

The Honorable Nancy Pelosi  
*Speaker*  
The Honorable Kevin McCarthy  
*Minority Leader*  
The Honorable Nita Lowey  
*Chairwoman, Committee on Appropriations*  
The Honorable Kay Granger  
*Ranking Member, Committee on Appropriations*  
The Honorable Lucille Roybal-Allard  
*Chairwoman, Committee on Appropriations, Subcommittee on Homeland Security*  
The Honorable Chuck Fleischmann  
*Ranking Member, Committee on Appropriations, Subcommittee on Homeland Security*  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
*Majority Leader*  
The Honorable Chuck Schumer  
*Minority Leader*  
The Honorable Richard Shelby  
*Chairman, Committee on Appropriations*  
The Honorable Patrick Leahy  
*Ranking Member, Committee on Appropriations*  
The Honorable Shelley Moore Capito  
*Chairwoman, Committee on Appropriations, Subcommittee on Homeland Security*  
The Honorable Jon Tester  
*Ranking Member, Committee on Appropriations, Subcommittee on Homeland Security*  
U.S. Senate  
Washington, DC 20510

September 12, 2019

**Re: Priorities for Fiscal Year 2020 Department of Homeland Security Appropriations**

Dear Members of Congress:

This month marks the end of the third fiscal year of the Trump administration, and again we are struck by the enormity of the changes in the immigration and border policy landscape in the United States. **In the face of a White House that chips away at the norms of good governance each day, we urge you to ensure that in Fiscal Year 2020 Congress cuts the Department of Homeland Security (DHS)'s budget for detention, enforcement, and border militarization, while putting accountability measures in place to stop the agency's pattern of abuse of the appropriations process.**

DHS has seen massive budget increases under the Trump administration, with Customs and Border Protection's (CBP) budget growing from \$13.3 billion in 2016 to \$18.4 billion in 2019, and Immigration and Customs Enforcement's (ICE) from \$6.2 billion in 2016 to \$8.1 billion in 2019. DHS has achieved much of this growth in violation of the expressed intent of congressional appropriators by moving money around within the agency<sup>1</sup> and obtaining specially apportioned payments outside of the

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<sup>1</sup> See Adiel Kaplan, NBC News, "DHS transferred \$169 million from other programs to ICE detention," September 13, 2018, <https://www.nbcnews.com/politics/immigration/dhs-transferred-169-million-other-programs-ice-migrant-detention-n909016>.

usual budget process.<sup>2</sup> Just last month we learned that DHS intends to move \$271 million from FEMA, the Coast Guard, and other accounts in order to further expand the immigration detention system and pursue the abhorrent “Migrant Protection Protocols,” a program that returns asylum seekers to Mexico where many face extreme violence.<sup>3</sup> This is in fact the fourth consecutive year that DHS has transferred or reprogrammed funds to pay for its expansion of the detention system — 60% in just over three years — all contrary to expressed congressional intent.

This administration has also gone to extreme lengths to divert resources Congress has appropriated for other agencies to DHS to further surveil and militarize the border. This year alone, the White House has engaged in a targeted scheme to divert upwards of \$7 billion to build more border wall, even after Congress had rejected this funding request. This past spring, the administration transferred roughly \$2.5 billion from Pentagon military pay and pension and surveillance program funds to a Department of Defense drug-interdiction account to pay for additional border wall construction.<sup>4</sup> It was recently announced that the administration would grab a further \$3.6 billion that Congress had appropriated for military construction projects to build more of the president’s border wall.<sup>5</sup>

We are clear-eyed about the motivations behind DHS’s machinations in the budget process: the agency seeks to direct as much funding as it can toward measures that will further the White House’s enforcement-only approach to immigration policy—building additional border wall, putting more CBP and ICE agents between immigrants and their loved ones, and jailing more immigrants, including children, in inhumane conditions for longer periods of time. We see the human costs in our communities each day: tearful children left stranded in a gymnasium when ICE rounded up hundreds of their parents at work in Mississippi;<sup>6</sup> immigrants brutally pepper sprayed while jailed in remote prisons for months and years on end;<sup>7</sup> beloved community members deported to countries where harm

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<sup>2</sup> National Immigrant Justice Center, Detention Watch Network, *et al.*, *Appropriations Season is Upon Us: Stop DHS’s Pattern of Manipulating Short-Term Spending Bills for Political Gain* (August 2019), <https://docs.google.com/document/d/1p43eRDKEPznuBH0irZGd7fERtDdco917UZ2zCx6hEXc/edit>; National Immigrant Justice Center, *DHS’s Secret Detention Expansion is Dangerous for Immigrants, and Democracy* (January 2019), <https://www.immigrantjustice.org/staff/blog/dhss-secret-detention-expansion-dangerous-immigrants-and-democracy>.

<sup>3</sup> Julia Ainsley, NBC News, “Trump admin pulling millions from FEMA disaster relief to send to southern border,” August 27, 2019, <https://www.nbcnews.com/politics/immigration/trump-admin-pulling-millions-fema-disaster-relief-send-southern-border-n1046691>.

<sup>4</sup> Andrew Taylor, Associated Press, “Senator: Pentagon may tap leftover military pay, pension accounts for border wall,” March 7, 2019, <https://www.militarytimes.com/news/pentagon-congress/2019/03/07/senator-pentagon-may-tap-military-pay-pensions-for-border-wall/>; Dan Lamothe, Washington Post, “Pentagon will pull money from ballistic missile and surveillance plane programs to fund border wall,” May 12, 2019, <https://www.washingtonpost.com/national-security/2019/05/12/pentagon-will-pull-money-ballistic-missile-surveillance-plane-programs-fund-border-wall/?noredirect=on>.

<sup>5</sup> Jennifer Scholtes *et al.*, Politico, “Trump administration prepares to raid military projects for border wall,” September 3, 2019, <https://www.politico.com/story/2019/09/03/trump-administration-prepares-to-raid-military-projects-for-border-wall-1479981>.

<sup>6</sup> Tim Craig, Scott Wilson and Nick Miroff, The Washington Post, “U.S. defends secretive Mississippi ICE raids as local, state officials decry effect on children,” August 8, 2019, [https://www.washingtonpost.com/national/us-defends-secretive-miss-ice-raids-as-local-state-officials-decry-effect-on-children/2019/08/08/485d6240-ba21-11e9-b3b4-2bb69e8c4e39\\_story.html](https://www.washingtonpost.com/national/us-defends-secretive-miss-ice-raids-as-local-state-officials-decry-effect-on-children/2019/08/08/485d6240-ba21-11e9-b3b4-2bb69e8c4e39_story.html).

<sup>7</sup> Hamed Aleaziz, BuzzFeed, “More than 100 immigrants were pepper-sprayed at an ICE facility,” August 6, 2019, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrants-pepper-sprayed-louisiana-pine-prairie>.

and death often await,<sup>8</sup> and rampant abuse and violence that has led to the deaths of upwards of 100 individuals, including children, at the hands of CBP since 2003.<sup>9</sup>

It is not too late for Congress to re-assert its authority over appropriations.

**In spending negotiations for the DHS appropriations bill for Fiscal Year 2020, we urge you to fight for the following critical priorities:**

1. *Cut funding for ICE and CBP, including decreased funding for detention and agents, and no border wall funding.*
2. *Terminate DHS's authority to transfer and reprogram funds for the purpose of detention and enforcement.*
3. *Terminate the "Migrant Protection Protocols," or MPP program, an unlawful<sup>10</sup> and shameful program that returns asylum seekers to Mexico to await their court dates. There are more than 140 publicly reported cases of rape, kidnapping, and assault against asylum seekers forced to return to harm through this program.<sup>11</sup>*
4. *Place strong guardrails on the treatment of people in ICE and CBP custody, particularly ensuring that no person is held in CBP custody for longer than 72 hours. As many members of Congress have observed first hand, no amount of funding will ensure that ICE and CBP treat those in its custody humanely unless the law instructs them to do so.<sup>12</sup>*

Should DHS be funded under a Continuing Resolution for some time prior to reaching a negotiated bill, we urge you to hold DHS accountable to its appropriated budget for detention, agents and the wall as provided in the FY19 bill. A Continuing Resolution is intended to provide flat funding that extends agency budgets at the level provided in the previous year, yet DHS has repeatedly utilized loopholes in appropriations law to significantly expand its enforcement footprint during previous periods of

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<sup>8</sup> Elliot Hannon, Slate, "U.S. Deported a Detroit man to Iraq, Where He'd Never Been and Didn't Speak the Language. He Died on the Street," Aug. 8, 2019, <https://slate.com/news-and-politics/2019/08/detroit-michigan-man-deported-died-iraq-diabetic-homeless.html>.

<sup>9</sup> Sarah Macareg, The Guardian, "Fatal Encounters: 97 Deaths Point to Pattern of Border Agent Violence Across America," May 2, 2018, <https://www.theguardian.com/us-news/2018/may/02/fatal-encounters-97-deaths-point-to-pattern-of-border-agent-violence-across-america>.

<sup>10</sup> American Civil Liberties Union, *Groups file lawsuit against Trump policy that forces the return of asylum seekers to Mexico*, Feb. 14, 2019, <https://www.aclu.org/press-releases/groups-file-lawsuit-against-trump-policy-forces-return-asylum-seekers-mexico>.

<sup>11</sup> Human Rights First, *Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers' Lives and Denies Due Process* (Aug. 2019), <https://www.humanrightsfirst.org/sites/default/files/Delivered-to-Danger-August-2019%20.pdf>; Human Rights First, Complaint to DHS Office of Civil Rights and Civil Liberties and Office of Inspector General, Re: "Rape, Kidnapping, Assault and Other Attacks on Asylum Seekers and Migrants Returned to Mexico Under the 'Migrant Protection Protocols'; Returns of Other Vulnerable Individuals," Aug. 26, 2019, <https://www.humanrightsfirst.org/sites/default/files/OIG-CRCL-Complaint-MPP.pdf>.

<sup>12</sup> Garrett M. Graff, Politico Magazine, "The Border Patrol Hits a Breaking Point," July 15, 2019, <https://www.politico.com/magazine/story/2019/07/15/border-patrol-trump-administration-227357>; Julia Ainsley and Jacob Soboroff, NBC News, "Migrant child alleges she was 'beaten and abused' at Clint, Texas border station," July 25, 2019, <https://www.nbcnews.com/politics/immigration/migrant-child-alleges-she-was-beaten-abused-clint-texas-border-n1034431>.

continued funding. Congress must not permit this dangerous disregard for congressional authority to go unanswered.

**In order to keep a Continuing Resolution on DHS spending truly clean, Congress must:**

1. *Reject requests from DHS to obtain an anomaly (lump sum payment) at the outset of a Continuing Resolution to supplement its budget for additional detention funds, agents, or border wall funds.*
2. *Limit ICE's spending on detention and enforcement to the normally apportioned amounts pursuant to the funding levels in the 2019 appropriations bill, thereby precluding ICE from obtaining an "exception apportionment" to expand detention against congressional intent as it has done for several years running.*

Thank you for your consideration of these priorities, which we believe to be critical to the health of democracy in the United States and the protection of the basic human rights of our diverse and thriving communities. Enforcement-only practices have only led to the dehumanization and gross abuse of people who have made immense contributions to our nation's culture and economy and to those who are coming to our borders to seek a better life or flee violence. Instead of funding an agency that thumbs its nose at Congress and our Constitution, Congress should fund them at a lesser level and invest taxpayer dollars into health, education, and community services.

With any questions, please contact Heidi Altman at the National Immigrant Justice Center at [haltman@heartlandalliance.org](mailto:haltman@heartlandalliance.org).

**Sincerely,**

National Organizations

Advancement Project

Advancing Justice - Asian Law Caucus

Alianza Americas

America's Voice

American Civil Liberties Union

American Friends Service Committee

American Immigration Lawyers Association

American Muslim Empowerment Network

Amnesty International USA

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice | AAJC

Asian Pacific American Labor Alliance, AFL-CIO

Asian Pacific Institute on Gender-Based Violence

ASISTA

Asylum Seeker Advocacy Project (ASAP)

Autistic Self Advocacy Network  
Bend the Arc: Jewish Action  
Black Alliance for Just Immigration  
Bridges Faith Initiative  
Center for Gender & Refugee Studies  
Center for Integration and Courageous Living  
Center for Law and Social Policy (CLASP)  
Center for Popular Democracy  
Center for Victims of Torture  
Center on Privacy and Technology at Georgetown Law  
Central Pastoral Office for Hispanic Ministries, Christian Church (Disciples of Christ)  
Christian Reformed Church Office of Social Justice  
Church World Service  
Coalition on Human Needs  
Columbia Law School Immigrants' Rights Clinic  
Common Defense  
Conference of Superiors of Men (Catholic)  
Congregation of Our Lady of the Good Shepherd, U.S. Provinces  
CREDO  
Detention Watch Network  
Disciples Center for Public Witness  
Disciples Refugee & Immigration Ministries  
Doctors For Camp Closure  
Dominican Sisters of Sinsinawa  
Earthjustice  
Fair Immigration Reform Movement (FIRM)  
Faith in Public Life  
Familia: Trans Queer Liberation Movement  
Families Belong Together  
Food Empowerment Project  
Freedom for Immigrants  
Freedom Network USA  
Friends Committee on National Legislation  
Generation Progress  
Government Information Watch  
Grassroots Leadership  
HIAS  
Hispanic Federation  
Human Rights Defense Center  
Human Rights First  
Ignatian Solidarity Network

Immigrant Defense Project  
Immigration Equality  
Immigration Hub  
Indivisible  
Innovation Law Lab  
InterReligious Task Force On Central America  
Justice Strategies  
LA RED, Faith in Action  
Latin America Working Group (LAWG)  
The Leadership Conference on Civil and Human Rights  
Leadership Conference of Women Religious  
Maryknoll Office for Global Concerns  
Mennonite Central Committee U.S. Washington Office  
Million Hoodies Movement for Justice  
MomsRising  
MoveOn  
National Advocacy Center of the Sisters of the Good Shepherd  
National Asian Pacific American Women's Forum (NAPAWF)  
National Association of Social Workers  
National Center for Transgender Equality  
National Council of Jewish Women  
National Equality Action Team (NEAT)  
National Immigrant Justice Center  
National Immigration Law Center  
National Korean American Service & Education Consortium (NAKASEC)  
National Network for Immigrant and Refugee Rights  
National Organization for Women  
National Partnership for New Americans  
NETWORK Lobby for Catholic Social Justice  
New Sanctuary Coalition  
NIAC Action  
People's Action  
Positive Women's Network  
Private Corrections Institute  
Project South  
Public Citizen  
Quixote Center  
Reconstructionist Rabbinical Association  
Restore The Fourth  
Service Employees International Union (SEIU)  
Serving the Americas Foundation

Sierra Club  
South Asian Americans Leading Together (SAALT)  
Southeast Asia Resource Action Center  
Southern Border Communities Coalition  
Transgender Law Center  
UNAVSA  
Union for Reform Judaism  
Unitarian Universalist Service Committee  
United We Dream  
US Campaign for Palestinian Rights  
Washington Office on Latin America  
Win Without War  
The Workmen's Circle

Regional, State and Local Organizations

Adelante Alabama Worker Center  
Advocate Visitors with Immigrants in Detention in the Chihuahuan Desert  
AFSC Colorado  
Al Otro Lado  
Albuquerque Center for Peace & Justice  
API Equality-LA  
Arab American Association of New York  
Asian Americans Advancing Justice-Chicago  
Asian Americans Advancing Justice-Atlanta  
Asian Americans Advancing Justice-LA  
Asian Americans United  
Asylum Seeker Assistance Project  
Austin Sanctuary Network  
Bend the Arc: South Florida  
Boise Chapter of Great Old Broads for Wilderness  
The Bronx Defenders  
Brooklyn Defender Services  
Cabrini Immigrant Services of NYC, Inc.  
Capital Area Immigrants' Rights Coalition  
CASA  
Catholic Charities SF  
Centro de Trabajadores Unidos  
Christian Church Capital Area  
Church of Our Saviour/La Iglesia de Nuestro Salvador  
Clergy and Laity United for Economic Justice  
Cleveland Jobs with Justice

Coalition for Humane Immigrant Rights (CHIRLA)  
Congregation Action Network  
DC-MD Justice For Our Neighbors  
DRUM: Desis Rising Up and Moving  
Equality California  
Esperanza Community Housing  
Essex County Community Organization (ECCO)  
Faith in Indiana  
Faith in New York  
The Florence Immigrant & Refugee Rights Project  
Filipinx for Immigrant Rights & Racial justice MN  
Friends of Miami-Dade Detainees  
Friends of Broward Detainees  
Gay Liberation Network  
Granite State Organizing Project  
H-CAN Immigration and Refugee Group  
HIAS Pennsylvania  
Hilton Head for Peace  
HOPE Border Institute  
Human Rights Initiative of North Texas  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant and Non-Citizen Rights Clinic, CUNY School of Law  
Immigrant Legal Advocacy Project  
Immigrant Rights Action  
Indivisible East Bay  
Indivisible Gainesville  
Indivisible Marin  
Indivisible Northern Nevada  
Indivisible Ventura  
Inland Coalition for Immigrant Justice  
Interfaith Movement for Human Integrity  
Interfaith Coalition on Immigration, MN  
Irish International Immigrant Center  
ISLA  
Jewish Alliance for Law and Social Action  
Jewish Bridge Project of New Mexico  
Kent Street Coalition  
Kino Border Initiative  
KIWA  
La Resistencia  
La Unión del Pueblo Entero (LUPE)



Las Americas Immigrant Advocacy Center  
Legal Aid Justice Center  
Legal Services for Children  
Long Beach Immigrant Rights Coalition  
Los Angeles LGBT Center  
Make the Road New York  
MCAN  
MEKONG NYC  
Meriden Congregational Church, UCC  
Migrant Center for Human Rights  
Migrant Justice / Justicia Migrante  
Migrant Rights Collective  
MIRA! Mississippi Immigrants Rights Alliance  
Mujeres Latinas en Acción  
National Korean American Service and Education Consortium Virginia (NAKASEC VA)  
NC Asian Americans Together  
NM café  
NorCal Resist  
Normal Heights Indivisible (NHI)  
Northwest Immigrant Rights Project  
Northwest Philadelphia Immigrant Action and Mobilization  
NWI Resist  
Ohio Immigrant Alliance  
Open Immigration Legal Services  
Organization for Refugee and Immigrant Success  
Parent Revolution  
PASO - West Suburban Action Project  
Pennsylvania Immigration and Citizenship Coalition  
Pilipino Workers Center  
Promesa Boyle Heights  
Public Counsel  
Reformed Church of Highland Park  
RGV Equal Voice Network  
Rocky Mountain Immigrant Advocacy Network  
Rural Organizing Project  
San Diego Immigrant Rights Consortium  
Seattle Indivisible  
Services, Immigrant Rights & Education Network (SIREN)  
Shut Down Etowah  
Silver State Equality-Nevada  
Sisters of Charity of New York

Sisters of Mercy NH  
Sisters of Mercy West Midwest  
Sisters of Mercy, Mid-Atlantic Community  
Southwest Environmental Center  
St. Louis Inter-Faith Committee on Latin America (IFCLA)  
TakeRoot Justice  
Tennessee Immigrant and Refugee Rights Coalition  
Texas Civil Rights Project  
Together We're Indivisible Nevada (TWIN)  
Trinity Episcopal Church  
United Valley Interfaith Project  
Upper Valley Refugee Working Group  
Virginia Organizing  
Washington Defender Association  
Wilco Justice Alliance (Williamson County, TX)