

Trump administration moves forward with unconstitutional DNA testing of immigrants

Kevin Reed
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The US Department of Justice (DOJ) issued its final rule on Friday for moving forward with collecting DNA from all immigrants in the custody of the Department of Homeland Security (DHS). The genetic sampling program—scheduled to begin in April—will obtain a cheek swab of potentially hundreds of thousands of migrants who are detained by federal immigration authorities each year.

The DOJ press release makes it clear that the biometric profiling operation, in which immigrant DNA samples will be entered into the FBI's Combined DNA Index System (CODIS), is part of the Trump administration's campaign to criminalize immigrants. It states, "this rule will facilitate federal, state, and local investigative and crime reduction efforts."

The DOJ deceitfully presents the mass violation of basic democratic rights as a matter of government agency "compliance" with the terms of the bipartisan 2005 DNA Fingerprint Act. It states, "the Department of Justice will ensure that all federal agencies are in full compliance with the bipartisan DNA Fingerprint Act, which was a component of a larger legislative package that passed the House of Representatives by an overwhelming vote of 415 to four, and the Senate by unanimous consent."

Although the administration of Democratic President Barack Obama exercised an exemption in the law and did not collect DNA from immigrants—not on constitutional grounds but because of resource limitations—the DNA Fingerprint Act authorized the Attorney General to draft regulations that direct any federal agency to "collect DNA samples from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States."

The decision to move forward with DNA testing

follows two months of a pilot program in the DHS Detroit Sector and Eagle Pass Port of Entry in Texas. As previously reported by the *World Socialist Web Site*, the program that was initially proposed last October is a blatant violation of the Fourth Amendment protections against unreasonable searches and seizures and is the sharp edge of the governments' plan to gather the DNA profiles of the entire population.

In response to the DOJ announcement, Naureen Shah, senior advocacy and policy counsel with the American Civil Liberties Union, told NPR, "It's about miscasting these individuals, many of whom are seeking asylum in this country ... as people who pose a threat that somehow would justify holding onto the most intimate information about them indefinitely."

Shah then added, "This isn't DNA from information that's going to be looked at once and then disappear from a database. ... That's why we have a lot of concerns about how this particular program, which targets immigrants in detention, actually is a precursor to deploying this kind of surveillance technology to lots of vulnerable ... communities in the United States and ultimately be used as a tool for full scale surveillance."

The DOJ press announcement says that the infrastructure for obtaining the cheek swabs and entering the DNA profiles into CODIS has already been set up, stating, "The FBI's laboratory has the capacity to handle the increased input from DHS, and its capabilities can be scaled up to meet additional capacity. The FBI will provide DHS with the DNA collection kits, analyze the samples, and ensure that law enforcement agencies use the results in accordance with the FBI's stringent CODIS privacy requirements."

It is highly revealing that the Trump administration and federal law enforcement agencies have been working intensely over the past two months on the

development of a mass DNA collection operation while doing absolutely nothing to prepare for the coronavirus outbreak that has been spreading internationally since its first appearance in Wuhan, China in December.

It is consistent with the fascistic politics of the White House that a renewed xenophobic attack on immigrants is being deployed just at the moment when a real threat to the health and safety of everyone, both native and foreign born, is expanding in the US and internationally. In fact, it is likely that the Trump administration's immigration policies will increase the spread of the coronavirus pandemic, particularly among immigrant workers.

For example, Trump's "public charge" rule, which went into effect on February 24 and declares many classes of immigrants to be ineligible for government services, is forcing millions of non-citizens to disenroll from Medicaid. As explained by the life science website *STAT*, "just as more people are likely to start needing testing and treatment for a worrisome infectious disease, untold numbers of them may drop their health insurance and avoid health care for fear of being found a public charge."

"With more people uninsured, hospitals will likely experience drops in revenue, even as they need to purchase new infection control equipment, and cope with a surge of patients in emergency departments and needing intensive care. These totally predictable consequences do not bode well for our ability to mitigate the pandemic."

Additionally, in the more than 200 immigrant detention camps across the US, tens of thousands of migrants are being held without adequate health care and the conditions for a rapid spread of the infection is present. According to DHS, the average daily population of detained immigrants in 2019 was more than 50,000 and is expected to reach 54,000 in 2020.

Immigrant rights advocates also point out that Trump's policies are scaring immigrants away from getting medical attention. Wake Forest's Christine Coughlin, who has written about undocumented immigrants' compliance with quarantines, told Axios, "It's potentially a really large public health problem. I believe there is a perception that if you were to go and seek treatment or seek testing, you could be potentially reported and then potentially deported."



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