

First reported deportation of “DREAMer” immigrant protected under Obama-era program

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The first documented deportation of a so-called DREAMer, the nickname for undocumented immigrants supposedly shielded from deportation under an Obama-era program, was brought to public attention Tuesday when attorneys for Juan Manuel Montes, 23, filed suit in federal court in Southern California to demand that the Trump administration release documents relating to his case.

Montes, a Mexican native who was brought to the US by his undocumented parents when he was 9, was accosted by a US Customs and Border Protection agent on February 17 in Calexico, California while he was waiting for friends. He had left his wallet in a friend's car and could not produce his ID or proof of his active status as an enrollee in the Deferred Action for Childhood Arrivals Program (DACA), the federal program established to allow undocumented immigrants brought to the US as children to remain and work in the country without fear of deportation.

The border cop refused to allow Montes to retrieve his wallet. He brought the youth to a center where he was interrogated and forced to sign papers. Within three hours, Montes was being walked across the US-Mexico border by federal border police, who released him in Mexicali.

Montes' lawyers explain in court filings that their client was mugged and beaten in the Mexican town and, desperate to return to his home and family, tried to scale a border barrier two days later. He was quickly caught, questioned and deported once again back to Mexico.

Montes suffered a traumatic brain injury as a child that left him with learning disabilities. He graduated high school in 2013. At the time of his deportation he was taking welding classes at a community college and paying the costs by picking crops in California and Arizona.

Marielena Hincapié, executive director of the National Immigration Law Center, part of Montes' legal team, said Montes' lawyers had for months been requesting information from the Department of Homeland Security (DHS), which oversees Customs and Border Protection, but

had gotten no response. The legal team filed suit Tuesday under the Freedom of Information Act to demand that the Trump administration release all documents relating to Montes' case.

The response of the Trump administration to the suit is indicative of its contempt for democratic rights and the law and the savage character of its dragnet against so-called “illegal aliens.” The fate of Montes, who is currently living with relatives in western Mexico, shows that none of the estimated 11 million undocumented immigrants living in the US are safe from the Gestapo-like tactics of the border patrol and its overseers in Homeland Security and the Justice Department.

There are some 800,000 undocumented immigrants currently in the DACA program. In return for reporting themselves to immigration authorities and passing background checks, they were supposed to be legally authorized to live and work in the US for two years, after which they would have to reapply for active status in the program.

Last January, after signing an executive order expanding the range of immigrants targeted for deportation to potentially cover all 11 million people without documents, President Trump told ABC News that he would not attack DREAMers. “They shouldn't be very worried,” he said. “I do have a big heart.”

The response of his administration to the Montes suit shows the worthlessness of such assurances. On Tuesday, Customs and Border Protection refused to discuss the case on the grounds of “privacy.” The Department of Homeland Security, after ignoring press requests for comment for 24 hours, claimed that it had no record either of Montes' deportation on February 17 or his renewal of his DACA status after it expired in 2015. This is despite the fact that Montes' lawyers provided a copy of his work authorization card, which showed his status was valid through 2018.

On Wednesday, Homeland Security reversed itself and

acknowledged that Montes' status under DACA was valid through 2018. But it claimed Montes lost that status because he voluntarily left the US without previously informing the agency that oversees the program and obtaining its approval, and then sought to re-enter the country illegally.

The department added that Montes had a conviction for "theft" on his record. Court records show that he had four convictions for petty offenses, three for driving without a license and one for shoplifting. The US Citizenship and Immigration Services, the federal agency that approves DACA applications, had deemed these offenses insufficiently serious to disqualify him from DACA protection.

Nora Preciado, a staff attorney with the National Immigration Law Center and co-counsel in the case, said, "Juan Manuel was funneled across the border without so much as a piece of paper to explain why or how."

She told CNN: "The promise that our government made to all the DACA recipients, including Manuel, is at stake. These young folks came forward, they filed paperwork, they got their background checks done, they paid their fees and in exchange, the government promised them that they did not have to fear deportation—that they could get work authorization to continue their lives, to study and work, that they wouldn't be summarily deported, and yet here we are."

According to United We Dream, an organization of DACA enrollees, at least ten DACA enrollees have been detained. Montes appears to be the first to have been deported. United We Dream and the National Immigration Law Center have launched a petition asking John Kelly, the DHS secretary, to let Montes return.

In the first month of Trump's administration, 43 former DACA enrollees were deported, according to Department of Homeland Security statistics reported by *USA Today*. Under Obama, the average per month was seven.

Homeland Security data show that 676 immigrants whose DACA status was revoked still face removal proceedings. Ninety of them remain in custody.

"This is more evidence that the Trump administration is making nearly every person who's undocumented a priority for removal," said Ali Noorani, executive director of the National Immigration Forum.

Trump's attorney general, Jeff Sessions, an anti-immigrant zealot, not only defended the deportation of Montes, he threatened to deport all undocumented immigrants. In an appearance Wednesday on Fox News' "Happening Now" program, Sessions railed, "Everybody in the country illegally is subject to being deported. So people come here and they stay here a few years and somehow they think they are not subject to being deported. Well, they are... We can't promise people who are here unlawfully that they aren't

going to be deported."

The previous day, Sessions, Trump and Homeland Security Secretary John Kelly, a retired Marine general, all issued statements blaming "lax border controls" for the alleged growth of a Central American-based gang called MS-13. Sessions lashed out against so-called "sanctuary cities" in the US, claiming their refusal to allow local police to function as de facto immigration police "dangerously undermines" gang enforcement efforts.

Kelly, in a speech at George Washington University in Washington DC, attacked critics of the Homeland Security Department and its border patrol and immigration policies. Charging that DHS personnel have been "political pawns," he said members of Congress should "shut up and support the men and women on the front lines." He went on to declare that DHS would "never apologize."

This blanket defense was for a border patrol force that has killed at least 46 people since 2010 and enforced a militarized border that has caused the deaths of thousands more.

Rep. Steve King, Republican from Iowa, tweeted enthusiastically, "First non-valedictorian DREAMer deported. Border Patrol, this one's for you." Last month, King tweeted his support for the anti-immigrant racist Geert Wilders in the Dutch election, writing, "Wilders understands that culture and demographics are our destiny... cultural suicide by demographic transformation must end."

The Democrats, for their part, offered impotent and empty statements on the deportation of Montes. They voted overwhelmingly to confirm Kelly as head of Homeland Security and have said virtually nothing about the anti-immigrant dragnet in recent weeks, focusing on their campaign to shift Trump's foreign policy along a more war-mongering anti-Russian trajectory.

Dick Durbin, the second-ranking Senate Democrat, said he was "disturbed" by the reported deportation and appealed to Kelly to provide an explanation. House Minority Leader Nancy Pelosi said of the Trump administration, "Shame on them." No prominent Democrat called for Montes to be allowed to return to his home and family in California.



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