

US Border Patrol uses pretext of ‘human trafficking’ to separate immigrant children from parents

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US Border Patrol agents have given themselves the power to determine whether the relationships—particularly between parents and children—claimed by undocumented immigrants are in fact legitimate, according to a recent report in the *Wall Street Journal*.

The usurping of such power by the federal agency has far-reaching consequences, including the unconscionable separation of children who have already suffered the severe trauma of leaving their homes and making a dangerous crossing, from their families.

As the WSWWS reported last month, the practice of separating families has now become an unstated, yet critical, part of the Trump administration’s immigration policy. The administration and its supporters have claimed that undocumented migrants have exploited the flexibility of immigration laws that have allowed families to be released from detention centers while their asylum cases were being considered by the courts. Decrying this as “catch and release,” the administration has now turned its attention to novel ways of “discouraging” undocumented border crossings.

While the legal system does not yet permit the wholesale jailing of families that seek asylum, the Department of Homeland Security (DHS) has begun, in the name of preventing sex trafficking of minors, the process of questioning the legitimacy of familial relationships to justify the punishing practice of separating children from their parents, so that the latter can be jailed. The separated children are then generally sent to extended family, often in the US.

In February, the American Civil Liberties Union (ACLU) filed suit against the DHS for its forcible separation of a 39-year old Congolese woman from her 7-year old daughter. The woman, who is named as “Ms. L” in the lawsuit, travelled with her young daughter from

the Democratic Republic of Congo, through Mexico, and surrendered herself to immigration agents at the San Ysidro Port of Entry near San Diego. She told the agents that she and her daughter were fleeing the violence in their home country and were seeking asylum. The woman was detained in the Otay Mesa Detention Center, California by Immigration and Customs Enforcement (ICE). Four days later, her daughter was taken more than 2,000 miles away to a youth shelter in Chicago run by the US Office of Refugee Resettlement.

The ACLU statement on its filing explains that Ms. L was separated from her child without any explanation or justification: “When the officers separated them, Ms. L. could hear her daughter in the next room screaming that she did not want to be taken away from her mother. No one explained why her daughter was being taken away, where she was being taken, or when she would see her child again.”

Since then, the Congolese mother has only spoken to her daughter a handful of times over the phone, and in each conversation the traumatized child cries since she has “no idea what will happen to her and her mother.” The statement goes on to highlight the fact that the government has no legitimate reason to separate the mother from her child, since there has been “no evidence, or even accusation of abuse or neglect.” It is therefore a blatant violation of the constitutional rights guaranteed under the Fifth Amendment.

The story in the *Wall Street Journal* describes the plight of the 10 migrants from Central America, who attempted to surrender to Border Patrol agents upon crossing the Rio Grande into Texas. The group consisting of five adults and five children had fled their homes because of gang violence. When they sought and found the agents, they were lined up and questioned about their relationships.

The agents claimed that they were suspicious since two of the men told the same kinds of stories—about being deserted by their wives—to explain why the mothers had not made the crossing, and also that one of the men did not seem to know the exact birth date of his daughter. On this pretext the whole group was then arrested as prelude to the separation of the children from the adults.

Since 2014, more than 260,000 immigrants traveling as families have been caught crossing the Mexican border without the required documents. The Obama administration reacted with an aggressive campaign against the waves of familial migration, particularly from Central America, including opening up jails to hold families while their cases were heard. The DHS-run jails seemed to have had an impact, with the number of apprehended family units apprehended falling from nearly 69,000 in 2014 (when the jails were opened) to about 40,000 within a year.

However, in 2015, a federal judge in California ruled that jailing children violated a decades-old settlement governing the treatment of underage migrants. This forced the Obama administration to release families caught at the border. Now with the pretext of preventing the trafficking of minors, the Trump administration has now found a way around the legal obstacle.

Border Patrol agents have claimed that the assumption of safe passage and asylum for families has led to numerous cases of fraud, including the production of fake birth certificates and declaration of nonexistent parental relationships. Officially, agents in the Rio Grande sector are said to have identified 376 cases of fraud among children and family migrants and prosecuted 54 cases this fiscal year.

Even if these numbers were to be accurate, that is still a tiny fraction of the total number of migrants who attempt to make the dangerous border crossing with their young children every day. As migrant advocates have pointed out, the majority of cases are legitimate and involve people fleeing extreme violence in their home countries.

The separation of children from the families has largely been done without any explanation or excuse. Supporters of such policies frame them as a way to protect children from abuse and help stop smugglers and the crime of human trafficking. These claims are specious at best. While it is undoubtedly true that many migrants pay smugglers to help transport them, or for that matter their children, across the border, the root causes for such acts of desperation do not lie in supposedly abusive parental relationships. They are to be found in the poverty and

violence that are themselves the product of the crisis of capitalism.

Furthermore, human smuggling is not the same as human trafficking. The two 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.

Indeed, conflating the two is part of a concerted strategy of criminalizing immigrants, and justifying a cruel and heartless policy that is focused solely on discouraging undocumented border crossings by any means. The DHS released statements to the media last month to tie DACA youth to “human smuggling” in an effort to drag the image of the immigrant youth through the mud, as they are widely supported by the public.

The American Academy of Pediatrics described the policy of separating children from their parents as “harsh and counterproductive.” In January this year, a group of more than 70 national and 50 state and local immigrant advocacy groups wrote to Kierstjen Nielsen, the DHS secretary, expressing strong opposition to the family separation policy. The letter declared that separating migrant families was “fundamentally un-American, cruel, and breaches U.S. and international child welfare and refugee principles and laws.” The exposure of the Border Patrol’s new tactic makes it evident that this violation of a fundamental human right “enshrined in international law” by the US government will continue unabated.

The ruling class is intent on sending a message to immigrants that not only will asylum not be granted, but families and children will be subjected to punishment and trauma in the process. The Democratic Party condones the practices of DHS and the Trump administration. When questioned, they rely on the convenient strawman of the widely despised president, but are silent on the Obama administration’s role of expanding detention centers and the fascistic elements of ICE.



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