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AILA Urges Congress to Reject Excessive, Unjustified Spending for Immigration Enforcement on Omnibus Appropriations Bill

With the March 23 deadline fast approaching to pass an omnibus appropriations bill, the American Immigration Lawyers Association calls upon Congress to reject President Trump's request for significant increases in funding for immigration enforcement for the Department of Homeland Security (DHS). The administration has requested a staggering \$21.5 billion in funding for DHS, an increase of approximately \$3 billion from the amount appropriated in fiscal year 2017. Already, the budgets for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) are at an all-time high, and the funding for DHS exceeds all other federal law enforcement agencies combined, including FBI, ATF, U.S. Marshals, and Secret Service.

Much of this increase (\$1.6 billion) is for the border wall, which has been soundly discredited as wasteful and ineffective. In addition, the administration intends to raise detention levels to 55,739 beds and to hire 1,000 new ICE agents and 500 new Border Patrol agents. DHS is already spending for detention at levels that exceed its fiscal year 2017 appropriated levels. Congress should not reward ICE's overspending by increasing funding for detention, especially when border apprehensions are at the lowest levels in four decades.

In addition, there have been substantiated reports of corruption and abuse of force by agents. Until DHS establishes mechanisms for oversight, the public should be deeply concerned that any additional hiring of agents will undermine public safety. Congress should insist that DHS improve its accountability and transparency, and it should reduce funding for enforcement instead of granting these sizable increases.

Funding for DHS in these areas would enable the administration to implement large-scale deportation plans. Since entering office, the Trump administration has radically altered immigration enforcement policy, vastly increasing the federal government's authority and capacity to detain and deport people, often at the expense of principles of due process. Instead of focusing its finite enforcement resources on individuals who pose an actual threat to our national security or public safety, the administration is indiscriminately pursuing all persons, including Dreamers, families, and others who have lived in the United States for years and contributed to the economy and their communities. Data from fiscal year 2017 demonstrates that most of ICE's increase in enforcement has resulted from targeting people who have no criminal background.ⁱ

Both Republican and Democratic lawmakers have criticized the administration's request for funding without a justification of need or clear measures for how it will improve security and public safety. Congress bears the responsibility for resisting funding requests that are not justified or based in any metrics. Just over a year ago, Congress passed legislation establishing metrics for border security that are still being implemented—DHS should scrutinize the results of those metrics and determine what resources are actually needed to secure the southern border before seeking more funds from Congress.

Finally, AILA urges Congress to redouble the bipartisan efforts to provide permanent legal status for Dreamers as part of the omnibus negotiations. DHS enforcement is directly impacting Dreamers—many DACA recipients, Dreamers who do not have DACA, and their families have been detained and removed. Before Congress approves more funding for DHS, lawmakers should reach an agreement that protects Dreamers.

Americans continue to recognize the value and contributions immigrants bring to our nation. Three out of four Americans believe the undocumented should be allowed to remain, and even more believe Dreamers should be given permanent legal status. Our nation's resources should be dedicated to advancing the prosperity and growth of the country rather than targeting people who are undocumented but nonetheless contributing to their communities and the economy. AILA urges Congress to appropriate funds consistent with this vision for America.

ⁱ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, Fiscal Year 2017 ICE Enforcement and Removal Operations Report (Dec. 13, 2017), <https://www.ice.gov/removal-statistics/2017>.