

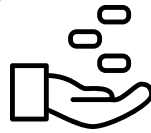
By the Numbers: Manipulation of the Appropriations Process by DHS Fuels Detention Expansion

August 2018

The Department of Homeland Security's appropriated budget for immigration detention, enforcement, and removal 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. Immigration and Customs Enforcement (ICE) has achieved this massive increase through a persistent manipulation of the appropriations process and chronic fiscal mismanagement. During fiscal years 2017 and 2018, ICE repeated the following three steps, allowing the agency to essentially write its own appropriations:

IOU

ICE overspends its appropriated budget for detention and enforcement, assuming that Congress will make it whole before the year's end.

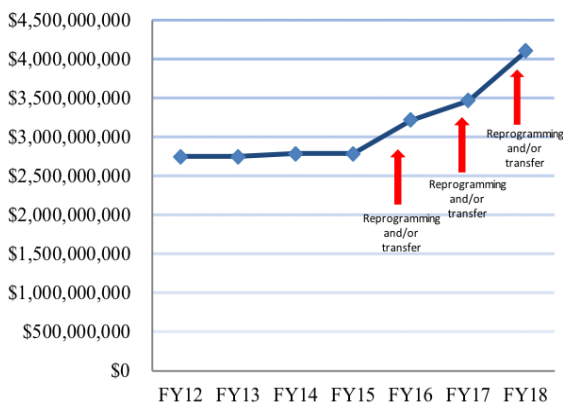


ICE requests and Congress approves an infusion of funds to compensate for the agency's overspending through a transfer and/or reprogramming request.



ICE uses its newly inflated budget as the starting point for spending negotiations heading into the next fiscal year.

ICE Detention and Enforcement Budget



Now we risk ICE adding **yet another** step to the sequence: an anomaly for additional detention funding in a continuing resolution (CR). Absent extraordinary circumstances, a CR is supposed to provide level funding. Instead, an anomaly could significantly increase ICE's detention funding even under a CR, further ratcheting up the baseline funding used as a starting point in negotiations over a final funding bill.

Congress must stop ICE



ICE uses its expanded budget to grow an already bloated detention system, from an average annual detention population of 34,376 in 2016 to 40,726 in 2018. This growth represents a capacity to jail nearly 350,000 people each year.



ICE's network of more than 200 jails is mismanaged in ways that put lives and health at risk every day. Human Rights Watch recently released a report finding medical negligence contributing to more than half of all deaths in custody, and numerous investigations have revealed rampant sexual abuse in immigration jails.



DHS's Office of Inspector General has found ICE's inspections system woefully inadequate. Facilities regularly pass inspections despite significant deficiencies.

Sources for appropriated funding levels and over-spending:

- Government Accountability Office, Immigration Detention: Opportunities Exist to Improve Cost Estimates (April 2018), <https://www.gao.gov/assets/700/691330.pdf>
- Department of Homeland Security Appropriations Act, 2017, <https://bit.ly/2x4zvPj>
- Department of Homeland Security Appropriations Act, 2016, <https://bit.ly/1Oc5xzu>
- Senate Report, Department of Homeland Security Appropriations Act, 2019, <https://bit.ly/2MW1BHI>
- Department of Homeland Security Appropriations Act, 2018, <https://bit.ly/2FVAPaJ>

(In its report accompanying the spending bill for fiscal year 2019 that passed out of the Senate Appropriations Committee in June 2019, the Committee expressed “persistent and growing concerns about ICE’s lack of fiscal discipline, whether real or manufactured, and its inability to manage detention resources within the appropriations made by law without the threat of anti-deficiency...”)

Sources for annual detention population and length of stay data:

- Geneva Sands, ABC News, “Immigration-related arrests by ICE increase under President Trump,” Apr. 17, 2017, <https://abcn.ws/2LzaOfc>
- Garrett Epps, “How the Supreme Court is Expanding the Immigrant Detention System,” Mar. 9, 2018, <https://bit.ly/2wnmbY5>
- Fiscal Year 2019 U.S. Immigration and Customs Enforcement Congressional Budget Justification, <https://bit.ly/2JmbJUx>

Sources regarding safety and health concerns in immigration detention:

- DHS Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities* (December 2017), <https://tinyurl.com/ya7lrwq8>
- DHS Office of Inspector General, *ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 2018), <https://bit.ly/2Mwp2Ug>
- 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 Sperti, The Intercept, “Detained then Violated: 1,224 Complaints Reveal a Staggering Pattern of Abuse in Immigration Detention,” Apr. 11, 2018, <https://bit.ly/2qs2avo>

Contact:

Heidi Altman, National Immigrant Justice Center, haltman@heartlandalliance.org

Mary Small, Detention Watch Network, msmall@detentionwatchnetwork.org