

# US Border Patrol vilify DACA recipients, linking them to human smuggling

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In separate incidents in San Diego over the past week, Border Patrol agents arrested several men suspected of involvement in human smuggling. Such arrests are not uncommon, but these incidents have drawn significant attention because two of the arrested men are Deferred Action for Childhood Arrivals (DACA) recipients, a fact which was highlighted in the US Customs and Border Protection (CBP) report and reiterated in press releases and media coverage.

One incident took place on Wednesday, January 24 near Torrey Pines state beach. Following a tip about suspected smuggling, agents conducted an immigration check of three men in a vehicle, and found that of the three, two were in the country illegally, and the third—the driver of the vehicle—was a 20-year old DACA recipient. According to the CBP, the driver and one of the other men, identified as his cousin, confessed to being involved in human smuggling in the area. The driver, whose DACA status has since expired, is being held in federal custody.

The other incident took place on Thursday, January 25 after the CBP agents spotted “two suspicious vehicles” in east San Diego county, and followed one of them to carry out an immigration inspection at a checkpoint. They made two arrests, including that of the driver, a 22-year-old Mexican national and DACA recipient. The CBP press release claimed that the driver, a resident of Riverside County, admitted that “he was coordinating with another driver of a vehicle to relay information related to Border Patrol operations in the area and the status of the Border Patrol checkpoint to aid in illegal smuggling,” and that he had participated in several successful smuggling operations. The man is currently being held by Homeland Security for removal proceedings, in violation of the terms of his DACA status.

While several news agencies have incorrectly reported that the DACA recipients were arrested on charges of

“human trafficking,” the charge against them is actually that of “smuggling.” Though used interchangeably, these are very distinct offenses under US law. “Trafficking” involves the use of “coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery,” while “smuggling” consists primarily of moving immigrants across borders, with the consent of those who are being transported.

As the non-profit organization Human Rights Watch outlines, there are political incentives for conflating the two categories: “incorrectly labelling ‘smugglers’ as ‘traffickers’ ...allows governments of [host] countries ... to imply that law enforcement is more important than ensuring asylum seekers can get protection ...[and claim that] actions such as destroying boats is a humanitarian act aimed at saving lives when in reality the objective of such policies is to prevent people from migrating irregularly across these countries’ borders.”

The timing of the San Diego Border Patrol’s news release about the incidents, on Monday January 29, is quite suspicious. The release, with its provocative heading—“Agents arrest (two) DACA recipients for involvement in human smuggling”—came on the eve of President Donald Trump’s State of the Union address which he used to highlight his well-known anti-immigrant stance.

Defending the press release, Border Patrol public information officer Theron Francisco told City News Service that the decision to “release the information” was taken by the local San Diego sector office and not at the behest of the Department of Homeland Security or CBP. “It wasn’t politically motivated,” Francisco said, “It was just a news release about human smuggling events—two in a short period of time.”

Immigration advocates, however, pointed out that the recent news releases only serve to further criminalize and vilify DACA recipients. Andrea Guerrero, the executive

director of Alliance San Diego, said in a statement, “Human smuggling is a global problem that puts migrants in vulnerable situations where they can be abused and exploited, and we should all work together to address the conditions that force people to migrate,” she said in a statement. “However, to vilify entire groups of people based on isolated incidents is irresponsible and unhelpful.”

The DACA program is an Obama-era executive order that gave several hundred thousand immigrants, brought to the United States as children, a two-year reprieve from deportation and renewable work authorization. To qualify for the DACA program immigrants had to prove that they were brought to the US as children and have kept a clean criminal record. Immigrant smuggling violates the terms of the agreement, as does gang membership or other serious crimes of violence.

Data from United States Citizenship and Immigration Services (USCIS) shows that 2,130 DACA recipients have had their status revoked due to criminal or gang activity since its inception in 2012. There are approximately 800,000 individuals who have been approved for DACA, which means that a remarkably low percentage of recipients, less than 0.25 percent, have been found guilty of criminal doings. These facts, however, have not gotten in the way of the larger narrative that has focused on criminalizing immigrants and valorizing the militarization of the border.

As many of the news reports carrying the San Diego Border Patrol’s press release pointed out, this was not the first time that DACA recipients have been arrested for human smuggling. Last year Border Patrol agents manning a highway checkpoint in Texas caught two Dreamers in separate smuggling cases as they were bringing in immigrants from Brazil and Mexico in the trunks of their cars.

Last September, President Donald Trump announced that he would not allow the DACA program to continue beyond March. While he has since expressed his “willingness” to be flexible about the fate of the Dreamers, negotiations with the Democrats have been tied to repressive and regressive anti-immigrant measures including increased militarization of the border, drastic cuts in legal migration, and the building of a wall on the US-Mexico border.

Trump’s reactionary agenda was on full display in his State of the Union speech Tuesday night, which did not shy away from framing immigration as a primarily law-and-order problem.

The speech shamelessly used the activities of the Salvadoran M-13 gang to present immigrants as a threat to not just American jobs, but the very lives of American citizens. That the M-13 gang owed its existence to the poverty of Los Angeles slums and the deplorable conditions which prevail in the US prison system, rather than El Salvador, did not seem to bother the president’s speech-writers or the politicians from the two major parties who applauded when Trump praised the activities of the Border Patrol and Immigration and Customs Enforcement (ICE) agents.

The criminalization of immigrants, while being accelerated under the Trump administration, is a process that has been overseen by Democrats and Republicans alike. The Democratic Party, which has presented itself as the defender of immigrants in general, and DACA in particular, has proven to be not just spineless but actually complicit in the attack on immigrant rights.

Former President Barack Obama—hailed as the author of the extremely limited DACA—deported more immigrants than all post-World War II presidents put together. And even the measured support for DACA by the Democratic Party has been revealed for what it was—mere posturing—given the speed with which Democrats caved in after last month’s kabuki theater government shutdown. In just three days, the Democrats agreed to a deal that offered no protections for the 800,000 immigrants covered by DACA.

The strategies developed and implemented by Republican and Democratic administrations over the past two decades to crack down on immigrants seeking to cross the US-Mexico border have made crossings more dangerous, while exacerbating the poverty and violence that lead millions to desperately flee their homes. Far from being the reason for unemployment, increasing crime rates or poverty, immigrants—like the rest of the working class—are victims of such manifestations of the crisis of the capitalist system.



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