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Title:

'The Silence of the Doubts' - Moral and legal philosophical reflections on the instrumentarium of genetic testing in immigration politics

Abstract:

In the field of family reunification politics, there is no evidence that the concept of family is becoming increasingly biologicistic. The case studies quoted, do not support this idea and there is a lack of evidence and meaningful data to substantiate these claims. Research into family reunification has put aside too easily, the juridical field in which decisions are made. Researchers have ignored the separation of powers pertaining to setting up of legal situations in which decisions in immigration cases can not be made, almost completely on the basis of technical systems. The statements of applicants put on record remain the most important part of the case – despite the instrumentarium of genetic testing. The current state of the legal framework makes it impossible for DNA-analysis to replace the juridical process of evaluating the credibility of testimonies. According to the law in force 'family' is not just the fact of a case but the result of what persons do on their own responsibility. This article takes the assumption that the general suspicion of eugenics and racism reflected in the current evaluations of the use of DNA testing in immigration cases, serve to leave areas of acute lack and controversial changes unaddressed.