

Trump administration begins collecting DNA from detained immigrants

Kevin Reed
9 January 2020

In a major attack on democratic rights, the Trump administration began on Monday collecting DNA samples from immigrants detained by US Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), including teenagers and green card holders.

Under the new Department of Homeland Security (DHS) program, CBP and ICE officers are obtaining cheek swabs from detainees in US custody regardless of evidence of any crime. These samples are then submitted to the FBI for entry into various law enforcement and criminal biometric databases.

The legal justification provided by the Trump administration for this significant attack on the rights of immigrants is that it is permitted under the DNA Fingerprint Act of 2005. When the law was originally passed, it contained an exemption protecting immigrants from its provisions due to “operational exigencies and resource limitations.” The Department of Justice and DHS officials have said that the exemption is “outdated” and that it is “time to eliminate it.”

In an 18-page Privacy Impact Assessment (PIA) published on January 3, the DHS elaborates on its rationale for the DNA collection program as well as details of how it is being implemented. Signed by Jonathan R. Cantor, acting chief privacy officer of DHS, the document is reminiscent of the White House “Torture Memos” produced by the Bush administration’s legal counsel and Department of Justice (DOJ) in 2002 that justified criminal violations of US and international law with regard to the use of so-called enhanced interrogation techniques.

Quoting from a DOJ Notice of Proposed Rulemaking, the DHS impact assessment directly contradicts the Fourth Amendment to the US Constitution against unreasonable searches and seizures, stating, “prompt DNA-sample collection could be essential to the detection

and solution of crimes [aliens] may have committed or may commit in the United States. Regardless of whether individuals are deemed criminal arrestees or immigration detainees, the use of collected DNA samples follows a similar process and has similar value.”

Stephen Kang, an immigration attorney at the American Civil Liberties Union (ACLU), who spoke to CBS News, said, “This is going to be a massive intrusion into individual privacy and it seems to us like a way of just collecting a DNA databank of people who are in immigration custody—which we view as really problematic.”

In October, when the DOJ published its new rules and the DHS announced plans for the program, Vera Eidelman, staff attorney with the ACLU’s Speech, Privacy, and Technology Project, said in a statement emailed to *The Verge*, “This kind of mass collection also alters the purpose of DNA collection from one of criminal investigation to population surveillance, which is contrary to our basic notions of freedom and autonomy.”

Eidelman added, “What if the government used the genetic information it collects to determine access to employment, our ability to have kids or get married, and other benefits, particularly as technology develops and our genetic information purportedly reveals even more about us?”

The DHS DNA collection program is being rolled out in five phases. The first phase that began on January 6 is being used at two locations. CBP detainees will be swabbed throughout the Detroit Sector and at the Eagle Pass Port of Entry where the Eagle Pass-Piedras Negras International Bridge Coahuila, Mexico is connected with the state of Texas. The location of DNA collection by ICE officers has not been specified by the Department of Homeland Security.

The CBP Detroit Sector is responsible for 863 miles of the international water boundary between the US and

Canada. It encompasses the states of Michigan, Indiana, Ohio and Illinois that are surrounded by four of the five Great Lakes (Superior, Huron, Michigan and Erie). The Detroit Sector has five offices: the Sandusky Bay Station in Port Clinton, Ohio, the Sault Sainte Marie Station in the Upper Peninsula of Michigan and the Marysville Station, the Gibraltar Station and the Detroit Station in the lower peninsula of Michigan.

The DHS PIA document says, “The initial phase will require DNA sample collection from arrested persons presented for prosecution and individuals held at a port of entry during consideration of admissibility and subject to further detention or proceedings but will not include DNA samples from anyone under the age of 14.” The ages to be swabbed by border officials will be 14 to 79. Participation is mandatory and “refusal to cooperate in DNA sample collection is a Class A misdemeanor.”

Although some news reports say the initial DHS pilot is a 90-day trial, it is clear that the illegal DNA collection will become standard operating procedure at all US border facilities as part of the Trump administration’s fascistic drive to criminalize immigrants attempting to enter the US. The plan calls for the gradual expansion of the number of officers, sectors and ports of entry collecting DNA over the next three years.

Significantly, the fifth phase of the plan expands the DNA collection “beyond criminal aliens and aliens referred to prosecution to include: all criminal arrestees, including U.S. Persons; all detained non-U.S. Persons detained for processing under administrative proceedings and released on their own recognizance; all detained non-U.S. Persons detained for processing under administrative proceedings and voluntary withdraw application; all aliens subject to expedited removal, reinstatement of removal, or administrative removal; and all voluntary returns.”

In other words, every individual who comes into contact with US border and immigration authorities will have their DNA collected and stored into the vast and expanding US law enforcement and military-intelligence biometric databases.

The DHS PIA reveals that the FBI will provide border agents with Buccal Collection Kits that include the materials need to obtain a buccal swab (DNA sample from inside the cheek) along with a Request for National DNA Database Entry Form with a unique barcode. The DNA samples will be sent by CBP and ICE agents to the FBI Laboratory in Quantico, Virginia via the US Postal Service.

The FBI will process the sample and store the DNA profile of the individual in the National DNA Index System (NDIS) and will be available for looking up in the Combined DNA Index System (CODIS). According to FBI statistics, there are currently more than 14 million “offender profiles” in the National DNA Index as of November 2019.

According to the FBI’s website the purpose of CODIS is to blend “forensic science and computer technology into a tool for linking violent crimes. It enables federal, state, and local forensic laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes to each other and to known offenders.”

It does not take much thought to recognize the Orwellian reality of the DHS DNA gathering operation. Data entry mistakes, identity theft and false criminal positive matches are going to become as routine with this system as have been police sketches, mug shots and lineups in the past.

As explained previously on the *World Socialist Web Site*, the creation by the state of massive biometric databases that are accessible to both domestic law enforcement and the CIA and NSA—without the permission or knowledge of the public—is a component of the growth of authoritarian forms of rule in the US. The sharp edge of the attack on democratic rights is being directed by the Trump administration against the immigrant population, the target of its fascistic nationalism and xenophobia since taking office in January 2017.

The implementation and expansion of DNA sample collection of immigrants in violation of US and international law is part of the preparations of the US state apparatus to create biometric profiles of the entire population. Along with the use of round-the-clock electronic eavesdropping, facial recognition and other forms of biometric surveillance technology, the ruling elite is preparing the repressive instruments it thinks are necessary to suppress the eruption of the class struggle in the US and internationally.



To contact the WSWS and the Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)