

The Honorable Nancy Pelosi

Speaker

The Honorable Kevin McCarthy

Minority Leader

The Honorable Rosa DeLauro

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

The Honorable Chuck Schumer

Majority Leader

The Honorable Mitch McConnell

Minority Leader

The Honorable Patrick Leahy

Chairman, Committee on Appropriations

The Honorable Richard Shelby

Vice Chairman, Committee on Appropriations

The Honorable Chis Murphy

Chairman, Committee on Appropriations

Subcommittee on Homeland Security

The Honorable Shelley Moore Capito

Ranking Member, Committee on Appropriations

Subcommittee on Homeland Security

U.S. House of Representatives

Washington, DC 20515

U.S. Senate

Washington, DC 20510

September 16, 2021

Re: FY 2022 Continuing Resolution (CR) anomalies request for a short-term CR

Dear Members of Congress:

As you consider the FY2022 Continuing Resolution (CR) Appropriations request for anomalies required for a short-term CR, we write to urge you to oppose the White House's [requests](#) for additional funding or flexibility in spending for immigration enforcement and detention operations. We ask, specifically, that you reject the request from the White House for additional flexibility to increase spending on Immigration and Customs Enforcement (ICE) detention and removals above the Fiscal Year 2021 levels. We also caution against providing additional flexibility for U.S. Customs and Border Protection (CBP) funds that could be channeled towards further border militarization and enforcement. It is critical that Congress assert its authority to stop the administration's unaccountable runaway spending on its abusive detention system and protect against further border militarization.

ICE has expanded its detention system with little accountability at a dramatic rate, in part because Congress has failed to use its power to rein in the agency's wasteful and abusive operations. CBP also has a record of [mis-using funds](#) appropriated by Congress for humanitarian purposes, spending instead on enforcement. Now, the White House FY2022 request for a short-term CR includes an anomaly request to utilize ICE "Operations and Support" funds for [Alternatives to Detention](#) programs, which entail ICE supervision and [electronic surveillance](#) programs, and detention and removal operations for non-citizens apprehended crossing the southwest land border between ports of entry. The request is completely unwarranted, especially

given that Congress funded ICE in FY2021 to detain 10,000 more individuals than are [currently detained](#) and [more than double](#) the amount of people that were in detention at the time.

The White House is also [requesting](#) flexible spending on CBP “Operations and Support” to “respond to changing migration patterns across the southwest land border.” If such flexibility is granted, Congress must include guardrails to ensure this funding is used as intended for timely processing and support for Afghan evacuees, and not for enforcement purposes. Furthermore, any funding to mitigate the effects of COVID should ensure that individuals are not held in congregate settings, but instead released responsibly in coordination with community-based and operated local shelters and community groups.

The immigration detention and enforcement system’s abusive history is long and well-documented. A look at this past year alone reveals the cruelty of this system to which Congress continues to dedicate billions in funding. People in detention continue to file complaints of abuses, including [medical neglect](#), violations of [disability rights](#), and [racist](#) and [discriminatory](#) treatment. Rights groups continue to [document](#) persistent abuses, including due process violations, committed by Border Patrol agents against asylum seekers along the Southwest border.

In March, more than 245 organizations [wrote](#) to urge Congress to prioritize the wellbeing of all immigrant and border communities by dramatically cutting funding to ICE and CBP as a first step to ending the United States’ enforcement-only response to migration. Last month, as the end of FY2021 approached, more than 190 organizations sent a [letter](#) to reiterate the need for Congress to take bold action in FY2022 to reduce the United States’ reliance on incarceration for immigration processing. Today, we write again to raise alarm over the White House’s request for *additional* funding for immigration and detention enforcement on a short-term CR that will continue already bloated enforcement budgets. To make good on its promise to reimagine a humane immigration processing system, the administration should be working to support, not further militarize, border communities; and to reduce, not increase, the population of people detained by ICE.

Congress has the power and the resources to ensure that people navigating their immigration case can do so with their families and with their [community](#)—not behind bars in immigration detention. As you consider the White House short-term CR FY2022 anomalies requests, we, the undersigned organizations, strongly urge you to recognize the critical role of Congress to protect immigrant and border communities from the dangers of ICE’s deadly and unnecessary detention system and Border Patrol’s unaccountable enforcement tactics.

Sincerely,

Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert
Advocates for Basic Legal Equality, Inc.
African American Ministers In Action
Aldea - The People's Justice Center
Alianza Americas

Alianza Nacional de Campesinas
Alliance for Action Immigration Action Group
America's Voice
American Civil Liberties Union
American Friends Service Committee
American Gateways
American Immigration Council
American Immigration Lawyers Association
American Muslim Empowerment Network (AMEN)
American-Arab Anti-Discrimination Committee (ADC)
Amnesty International USA
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice - Los Angeles
Asian Americans Advancing Justice - Atlanta
Asian Counseling and Referral Service
Asian Law Alliance
ASISTA
Asylum Seeker Advocacy Project (ASAP)
Autistic Self Advocacy Network
Avodah
Bend the Arc: Jewish Action
Bend the Arc: Jewish Action California
BORDER ANGELS
Boston University School of Law, Immigrants' Rights and Human Trafficking Program
Bridges Faith Initiative
Brooklyn Community Bail Fund
Capital Area Immigrants' Rights Coalition
Center for Disability Rights
Center for Gender & Refugee Studies
Center for Popular Democracy
Center for Victims of Torture
Chicago Religious Leadership on Latin America
Chinese-American Planning Council (CPC)
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Coastal Roots Farm
Colorado Jobs with Justice
Community Change Action
Connecticut Shoreline Indivisible
CREEC Law (Civil Rights Education and Enforcement Center)
Detention Watch Network
End Streamline Coalition
Fair Immigration Reform Movement (FIRM) Action
Faith in Action

Faith in Public Life
Families for Freedom
Family Voices NJ
Fight for the Future
Florence Immigrant & Refugee Rights Project
Free Migration Project
Freedom for Immigrants
Friends Committee on National Legislation
Good Figures, LLC
H-CAN Immigration and Refugee group
Haitian Bridge Alliance
Hispanic Federation
Houston Immigration Legal Services Collaborative
Human Rights First
ICNA Council for Social Justice (ICNA CSJ)
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Action Alliance
Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Legal Advocacy Project
Immigration Hub
Indivisible
Inland Coalition for Immigrant Justice
International Refugee Assistance Project (IRAP)
Jewish Activists for Immigration Justice of Western MA
Jewish Alliance for Law and Social Action
Jewish Community Action
Jewish Community Action (MN)
Juntos
Justice Strategies
Kern Welcoming and Extending Solidarity to Immigrants
Keshet
Kino Border Initiative
La Resistencia
Latin America Working Group (LAWG)
Legal Aid Justice Center
Living hope wheelchair association
Louisiana Advocates for Immigrants in Detention
Make the Road New York
Mariposa Legal
Maryland Against ICE Detention
Massachusetts Law Reform Institute
Memphis Methodist Immigrant Relief Fund Program
Mijente
Movement for Justice in El Barrio

MPower Change
Mujerxs Organizando Oportunidades Notables
Muslim Advocates
Muslim Voices Coalition
NETWORK Lobby for Catholic Social Justice
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Transgender Equality
National Council of Churches USA
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Network for Immigrant & Refugee Rights
National Priorities Project at the Institute for Policy Studies
Network in Solidarity with the People of Guatemala
New York Immigration Coalition
Nikkei Progressives
Northwest Immigrant Rights Project
Oasis Legal Services
Ohio Center for Strategic Immigration Litigation & Outreach
Ohio Immigrant Alliance
Oxfam America
People's Action
PG Change Makers
Policing and Social Justice Project
Prisoners' Legal Services of MA
Project Blueprint
Public Defenders Coalition for Immigrant Justice (PDCIJ)
Quixote Center
RAICES
Restore The Fourth
Rian Immigrant Center
Robert F. Kennedy Human Rights
San Diego Immigrant Rights Consortium
Sanctuary DMV
Service Employees International Union (SEIU)
Services, Immigrant Rights and Education Network (SIREN)
Showing Up for Racial Justice (SURJ)
Sisters of Mercy of the Americas Justice Team
Southeast Asia Resource Action Center (SEARAC)
Southeast Immigrant Rights Network (SEIRN)
Southern Border Communities Coalition
SPAN Parent Advocacy Network (SPAN)
SPLC Action Fund
St. Francis in the Foothills

Tahirih Justice Center
Takoma Park Mobilization -- Equal Justice
The Advocates for Human Rights
The Bronx Defenders
The Workers Circle
Tuesdays with Tillis
UndocuBlack Network
Unidad Latina en Accion CT
Unitarian Universalist Service Committee
United We Dream
UnLocal
Until Freedom
Voces Unidas
Washington Defender Association
Wind of the Spirit Immigrant Resource Center
Women's Refugee Commission