

The Honorable Nancy Pelosi  
*Speaker*

The Honorable Chuck Schumer  
*Majority Leader*

The Honorable Kevin McCarthy  
*Minority Leader*

The Honorable Mitch McConnell  
*Minority Leader*

The Honorable Rosa DeLauro  
*Chairwoman, Committee on Appropriations*

The Honorable Patrick Leahy  
*Chairman, Committee on Appropriations*

The Honorable Kay Granger  
*Ranking Member, Committee on Appropriations*

The Honorable Richard Shelby  
*Vice Chairman, Committee on Appropriations*

The Honorable Lucille Roybal-Allard  
*Chairwoman, Committee on Appropriations,  
Subcommittee on Homeland Security*

The Honorable Chis Murphy  
*Chairman, Committee on Appropriations,  
Subcommittee on Homeland Security*

The Honorable Chuck Fleischmann  
*Ranking Member, 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

April 21, 2022

**Re: FY 2023 Department of Homeland Security (DHS) Appropriations**

Dear Members of Congress:

As Congress considers Department of Homeland Security (DHS) appropriations for Fiscal Year 2023, the 190 undersigned national, state, and local organizations urge you to prioritize meaningful reductions to funding for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). For too long, immigrant and border communities have suffered the traumatic and deadly consequences that ICE and CBP funding unfailingly entails. Federal funding should center the dignity and wellbeing of all people, but year after year these agencies receive billions in taxpayer dollars to target, incarcerate, and deport beloved community members and militarize communities that millions call home.

The Biden administration came into office making promises, echoed by many in Congress, that provided hope to immigrant and border communities that this harmful cycle of punitive enforcement spending would end. But we were dismayed to see the deadly harms of mass immigration enforcement continue and even expand. After nearly half a year of extending Trump-level funding through multiple continuing resolutions, [Congress passed](#) an FY 2022 DHS appropriations bill that increased funding for immigration detention, mass surveillance, and border militarization after months of backroom negotiations.

People detained and their loved ones, immigrant rights advocates, and even government oversight bodies have been sounding the alarm about the endemic abuse in ICE detention facilities for nearly two decades now. Most recently, DHS' Office of the Inspector General (OIG) issued a scathing [report](#) detailing the abuse and neglect experienced by people detained at the Torrance County Detention Facility, including hazardous

conditions like inoperable toilets, broken water fountains, and mold. The report followed a [failed facility inspection](#) at Torrance last year, yet ICE went so far as to question the integrity of the OIG's investigation—another example of ICE's disinterest in addressing the abysmal conditions at its facilities and callous disregard for the lives of people in its custody.

Even as the overwhelming bank of evidence detailing the inherent and irreparable cruelty of ICE detention grows, and even as the Biden administration [moves](#) to close a handful of detention centers, the system continues to expand as well. In September, ICE signed a contract to operationalize the Moshannon Valley Correctional Center, a former Bureau of Prisons (BOP) jail in Pennsylvania with capacity for nearly 2,000 people. A few months later, the agency entered another agreement to [expand the Folkston](#) ICE Processing Center in Georgia, creating the largest detention center in the country with capacity for over 3,000 people. Each state's detention capacity approximately doubled. This has tremendous consequences for BIPOC communities — black immigrant populations face higher rates of detention and deportation as well as disproportionate rates of punishment inside detention than other groups, while Southeast Asian refugees are [three to four times](#) more likely to be deported for old criminal convictions.

Another area that has seen enormous and alarming growth in the last year is the funding and implementation of invasive surveillance technologies for enforcement purposes. ICE's Intensive Supervision Appearance Program (ISAP) relies on punitive measures, including ankle shackles, facial recognition technology, and geolocation tracking, to surveil and restrict the liberty of immigrants while deceitfully marketing the program as an "alternative" to detention (ATD). A [recent report](#) detailed the widespread physical and mental harms experienced by an overwhelming majority of program participants, in addition to an alarming 12% reporting suicidal thoughts. As of [March 12th](#), there are 191,988 people enrolled in ICE's ATD programs<sup>1</sup>—a 121 percent increase from the number of people enrolled when President Biden took office.

This approach has also fueled expanding invasive border surveillance infrastructure. The FY 2022 DHS appropriations bill included \$435.4 million for technologies ranging from drones and surveillance towers to facial recognition. CBP's weaponization of technology will disrupt the lives and infringe on the civil rights of all border residents, particularly Black, brown, and Indigenous communities who are already disproportionately criminalized by border enforcement. For instance, research found that U.S.-developed algorithms misidentify Asians, African Americans, and native populations at significantly [higher rates](#). This could lead to false accusations, detention, or deportation. Further, as decades of a deterrence-based approach to border policy has proven, mounting militarization does not prevent migration and will only result in more deaths as people are forced into more dangerous routes to evade detection.

Nevertheless, the construction of physical barriers continues in addition to mass regional surveillance. In previous years, Congress funneled billions into border wall construction that it has so far failed to rescind. This construction has wreaked destruction on the borderlands and millions who call the region home, including damage to lands sacred to the O'odham, Carrizo-Comecrudo, and Kumeyaay peoples; desecration of Native American burial sites; dynamiting pristine mountain wilderness; erecting walls in floodplains; separating imperiled wildlife populations; destroying fragile resources in national wildlife refuges, forests, monuments and other public lands; depleting ancient water sources in sensitive desert ecosystems; and seizing ranches, farms, and backyards from families. As of now, these harms continue.

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<sup>1</sup> This is a gross underestimation of the amount of people under ICE supervision, as only heads of household are reported in enrollment statistics.

Whether evading or encountering our mass physical and virtual border infrastructure, CBP's presence in the borderlands is fatal for migrants. This year on February 19th, a U.S. Border Patrol agent [shot and killed](#) Carmelo Cruz Marcos, 32-year-old father of three, in southeast Arizona. According to [tracking](#) conducted by the Southern Border Communities Coalition, this is one of at least 213 deaths that resulted from an encounter with CBP since 2010.<sup>2</sup> We are heartbroken by the continued preventable loss of life, and enraged by [concerning evidence](#) of attempts by the agency to obstruct accurate reporting and subsequent investigation of the tragic incident. As evidenced, CBP's Border Patrol is an unaccountable force of terror in the border regions, yet its budget has continuously expanded over the years—funded at an increased \$5.1 billion in FY 2022 and composing more than a third of CBP's discretionary budget.

The federal budget should be a moral document that reflects our values, in which funding that perpetuates xenophobia and racism has no place. President Biden's recently released FY 2023 budget request encouragingly included a significant cut to ICE detention from the current average daily population level of 34,000 to 25,000, as well as a decrease in ICE's enforcement and removal funding. However, it also seeks massive increases to ICE's dangerous e-carceration and surveillance programs and CBP funding, including 300 additional Border Patrol agents and hundreds of millions for invasive border surveillance technology. Congress's FY 2023 negotiated DHS bill should build on the requested cuts to ICE enforcement and custody funding and make significant reductions where the budget request failed to.

The only way forward is to begin scaling back ICE and CBP's sprawling infrastructure of jails, agents, and border barriers by cutting their overall budgets. We urge Congress to truly shift away from a punitive response to migration by prioritizing meaningful funding reductions to the following areas:

- *ICE Enforcement and Removal Operations, particularly ICE Custody Operations and ICE Alternatives to Detention, to cut funding for detention, deportation, and surveillance programming*
- *U.S. Border Patrol Operations to cut funding for agents and surveillance technologies*
- *CBP Procurement, Construction, and Improvements, particularly funding for "border security technologies" and rescinding previously appropriated, unspent funds for border wall construction*

As we approach 20 years since the creation of these agencies, it's time to take stock of the immense harm that ICE and CBP have wrought: incalculable deaths, separations of loved ones, mental and physical trauma, and community destabilization. The continued waste of taxpayer dollars on ICE and CBP, particularly as the country continues to reel from the devastating impact of an ongoing global pandemic, is shameful. If Congress truly wants to support and protect immigrant communities, it must act now by significantly cutting ICE and CBP funding in Fiscal Year 2023.

Sincerely,

Advocate Visitors with Immigrants in Detention (AVID)  
Al Otro Lado  
Alabama Coalition for Immigrant Justice  
Alianza Americas  
Alianza Latina Internacional  
Ameinu  
American Civil Liberties Union

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<sup>2</sup> This tracking relies on media coverage as well as CBP reporting, which the Government Accountability Office (GAO) confirmed in 2020 is inconsistent on death-related information. It is certainly an undercount.

American Friends Service Committee (AFSC)  
American Friends Service Committee, Colorado  
American Gateways  
American Immigration Lawyers Association  
Amnesty International USA  
Arizona Justice For Our Neighbors  
Asian American Legal Defense and Education Fund (AALDEF)  
Asian Americans Advancing Justice | AAJC  
Asian Pacific Institute on Gender-Based Violence  
Asylum Seeker Advocacy Project (ASAP)  
Autistic Self Advocacy Network  
Avodah  
Bend the Arc: Jewish Action  
Bend the Arc: Jewish Action - South Jersey Chapter  
Bend the Arc: Jewish Action - Maryland  
Bend the Arc: Jewish Action - Long Island  
Bend the Arc: Jewish Action - Pittsburgh  
Bend the Arc: Jewish Action - Champaign-Urbana  
Benedictine Sisters of Baltimore  
Black LGBTQ+ Migrant Project  
BORDER ANGELS  
Border Network for Human Rights  
Bridges Faith Initiative  
Broward for Progress  
California Collaborative for Immigrant Justice (CCIJ)  
Camino Común: Solidarity International  
Carolina Jews for Justice  
Casa San Jose  
Causa  
Center for Gender & Refugee Studies  
Center for Law and Social Policy (CLASP)  
Center for Popular Democracy  
Center for Victims of Torture  
Central American Resource Center - Los Angeles  
Central American Resource Center - Northern CA (CARECEN SF)  
Centro de Trabajadores Unidos: United Workers Center  
Chicago Religious Leadership Network on Latin America  
Church World Service  
CIMA  
Cleveland Jobs With Justice  
Coalición de Derechos Humanos  
Coalition for Humane Immigrant Rights (CHIRLA)  
Colectiva Legal del Pueblo  
Colorado Immigrant Rights Coalition  
Colorado Jobs with Justice  
Colorado People's Alliance  
Community Change Action  
Community Justice Exchange

Comunidades Sin Fronteras CSF-CT INC  
Comunidades Unidas en una Voz (CUUV)  
Connecticut Shoreline Indivisible  
Corazón (AZ Federation of Faith in Action)  
Courage California  
CVelez Consulting  
Doctors for Camp Closure  
Envision Freedom Fund  
Faith in New Jersey  
Faith in Public Life  
Faithful Friends/Amigos fieles  
Families for Freedom  
Fayetteville Police Accountability Community Taskforce  
FIRM Action  
FLIC  
Florence Immigrant & Refugee Rights Project  
Florida Immigrant Coalition  
Free Migration Project  
Freedom for Immigrants  
Freedom Network USA  
Friends Committee on National Legislation  
Grassroots Leadership  
Guadalupe Presbyterian Church (USA)  
Hispanic Federation  
Home is Here NOLA  
Human Impact Partners (HIP)  
Human Rights Defense Center  
Human Rights First  
IC4IJ  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Action Alliance  
Immigrant Defense Project  
Immigrant Legal Resource Center  
Immigrant Rights Action  
Immigrant Welcoming Working Group, Plymouth Congregational Church, Minneapolis  
Immigration Hub  
Indivisible  
Inland Coalition for Immigrant Justice  
Inland Empire Immigrant Youth Collective  
Innovation Law Lab  
Inter-Faith Committee on Latin America(IFCLA)  
Iowa Migrant Movement for Justice  
Japanese American Citizens League  
Jewish Alliance for Law and Social Action  
Jewish Community Action (MN)  
Just Futures Law  
Justice Strategies  
Keshet

Latinx Therapists Action Network  
Law Students for Immigrant Justice  
Legal Aid Justice Center  
Long Beach Immigrant Rights Coalition  
Louisiana Advocates for Immigrants in Detention  
Madrean Archipelago Wildlife Center  
Make the Road NY  
Mariposa Legal, program of COMMON Foundation  
Maryland Against ICE Detention  
Massachusetts Jobs with Justice  
Mijente  
Minnesota Interfaith Coalition on Immigration  
Movement for Justice in El Barrio  
MoveOn  
Muslim Justice League  
National Council of Jewish Women  
National Domestic Workers Alliance  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project of the National Lawyers Guild  
National Korean American Service & Education Consortium (NAKASEC)  
National Partnership for New Americans  
National Priorities Project at the Institute for Policy Studies  
Network in Solidarity with the People of Guatemala (NISGUA)  
NETWORK Lobby Catholic Social Justice  
Never Again Action  
New Hampshire - Vermont Guatemala Accompaniment Project  
New Mexico Immigrant Law Center  
New York Immigration Coalition  
Nikkei Progressives  
NorCal Resist  
North Carolina Justice Center  
Northwest Immigrant Rights Project  
Ohio Immigrant Alliance  
OneAmerica  
Pan Left Productions  
Plymouth Church Immigrant Welcoming Working Group  
Plymouth Congregational Church, Minneapolis MN  
Power Shift Network  
Presente.org  
Public Counsel  
Public Defenders Coalition for Immigrant Justice  
Quixote Center  
Rainbow Beginnings  
Restore The Fourth  
Rocky Mountain Immigrant Advocacy Network  
Rural Organizing Project  
Sanctuary DMV

SEAC Village  
Seattle Immigrant Rights Action Group  
Services, Immigrant Rights and Education Network (SIREN)  
Showing Up for Racial Justice  
SIREN  
Sisters of Mercy of the Americas Justice Team  
Sojourners  
South Asian Americans Leading Together (SAALT)  
Southeast Asia Resource Action Center (SEARAC)  
Southeast Immigrant Rights Network (SEIRN)  
Southern Border Communities Coalition  
Sunrise Movement  
T'ruah: The Rabbinic Call for Human Rights  
Tahirih Justice Center  
Takoma Park Mobilization Equal Justice  
Texas Civil Rights Project  
The Advocates for Human Rights  
The Bronx Defenders  
The Leadership Conference on Civil & Human Rights  
The Workers Circle  
Transgender Law Center  
Tsuru For Solidarity  
UndocuBlack Network  
Unitarian Universalist Association  
Unitarian Universalist Service Committee  
Unitarian Universalists for Social Justice  
United We Dream  
UnLocal  
US Campaign for Palestinian Rights (USCPR)  
Vermont Interfaith Action  
Veterans For Peace  
Voice for Refuge Action Fund  
Wayne Action for Racial Equality  
Wilco Justice Alliance (Williamson County, TX)  
Win Without War  
Wind of the Spirit Immigrant Resource Center  
Witness At The Border  
Women Watch Afrika  
Young Center for Immigrant Children's Rights