advise the person that they should wait for the letter making the request before undergoing testing because the results may not be accepted by the visa office if an embassy/consular official does not witness the collection. The client may decide to go ahead with the testing anyway, even after being advised of this by Maxxam. If they agree to proceed anyway, Maxxam will proceed with the testing; however, it will not be witnessed by an embassy/consular official. (Maxxam Analytics 19 Sept. 2014)

According to the Maxxam Analytics website, to obtain DNA testing from the company, the applicant is to call Maxxam Analytics, discuss the case requirements and pay for the DNA testing (Maxxam Analytics n.d.a). The website indicates that the procedure is as follows:

[w]e will coordinate & schedule DNA sample collection appointments with third-party identity verification and will notify the appropriate CIC/CHC offices that your application is in process. ... DNA samples are collected and sent following strict "chain of custody protocols" to our laboratory (in Canada) for analysis. ... Clients (and

their legal representative(s)) receive a confidential report with conclusive results within 3 to 5 business days after receipt of all specimens at our laboratory.

Furthermore, the website indicates that the steps in the procedure are as follows:

The Embassy or Consulate will issue a letter identifying which relationships are to be verified. We require a DNA sample from each person listed in the letter you receive from the Embassy/Consulate. ... For immigration DNA testing, we will set up a sample collection appointment for each person to be tested - both the sponsor (in Canada) and each applicant (overseas); samples must be verified by an authorized collection agent.

The DNA itself is obtained by rubbing a swab on the inside of your cheek. It is a pain-free, routine procedure, gentle enough for a newborn baby. ... What types of identification will my relatives or I need to submit at the time of the testing? The Canadian sponsor will need to provide valid government issued photo identification. A photograph will be taken or will have to be submitted at the time of the sample collection (this photo will not be returned). There is a consent form that is also completed and a fingerprint of the applicant is inked onto the consent form.

For each applicant overseas, he or she must submit two passport type photographs along with any government type of documents that will prove identity. ... Once we have received all of the samples for a "case", DNA analysis is completed and reported in approximately five (5) business days. ... Only clinics or agents authorized by the Embassy will collect the DNA samples overseas. In many cases, a government officer will be assigned to collect the sample. An Embassy officer will be present to witness the sample collection and they are generally in charge of sealing and shipping the samples.

...

Upon receipt at our laboratory, all packages will be inspected to ensure that there is no evidence of package tampering. If there is any concern regarding the integrity of the DNA samples, we will request a re-collection of the specimen(s). (ibid.)

According to the Maxxam Analytics representative, in cases not witnessed by a visa official, according to the same source,

at the time of sample collection, the CanAm employee who is trained on Maxxam protocols, conducts the sample collection and acts as the witness. This means that ... the CanAm employee checks the applicant's identity documents, writes the document type/document registration number on the Maxxam consent form, and makes a copy of the identity document for inclusion with the consent form and sample. The collector/witness signs the consent form along with the applicant.

In Guangzhou, at the time of sample collection from children and adults, a consent form for each individual is required to be completed, which includes personal information, date of collection, signature, and right index fingerprint. The consent form is completed by the applicant/guardian and signed by the applicant/guardian and the collector/witness.

Maxxam and CIC require that adults must submit at least one valid piece of government issued photo-identification. Types of identity documents that can be submitted include a passport, identity card, driver's license, or refugee documents from CIC, with photos attached. (Maxxam Analytics 11 Sept. 2014)

This same source also notes that in private cases, Maxxam requires that one photograph be submitted, instead of two as directed by CIC in citizenship and immigration cases (ibid.).

According to the Maxxam Analytics website, a "Standard Legal DNA test" which includes the alleged father, mother and one child, costs C\$599, plus taxes (Maxxam Analytics n.d.b).

### **3. Identity Documents Required for a Minor**

The Maxxam Analytics representative indicated that, for each minor, a valid government-issued piece of identification, such as a birth certificate, health card, identity card, hospital card, passport, or refugee documents with photos attached must be shown (Maxxam Analytics 11 Sept. 2014). According to the official at the Canadian Consulate in Hong Kong, the identity document requirements for a minor are to show "a PRC [People's Republic of China] ID card or PRC passport" (Canada 16 Sept. 2014b). The official also noted that the passport must be valid and that the individual being tested will also be fingerprinted at the laboratory (Canada 16 Sept. 2014a).

According to the official, if a minor does not have an identity card or passport, the applicant would need to provide a PRC birth certificate or Hukou (household registration document) (Canada 16 Sept. 2014b). According to the Maxxam Analytics representative, in cases where CIC has requested the testing and the minor does not have identity documents, the testing is at the discretion of the embassy/consular officer who is

present to witness the sample collection (Maxxam Analytics 19 Sept. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Further, according to the Maxxam Analytics representative, "[t]ypically, infants and young children do not have photo-identification" (Maxxam Analytics 11 Sept. 2014). This same source notes that in the case where a minor does not have identity documents "samples are still collected" and the guardian must provide two recent photographs of the minor in addition to one piece of valid government-issued photo identification for the guardian, such as a valid passport or identity card (*ibid.*, 19 Sept. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### Note

[1] CIC and Canada Border Services Agency employees consult operational bulletins and manuals for guidance in the exercise of their functions and in applying the *Immigration and Refugee Protection Act*, the *Citizenship Act* and their Regulations (Canada 11 Aug. 2014).

### References

Canada. 16 September 2014a. Correspondence from an official at the Canadian Consulate in Hong Kong to the Research Directorate.

\_\_\_\_\_. 16 September 2014b. Correspondence from an official at the Canadian Consulate in Hong Kong to the Research Directorate.

\_\_\_\_\_. 18 September 2014. Correspondence from an official at the Canadian Consulate in Hong Kong to the Research Directorate.

\_\_\_\_\_. 18 November 2013. Citizenship and Immigration Canada (CIC). "OP (Overseas Processing) 1 - Procedures." [Accessed 11 Sept. 2014]

Maxxam Analytics Forensics and DNA Services. 19 September 2014. Correspondence from a representative at the DNA Services Office in Guelph, Ontario to the Research Directorate.

\_\_\_\_\_. 11 September 2014. Correspondence from a representative at the DNA Services Office in Guelph, Ontario to the Research Directorate.

\_\_\_\_\_. N.d.a. "Frequently Asked Questions (And Answers) Regarding Immigration DNA Testing." <<http://thednalab.com/questions-answers/immigration-q-and-a/>> [Accessed 17 Sept. 2014]

\_\_\_\_\_. N.d.b. "DNA Testing." <<http://thednalab.com/dna-testing/>> [Accessed 17 Sept. 2014]

### Additional Sources Consulted

**Oral sources:** Attempts to contact the CanAm International Medical Center in Guangzhou were unsuccessful within the time constraints of this Response.

**Internet sites, including:** Canada – Embassy of Canada in China; *ecoi.net*, *Factiva*, CanAm International Medical Center; UN – *Refworld*, *Reliefweb*.

### Attachment

Canada. 18 November 2013. Citizenship and Immigration Canada (CIC). "OP (Overseas Processing) 1 - Procedures." <<http://www.cic.gc.ca/english/resources/manuals/op/op01-eng.pdf>> [Accessed 11 Sept. 2014]

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