

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, D.C. 20510

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, D.C. 20515

June 26, 2020

Dear Chairman Shelby, Chairwoman Lowey, Chairwoman Capito, Chairwoman Roybal-Allard, Ranking Member Leahy, Ranking Member Granger, Ranking Member Tester, and Ranking Member Fleischmann:

As the coordinators of the Defund Hate Campaign, Detention Watch Network and United We Dream submit this letter ahead of subcommittee markups for Fiscal Year 2021 appropriations for the Department of Homeland Security (DHS). Appended you will find a letter from over 250 national, state, and local organizations calling on Congress to dramatically cut the budgets of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) in FY2021.

Since we shared this letter in March, these agencies have continued to demonstrate a malicious abuse of resources. Throughout June, in the wake of historic protests for the preservation of Black lives, ICE and CBP were documented collaborating with law enforcement in major cities across the country-- wasting critical resources during a pandemic on intimidation and repression tactics to suppress communities from exercising their First Amendment-protected right to protest.¹²

The mishandling of funds is a long-standing practice of these agencies. Now, a year after Congress allocated emergency supplemental funding for these agencies to provide humanitarian aid at our Southern Border, the Government Accountability Office (GAO) released an audit decision revealing that CBP used

¹ Kripa Mehta, Left Voice, "ICE agents are arresting Black Lives Matter Protestors," Jun 14, 2020, <https://www.leftvoice.org/ice-agents-are-arresting-black-lives-matter-protesters>.

² Yesenia Padilla, Southern Border Communities Coalition, "Border Patrol Gloating on Twitter about being Deployed to Clamp Down on Protestors," https://www.southernborder.org/border_patrol_gloating_on_twitter_about_being_deployed_to_clamp_down_on_protesters.

the funds intended for migrant medical care to purchase unrelated goods including ATVs, security cameras, and dog supplies.³

Meanwhile, the ongoing COVID-19 pandemic continues to exacerbate ICE's failings and unwillingness to address them. Public health experts have urged ICE to engage in mass releases, members of Congress have written dozens of letters to the agency, and multiple district courts have ordered the depopulation of detention facilities. Yet, ICE refuses to suspend its dangerous practices. Since March, the agency has funneled nearly 40,000 more people through its detention system and reported six deaths in custody.⁴ Even in the few facilities reported to be actively disinfecting, guards are doing so in reckless ways that inflict further harm and cause secondary illnesses to those in detention.⁵ ICE has also authorized at least 300 deportation flights since February, including flights with passengers known to have been infected with or exposed to COVID-19.⁶

Nevertheless, these agencies are underspending their FY20 appropriations due to the effective closure of the Southern Border and the forced reduction of detention levels. It has long been evident to the more than 250 organizations who signed the appended letter that ICE and CBP have a flagrant disregard for immigrant lives and abuse their resources to terrorize and dehumanize. This truth is even clearer to us now, and the call for funding cuts all the more urgent. As you consider FY21 DHS appropriations over the coming weeks, we ask you to recognize that funding detention, enforcement, and border militarization is unnecessary and harmful, and prioritize implementing significant cuts for ICE and CBP.

Thank you for your consideration.

Sincerely,

Gabriela Viera, *Detention Watch Network*

Sanaa Abrar, *United We Dream*

³ U.S. Government Accountability Office, *Matter of: U.S. Customs and Border Protection-- Obligations of Amounts Appropriated in the 2019 Emergency Supplemental*, Jun 11, 2020, <https://www.gao.gov/assets/710/707500.pdf>.

⁴ See [ice.gov](https://www.ice.gov), Immigration and Customs Enforcement, "Detention Management" and "Detainee Deaths" tabs, <https://www.ice.gov/detention-management#tab2>.

⁵ Inland Coalition for Immigrant Justice and Freedom For Immigrants, "Immigrants Rights Organizations, Directly Impacted Individuals Host Press Briefing on Use of Toxic Chemical Disinfectants at ICE Prisons," Jun 23, 2020, <https://www.freedomforimmigrants.org/news/2020/6/23/immigrant-rights-organizations-directly-impacted-individuals-host-press-briefing-on-use-of-toxic-chemical-disinfectants-at-ice-prisons>.

⁶ Jake Johnston, Center for Economic and Policy Research, "ICE Confirms More than 100 Deportation Flights to 13 Countries in an Eight-Week Period," May 21, 2020, <https://cepr.net/ice-confirms-more-than-100-deportation-flights-to-13-countries-in-an-eight-week-period/>.

The Honorable Mitch McConnell
Majority Leader

The Honorable Charles Schumer
Democratic 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, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House of Representatives

The Honorable Kevin McCarthy
Minority Leader
2468 Rayburn House Office Building
Washington, D.C. 20515

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, D.C. 20515

March 16, 2020

Re: FY 2021 Department of Homeland Security (DHS) Appropriations Bills

Dear Majority Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

As Congress considers the FY2021 Department of Homeland Security (DHS) Appropriations Bill, we the undersigned national, state, and local organizations call on Congress to dramatically cut the budgets of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), to include measures that prevent the administration from exceeding the amounts appropriated by Congress, and preclude the use of funds for programs that unlawfully put asylum seekers fleeing violence and persecution in harm's way.

Taxpayers' dollars should be spent on increasing the welfare and wellbeing of all our communities; instead we have seen the administration utilize its appropriated dollars to do the

complete opposite, year after year. As such, we respectfully request ask that you prioritize the following asks in the FY2021 spending bills:

1. *Dramatic cuts in funding for ICE and CBP, including specifically: no funding for the border wall; cuts in funding for ICE and CBP agents; and significant reductions in funding for detention.*
2. *Accountability measures across spending bills to ensure that the administration is held to appropriated funding levels with regard to detention and enforcement spending and wall and physical barrier construction.*
3. *Prohibitions on the use of funds for the abusive programs being used by the administration to effectively close the southern border to asylum seekers, including: the Migrant Protection Protocols; the regulatory bans on asylum eligibility; the so-called Asylum Cooperative Agreements; and the newly implemented expedited processing programs known as PACR and HARP.*

For seventeen years, Congress has approved funding increases for a cruel, enforcement-only immigration system, more than doubling ICE's budget and more than tripling CBP's budget. For three years, the administration has flagrantly disregarded good governance and appropriations law by overspending the already excessive amounts congressionally appropriated for ICE and CBP and compensating with funding transfers from other DHS accounts *and* other agencies, including the Treasury and the Pentagon. This abuse of power has further entrenched us in a punitive detention and deportation apparatus and advanced the militarization of our southern border. For the safety of our communities and for the moral fabric of our nation, we look to you for leadership on this critical issue.

In recent months, the administration's ongoing attack on immigrant communities has become increasingly retaliatory and politically driven. The administration announced plans to send officers and agents from an elite SWAT-style unit within CBP known as the Border Patrol Tactical Unit (BORTAC) to engage in immigration enforcement.¹ Likewise, it announced a new effort called Operation Palladium to "flood" these cities with ICE special agents normally assigned to risky border operations.² The deployment of these units to targeted sanctuary cities will result in increasingly militarized interior immigration enforcement, leaving families in a state of heightened fear and mistrust, afraid to utilize basic services, obtain medical care, or send their children to school. Militarized enforcement actions threaten all our safety by paralyzing communities and driving people further into the shadows.

These aggressive enforcement tactics feed into an abusive detention system that cages nearly 40,000 people every day throughout the United States, making it the largest immigration

¹ Caitlin Dickerson and Zolan Kanno-Youngs, New York Times, "Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities," Feb. 14, 2020, <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>.

² Caitlin Dickerson, Zolan Kanno-Youngs, Annie Correal, New York Times, "'Flood the Streets': ICE Targets Sanctuary Cities with Increased Surveillance," Mar. 5, 2020, <https://www.nytimes.com/2020/03/05/us/ICE-BORTAC-sanctuary-cities.html?action=click&module=News&pgtype=Homepage>

detention system in the world.³ Those jailed in ICE's network of more than 200 jails and prisons endure persistent and well documented human rights violations on a daily basis, including the extensive use of solitary confinement, rampant sexual abuse, and detention so prolonged and punitive as to have resulted in widespread hunger strikes and suicide attempts.⁴ Only halfway through this fiscal year, seven lives have been lost in ICE custody in FY 2020-- already almost equalling the eight people immigrants' loved ones were forced to mourn last year.⁵

CBP's track record of rampant abuse, excessive use of force and horrific detention conditions have contributed to more than 100 deaths since 2010, including the deaths of at least seven children detained by federal enforcement agents at the border and tens of shooting fatalities, including multiple cross-border shootings of children.⁶ Paired with this administration's obsession with fulfilling a xenophobic and costly campaign promise for a border wall, the borderlands are being devastated. Wall construction is blasting away sacred burial sites, bulldozing precious natural resources and wildlife, and tearing land away from private landowners and ranchers. While candidate Trump promised that Mexico would bear the brunt of costs, this administration has instead circumvented Congress and unlawfully raided other agencies to access billions in authorized funds to build this vanity wall, all bankrolled by the American taxpayer.⁷

This administration has also utilized congressionally appropriated funds to unleash an inter-connecting web of vicious policies at the southern border that are effectively ending asylum as we know it in the United States. These policies include the so-called "Migrant Protection Protocols" or "MPP," an illegal program that has turned tens of thousands of asylum seekers back from the border to wait for hearings in Mexico in horribly dangerous conditions, resulting in more than 800 documented cases of murder, rape, torture, kidnapping and other violent assaults in Mexico.⁸ Yet MPP is only one of a menu of anti-asylum programs the administration has developed to ensure that Central American asylum seekers are shut out from receiving the safety they seek, including: the so-called "safe third country" or Asylum Cooperative Agreement

³ Emily Kassie, The Marshall Project, "Detained: How the United States created the largest immigrant detention system in the world," Sept. 24, 2019, <https://www.themarshallproject.org/2019/09/24/detained>

⁴ Monsy Alvarado, et al., USA Today, "Deaths in custody. Sexual violence. Hunger strikes. What we uncovered inside ICE facilities across the US," Dec. 19, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-asylum-under-trump-exclusive-look-us-immigration-detention/4381404002/>.

⁵ Hamed Aleaziz, BuzzFeed News, "A Mexican Man Has Become The Seventh Immigrant To Die In ICE Custody Since October," 21 Feb. 2020, www.buzzfeednews.com/article/hamedaleaziz/mexican-immigrant-dies-ice-custody-ohio.

⁶ Southern Border Communities Coalition, Deaths by Border Patrol Since 2010, https://www.southernborder.org/deaths_by_border_patrol

⁷ Paul Sonne and Nick Miroff, Washington Post, "Pentagon to divert \$3.8 billion from its budget to build more of Trump's border barrier," Feb. 13, 2020, https://www.washingtonpost.com/national-security/pentagon-to-divert-38-billion-from-its-budget-to-build-more-of-trumps-border-barrier/2020/02/13/1f937000-4e93-11ea-9b5c-eac5b16dafa_story.html

⁸ Human rights researchers are maintaining an online database of those publicly reported cases of violence against individuals in MPP, online at <https://deliveredtodanger.org/>.

⁹ and new expedited processing programs that shuttle asylum seekers through rushed deportations while in the notoriously inhumane short-term CBP processing.¹⁰ Congress can no longer stand idly by while the White House and the Department of Homeland Security unilaterally--and unlawfully--close the United States' borders to those most in need.

Congress must work to restrict funding for the unaccountable forces that target immigrants, people of color, and other vulnerable populations in our communities and on the border. The undersigned organizations stand united in fighting against the policies that exploit and dehumanize immigrants, as well as the funding streams that allow them. We call on you and all Members of Congress to demand a substantial decrease in funding for enforcement, border militarization, detention, and deportations carried out by ICE and CBP.

Sincerely,

National Organizations

Advancement Project, National Office

Alianza Americas

All Above All Action Fund

America's Voice

American Civil Liberties Union

American Friends Service Committee

American Immigration Lawyers Association

American-Arab Anti-Discrimination Committee (ADC)

Amnesty International USA

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice | AAJC

Asian Americans Advancing Justice, Asian Law Caucus

Asian Pacific American Labor Alliance, AFL-CIO

Asian Pacific Institute on Gender-Based Violence

⁹ Stephanie Schwartz, Slate, "The End of Asylum," Oct. 17, 2019, <https://slate.com/news-and-politics/2019/10/refugees-trump-third-country-refoulement.html>.

¹⁰ Quinn Owen, ABC News, "Trump admin to expand fast track returns of asylum seekers at southern border," Jan. 24, 2020, <https://abcnews.go.com/US/trump-admin-expand-fast-track-returns-asylum-seekers/story?id=68517675>.

Asylum Seeker Advocacy Project (ASAP)
Autistic Self Advocacy Network
Bellevue Program for Survivors of Torture
Bend the Arc: Jewish Action
Black and Pink
Center for Biological Diversity
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for Popular Democracy
Center for Victims of Torture
Church World Service
Columban Center for Advocacy and Outreach
Columbia Law School Immigrants' Rights Clinic
Congregation of Our Lady of the Good Shepherd, U.S. Provinces
Defending Rights & Dissent
Demand Progress
Detention Watch Network
Disciples Refugee and Immigration Ministries
Drikung Namgyal Ling
Equality Labs
Faith in Action
Familia TQLM
Families Belong Together (FBT)
Franciscan Action Network
Freedom for Immigrants
Freedom Network USA

Friends Committee on National Legislation
Generation Progress
Grassroots Leadership
GreenLatinos
Greenpeace USA
Hispanic Federation
Human Impact Partners (HIP)
Human Rights Defense Center
Human Rights First
Immigrant Defense Project
Immigrant Legal Resource Center
Immigration Equality Action Fund
Immigration Hub
Indivisible
Japanese American Citizens League
Jesuits West
JUST NATURE
Justice in Motion
Justice Strategies
Latin America Working Group (LAWG)
Leadership Conference of Women Religious
Lights for Liberty
Maryknoll Office for Global Concerns
MediaJustice
Mijente
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 (NASW)
National Bail Fund Network
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Jewish Women
National Equality Action Team
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Iranian American Council Action
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Network for Immigrant & Refugee Rights
NETWORK Lobby for Catholic Social Justice
OCA - Asian Pacific American Advocates
Poder Latinx
Presbyterian Church (U.S.A.)
Quixote Center
RAICES
Revolutionary Love Project
Service Employees International Union (SEIU)
Sin Huellas Artist Collective
Sisters of Mercy of the Americas - Institute Leadership Team
South Asian Americans Leading Together (SAALT)

Southeast Asia Resource Action Center
Southern Border Communities Coalition
SPLC Action Fund
T'ruah: The Rabbinic Call for Human Rights
The Advocates for Human Rights
The Leadership Conference on Civil and Human Rights
UNAVSA
UndocuBlack Network
UnidosUS
Union for Reform Judaism
Unitarian Universalist Service Committee
United We Dream
US Campaign for Palestinian Rights
UUSC Clergy Representative
Voices from the Border
Washington Office on Latin America
We Are All America
Witness at the Border
Women's Refugee Commission

Regional and State Organizations

ACCESS of WNY
AFSC Colorado
Al Otro Lado
California Immigrant Policy Center
Capuchin Franciscan Province of St. Mary (New York and New England)
Centro de Trabajadores Unidos

Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition (CIRC)
Colorado People's Alliance
Congregation Action Network
Diversidad Sin Fronteras TX
Faith in New Jersey
First Friends of NJ & NY
Franciscans for Justice
Haitian Bridge Alliance
Hana Center
ICOM, MN
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Legal Advocacy Project
Immigration Services and Legal Advocacy (ISLA)
Interfaith Movement for Human Integrity
InterReligious Task Force On Central America & Colombia - IRTF Cleveland
Jesuits of the US Central and Southern Province
Jewish Alliance for Law and Social Action
Legal Aid Justice Center
Make the Road Connecticut
Make the Road Nevada
Make the Road New Jersey
Make the Road New York
Make the Road Pennsylvania
Maryland Province of the Society of Jesus
Missouri Faith Voices
NAKASEC Virginia

New Jersey Alliance for Immigrant Justice
New Mexico Immigrant Law Center
New Sanctuary Coalition
New York Immigration Coalition
NHCUCC Immigrant and Refugee Support Group
NM CAFe
NM Dream Team
Northwest Immigrant Rights Project
Ohio Immigrant Alliance
OneAmerica
Pennsylvania Immigration and Citizenship Coalition
PICO California
Project South
Public Counsel
Sanctuary DMV
SC Appleseed Legal Justice Center
Sisters of Charity of New York
Sisters of Mercy in NH
Still Waters Anti-trafficking Program
Texas Civil Rights Project
The Rian Immigrant Center
Together Colorado
USA Northeast Province of the Society of Jesus
Virginia Organizing
Washington Defender Association
Washington Immigrant Solidarity Network

Local Organizations

Adelante Alabama Worker Center

Advocate Visitors with Immigrants in Detention

Alliance San Diego

API Equality-LA

Asian Americans Advancing Justice - Atlanta

Asian Americans United

Bend the Arc: Jewish Action - Pittsburgh

Bend the Arc: Jewish Action - Champaign-Urbana

Bend the Arc: Jewish Action - Southern California

Bend the Arc: Jewish Action - South Florida

Benedictine University

Borderlands Restoration Network

Brooklyn Defender Services

Cabrini Immigrant Services of NYC

Centro de Trabajadores Unidos

Church of Our Saviour/La Iglesia de Nuestro Salvador

Clergy and Laity United for Economic Justice (CLUE)

Cleveland Jobs with Justice

Coachella Valley Immigration Support

Coalición de Derechos Humanos

Desis Rising Up and Moving (DRUM)

Don't Separate Families

El Refugio

Esperanza Community Housing Corporation

Essex County Community Organization

Faith in New York

Franciscan Peace Center
Friends of Broward Detainees
Friends of Broward Detainees
Friends of Miami-Dade Detainees
Granite State Organizing Project
Hollywood Church of God
Houston Immigration Legal Services Collaborative
Human Rights Initiative of North Texas
ICE Fuera de Austin/ICE Out of Austin
Immigrant Rights Action
Indivisible East Bay
Indivisible Northern Nevada
Inland Coalition for Immigrant Justice
Interfaith Welcome Coalition
Kino Border Initiative
Korean Resource Center
La Resistencia
LA Voice
Legal Services for Children
Leo Baeck Temple
Long Beach Immigrant Rights Coalition
Lorraine H.Mastin, JD
Madrean Archipelago Wildlife Center
Mano Amiga
Mariposa Legal
MEKONG NYC
Migrant Rights Collective

MinKwon Center for Community Action
Montgomery County Civil Rights Coalition (Maryland)
New Sanctuary Movement of Philadelphia
NorCal Resist
Northwest Philadelphia Immigrant Action and Mobilization
Open Immigration Legal Services
Orange County Congregation Community Organization
Orange County Equality Coalition
Pangea Legal Services
Queer Detainee Empowerment Project
Refugee Support Network
Seattle Indivisible
Services, Immigrant Rights & Education Network (SIREN)
South Bay People Power
St. Mark's Presbyterian Church
The Bronx Defenders
The Florence Immigrant & Refugee Rights Project
Tri-State Franciscan Solidarity Table
United for a New Economy
Voces Unidas: Louisiana Immigrant's Rights' Coalition
Wayne Action for Racial Equality
Wellspring United Church of Christ
Whidbey Indivisible Refugee and Immigrant Network
Wilco Justice Alliance (Williamson County, TX)
Yemeni American Merchants Association (YAMA)