

September 5, 2018

The Honorable Mitch McConnell
Majority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Chairman Richard Shelby
Committee on Appropriations
Room S-128 The Capitol
Washington, D.C. 20510

The Honorable Charles Schumer
Democratic Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Vice Chairman Patrick Leahy
Committee on Appropriations
Room S- 128 The Capitol
Washington, D.C. 20510

The Honorable Paul Ryan
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Rodney Frelinghuysen
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Nita Lowey
Ranking Member, Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Re: FY19 Continuing Resolution Must Not Allow for Expanded Immigration Detention

Dear Majority Leader McConnell, Leader Schumer, Speaker Ryan, Leader Pelosi, Chairman Shelby, Vice Chairman Leahy, Chairman Frelinghuysen and Ranking Member Lowey:

The Department of Homeland Security (DHS)'s appropriated budget for immigration detention and enforcement has jumped by nearly one billion dollars in the past two years, from \$3.212 billion in fiscal year 2016 to \$4.110 billion in fiscal year 2018.¹ DHS has achieved this massive increase through chronic fiscal mismanagement² and outright manipulation of the appropriations process.³ Over the past two years DHS has persistently overspent its detention budget, confident

¹ See Department of Homeland Security Appropriations Act, 2018, <https://bit.ly/2FVAPaJ>; Department of Homeland Security Appropriations Act, 2017, <https://bit.ly/2x4zvPj>; Department of Homeland Security Appropriations Act, 2016, <https://bit.ly/1Oc5xzu>.

² See Government Accountability Office, *Immigration Detention: Opportunities Exist to Improve Cost Estimates* (April 2018), <https://bit.ly/2PEDpY8> (finding ICE's methods for estimating detention costs do not meet the "characteristics of a reliable cost estimate" and documenting ICE's consistent pattern of reprogramming and transferring "millions of dollars into, out of, and within" its detention account).

³ See Senate Report, Department of Homeland Security Appropriations Act, 2019, <https://bit.ly/2MW1BHI> (expressing "persistent and growing concerns about ICE's lack of fiscal discipline, whether real or manufactured,

that Congress will permit regular infusions of funds through reprogramming and transfers. By meeting this expectation, Congress has essentially given DHS the power to write its own appropriation by using its inflated detention budget as the starting point for each subsequent spending negotiation.

This cycle must end. In March, Congress funded Immigration and Customs Enforcement (ICE) to jail an average daily population of 40,500 individuals for fiscal year 2018; yet, as we approach the end of the year, ICE holds more than 45,000 individuals behind bars.⁴ This growth represents a capacity to jail nearly 350,000 people each year.⁵ And now DHS is angling to increase its detention budget above 2018 levels in a fiscal year 2019 Continuing Resolution, yet again ratcheting up its baseline funding in anticipation of subsequent negotiations over a final funding bill.

DHS's manipulation of the appropriations process comes at a human cost that will haunt our nation for generations to come. As spending negotiations are underway, nearly 500 children torn from their parents as part of this administration's zero tolerance policy remain in government custody, alone and scared.⁶ ICE has continually proven to be incapable of providing for the basic health and safety of the people it jails each year—more than half of recently reviewed deaths in custody are attributable to medical failures, and sexual abuse is unchecked throughout ICE's jails.⁷ This summer, one-and-a-half-year old Mariee Juarez died shortly after her release from the South Texas Family Residential Center, and a complaint filed on her behalf asserts her death was a direct result of her time in ICE custody.⁸ DHS's own inspector general has raised serious concerns about the conditions inside ICE's jails⁹ and has found the system of inspections governing ICE's jails to be a sham, with facilities regularly passing inspections despite significant deficiencies.¹⁰

and its inability to manage detention resources within the appropriations made by law without the threat of anti-deficiency...”).

⁴ See Committee on Appropriations--Democrats, FY2018 Omnibus Appropriations Act: Summary of Appropriations Provisions, <https://bit.ly/2NvMQZe> (for information regarding the agreed upon ADP in the FY 2018 Omnibus); Geneva Sands, ABC News, “Immigration-related arrests by ICE increase under President Trump,” Apr. 17, 2017, <https://abcn.ws/2Lza0fe> (for fiscal year 2016 ADP).

⁵ See Fiscal Year 2019 U.S. Immigration and Customs Enforcement Congressional Budget Justification, <https://bit.ly/2JmbJUx> (for average length of stay data).

⁶ Maria Sacchetti, Washington Post, “Still separated: Nearly 500 migrant children taken from their parents remain in U.S. custody,” Aug. 23, 2018, <https://wapo.st/2wt2cHy>.

⁷ See, e.g., Human Rights Watch *et al.*, *Code Red: the Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention* (June 2018), <https://bit.ly/2yuaguL>; Alice Speri, The Intercept, “Detained then Violated: 1,224 Complaints Reveal a Staggering Pattern of Abuse in Immigration Detention,” Apr. 11, 2018, <https://bit.ly/2qs2avo>.

⁸ The Notice of Claim filed by Ms. Juarez against the city of Eloy, Arizona on August 28, 2018 is available online at <https://bit.ly/2PjwYcX>.

⁹ DHS Office of Inspector General, OIG 18-32, *Concerns about ICE Detainee Treatment and Care at Detention Facilities* (December 2017), <https://tinyurl.com/ya7lrwq8>.

¹⁰ DHS Office of Inspector General, OIG 18-67, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 2018), <https://bit.ly/2Mwp2Ug>.

DHS must be held to account for its fiscally irresponsible actions which fuel a detention system that destroys lives and families every day. **With each spending cycle we urge you to vigorously pursue cuts to immigration detention and enforcement funds. When negotiating a fiscal year 2019 Continuing Resolution, we urge you to explicitly preclude DHS from expending funds on detention above agreed-upon levels for fiscal year 2018.**

Sincerely,

National organizations:

America Solidaria U.S.
American Citizens for Justice/Asian American Center for Justice
American Civil Liberties Union
American Friends Service Committee
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee
America's Voice
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice AAJC
Asian Pacific Institute on Gender-Based Violence
Bend the Arc: Jewish Action
Center for American Progress
Center for Employment Training
Center for Victims of Torture
Christian Community Development Association
Church World Service
Columban Center for Advocacy and Outreach
Congregation of Our Lady of the Good Shepherd, US Provinces
CREDO
Detention Watch Network
Fair Immigration Reform Movement (FIRM)
Faith in Action
Faith in Public Life
Fellowship of Reconciliation (FOR-USA)
Franciscan Action Network
Franciscan Sisters of the Poor

Free Migration Project
Freedom for Immigrants
Freedom Network USA
Friends Committee on National Legislation
Friends Meeting of Washington---Quaker
Gay Liberation Network
Grassroots Leadership
Human Rights Watch
Immigrant Defense Project
Immigrant Legal Resource Center
Immigration Services and Legal Advocacy
Indivisible
InterReligious Task Force On Central America and Colombia
Jobs With Justice Education Fund
Justice Strategies
LA RED at Faith in Action
Lutheran Immigration and Refugee Service
Make the Road
Mennonite Central Committee U.S. Washington Office
Migrant Rights Collective
MomsRising
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum (NAPAWF)
National Center for Transgender Equality
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the NLG
National Justice for Our Neighbors
National Latina Institute for Reproductive Health
National Latina/o Psychological Association
National Organization for Women
NETWORK Lobby for Catholic Social Justice
OCA - Asian Pacific American Advocates
Physicians for Human Rights
Project On Government Oversight
Scalabrini International Migration Network

Service Employees International Union (SEIU)
Sinsinawa Dominican Sisters
Sisters of St. Francis of the Providence of God
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
Southern Border Communities Coalition
Southern Poverty Law Center
Tahirih Justice Center
Transgender Law Center
TransLatin@ Coalition
T'ruah: The Rabbinic Call for Human Rights
UnidosUS (formerly the National Council of La Raza)
United We Dream
Washington Office on Latin America
Women's Refugee Commission

State organizations:

Arizona Justice For Our Neighbors
Asian American Association of New Mexico
Asian Americans Advancing Justice-Atlanta
Asian Americans Advancing Justice-LA
Asian Pacific American Network of Oregon (APANO)
Asian Services in Action, Inc.
Cabrini Immigrant Services of NYC
Casa Esperanza
Church of Our Saviour/La Iglesia de Nuestro Salvador
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
DC-Maryland Justice for Our Neighbors
Faith in Indiana
Farmworker Association of Florida, Inc.
FL Immigrant Coalition
Franciscans for Justice
Friends of Broward Detainees
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Advocacy Project

Kentucky Coalition for Immigrant and Refugee Rights
Legal Aid Justice Center
Massachusetts Immigrant and Refugee Advocacy Coalition
Migrant Justice / Justicia Migrante
Missouri Faith Voices
Missouri Immigrant and Refugee Advocates
National Lawyers Guild, Washington, D.C. Chapter
National Tongan American Society
New Mexico Immigrant Law Center
New York Immigration Coalition
NM Comunidades en Accion y de Fe (CAFe)
Northern Illinois Justice for Our Neighbors
Northwest Immigrant Rights Project
OneAmerica
PICO California
Provincial Council Clerics of St. Viator (Viatorians)
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Rhode Island Jobs with Justice
Sisters of Charity of New York
Sisters of Mercy South Central Community
Sisters of St Francis, St. Francis Province
The Florence Immigrant & Refugee Rights Project
Vermont Interfaith Action

Local organizations:

Advocates for Immigrant Rights and Reconciliation
Adelante Alabama Worker Center
Asian American and Pacific Islander Committee
Asian Americans United
Austin Region Justice for Our Neighbors
Capital Area Immigrants' Rights Coalition
Central American Legal Assistance
Comunidades Unidas en una Voz (CUUV)
CWS-Lancaster
Detained Migrant Solidarity Committee-El Paso
Dominican Sisters-Grand Rapids

Dulles Justice Coalition
First Friends of New Jersey and New York
Florida Asian Services
Florida Chinese Federation
Frontera de Cristo
Greenburgh NY Human Rights Advisory Committee
Hilton Head for Peace
Immigrant Rights Clinic of Washington Square Legal Services
Inland Coalition for Immigrant Justice
Instituto de Educacion Popular del Sur de California (IDEPSCA)
Inter-faith Coalition on Immigration, MN
Jewish Council on Urban Affairs
Justice Coordinating Commission of the Sisters I'd Providence
Justice, Peace and Integrity of Creation Committee of the Sisters of St. Francis of Philadelphia
Kino Border Initiative
Kansas/Missouri Dream Alliance
Legal Services for Children
(LUPE) La Union del Pueblo Entero
Migrant Center for Human Rights
MinKwon Center for Community Action
Mujeres Latinas en Accion
New American Welcome Center at the University YMCA
NorCal Resist
North Bay Jobs with Justice
OCA South Florida Chapter
Orange County Congregation Community Organization
Pangea Legal Services
PASO- West Suburban Action Project
Project South: Institute for the Elimination of Poverty and Genocide
Public Counsel
Sacred Heart Community Service
Sanctuary DMV
Services, Immigrant Rights, and Education Network (SIREN)
Shalom Friends
Sisters of Providence of Saint Mary-of-the-Woods, IN
Sisters of St. Francis of Philadelphia

SOMOS Mayfair

St. Francis Community Services

St. Louis Inter-Faith Committee on Latin America (IFCLA)
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The Green Valley/Sahuarita Samaritans

Urbana-Champaign Independent Media Center

WeCount!

Wilco Justice Alliance (Williamson County, TX)
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