

Top 5 Immigration Priorities for a Just Budget in Fiscal Year 2023

September 2021

Immigrant communities bring vibrancy and resilience to the United States. For too long, the United States budget has not reflected this reality. Evidence shows that the smart and humane budgetary approach to migration management is to invest in legal services providers, processing systems centered around due process and dignity, and community-based programs that deliver holistic social services. Instead, for decades, the United States has spent billions of dollars on policing and detaining asylum seekers and immigrants, putting enforcement and deterrence at the heart of immigration policy.

The consequences have been deadly, with harms inflicted disproportionately on Black, Brown, and Indigenous immigrant and border communities. Now is the time for change. We call on the Biden administration to craft a Fiscal Year 2023 immigration budget that divests from detention and enforcement and invests in legal services and community-based programming that enhance all our communities' safety and well-being. The following five priorities are a critical starting place.

➡ Decrease Reliance on Immigration Detention

The use of detention for immigration processing was anomalous for much of the 20th century, but has ballooned in recent decades. This growth has been largely driven by private prison lobbying and has proven harmful and even deadly for those detained. The United States' costly reliance on detention is unnecessary, as studies show that community-based case management and legal representation programs result in appearance rates of nearly 100% for immigrants in court proceedings.

The FY2023 budget proposal should dramatically reduce funding for detention capacity to move away from the reliance on detention for migration processing. This reduction should be accompanied by bill language that requires Immigration and Customs Enforcement (ICE) to engage in individualized custody determinations for all people, with a preference for release or placement in community-based alternatives to detention.

➡ Fund Community-Based Support Programming Outside of the Department of Homeland Security (DHS)

As ICE detention grew exponentially in recent years, so did ICE's "Alternatives to Detention" program, through the Intensive Supervision Appearance Program (ISAP), which largely relies on electronic monitoring and has never served to reduce the use of detention. Attempts to incorporate case management principles into ISAP have and will continue to be insufficient to create appropriate, evidence-based nationwide community-based support programming, including continuity of support for people released from the border.

The FY2023 budget proposal should phase out ISAP and move case management into the hands of experienced, trusted community-based non-profit service providers. To generate trust in the program,

maximize holistic legal services and comprehensive support, and ensure that case management support is delinked from enforcement and detention, administration and funding for case management should fall outside of ICE and DHS, and should be moved to the Department of Health and Human Services.

➡ Provide Appointed Counsel for All Indigent Immigrants through the Department of Justice and All Unaccompanied Children through the Department of Health and Human Services

More than half a million people in immigration court proceedings currently face the prospect of deportation without a lawyer. Legal counsel is proven to drastically increase the prospect of a person winning relief. It also increases compliance with the immigration court process by ensuring that noncitizens are aware of the process and able to fully participate in it.

The FY2023 budget should continue and expand funding for appointed counsel in immigration court proceedings, including not only asylum seekers but also long-time residents of the United States who are arrested by ICE. The Department of Justice budget should fund counsel for all indigent adults and families in the immigration court system, and the Department of Health and Human Services should do the same for unaccompanied children.

➡ Decrease Funds for Customs and Border Protection (CBP) Surveillance Programs

DHS surveillance technologies threaten the privacy and civil liberties of U.S. citizens and noncitizens along the southern and northern borders and far into the interior. CBP's history of turning invasive surveillance on domestic populations paired with a lack of agency oversight raises concerns that additional investment in "virtual" walls will turn into expansive surveillance, disproportionately impacting Black, Brown, and Indigenous communities. Far from being a more "humane" or "smart" alternative to a physical wall, virtual walls continue to harm wildlife, interrupt tourism, recreation and businesses, and increase migrant mortality as individuals take more dangerous routes.

The FY23 budget proposal should sharply reduce DHS surveillance technologies. This should include restrictions on funding for CBP biometric surveillance collection programs, unmanned aerial vehicles, automatic license plate readers, facial recognition technology, tethered blimps, thermal imaging technology, surveillance towers, and wide-area surveillance.

➡ Decrease Size of the ICE and Border Patrol Agent Force

Since 2003, the number of Border Patrol agents has doubled and the number of ICE officers has tripled. These increases, combined with rampant corruption and abuse, have created a pervasive climate of fear among immigrant and border communities, and contributed to the abusive over-policing of Black, Brown and Indigenous communities. Meanwhile, agreements under the 287(g) program further expand the reach of federal immigration enforcement by authorizing state and local police to act as enforcement agents as well.

The FY2023 budget should significantly scale down the federal immigration enforcement agent force by decreasing funding for both ICE and Border Patrol agents. This reduction should be accompanied by termination of the 287(g) program, including existing contracts under this title.

Signatory Organizations

Adhikaar
Advocates for Basic Legal Equality, Inc.
The Advocates for Human Rights
African American Ministers In Action
African Communities Together
Alianza Americas
Alianza Nacional de Campesinas
America's Voice
American Civil Liberties Union
American Friends Service Committee
American Immigration Council
American Gateways
Asian American Advocacy Fund
Asian American Federation of Florida - South Region
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice-Atlanta
Asian Caribbean Exchange
Asian Counseling and Referral Service
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Institute on Gender-Based Violence
Asylum Seeker Advocacy Project (ASAP)
Bend the Arc of Greater Ann Arbor
Bend The Arc, Southeastern PA
Bend the Arc: Jewish Action
Bend the Arc: Jewish Action South Jersey
Broward for Progress
California Collaborative for Immigrant Justice (CCIJ)
Capital Area Immigrants' Rights Coalition
Casa Ruby
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for Popular Democracy
Center for Victims of Torture
Church World Service
Civil Rights Education and Enforcement Center
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition on Human Needs
Common Defense
Comunidad Maya Pixan Ixim
Community Change Action
Congregation Action Network
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Connecticut Shoreline Indivisible
 Cultural and Secular Jewish Organization
 #DetentionKills
 Detention Watch Network
 Disciples Immigration Legal Counsel
 Disciples Refugee & Immigration Ministries
 Empowering Pacific Islander Communities (EPIC)
 Faith in Public Life
 Familia: Trans Queer Liberation Movement
 Farmworker Association of Florida
 First Focus on Children
 FIRM Action
 First Friends of New Jersey and New York
 Florence Immigrant & Refugee Rights Project
 Florida Asian Services
 Florida Asian Women Alliance
 Freedom Network USA
 GLBTQ+ Asian Pacific Alliance (GAPA)
 Grassroots Leadership
 Hispanic Federation
 Human Rights First
 Human Rights Initiative of North Texas
 Human Rights Watch
 Illinois Coalition for Immigrant and Refugee Rights
 Immigrant Action Alliance
 Immigrant and Non-Citizen Rights Clinic, CUNY School of Law
 Immigrant Defenders Law Center
 Immigrant Legal Advocacy Project
 Immigrant Legal Resource Center
 Immigrant Welcoming Group, Plymouth Congregatioanl Church of Minneapolis
 Immigration Equality
 Immigration Hub
 Indivisible
 Inland Coalition for Immigrant Justice
 Interfaith Coalition on Immigration (ICOM)
 Interfaith Community for Detained Immigrants
 Interfaith Welcome Coalition - San Antonio
 InterReligious Task Force on Central America and Colombia
 ISLA: Immigration Services and Legal Advocacy
 Jewish Alliance for Law and Social Action
 Just Futures Law
 Justice for Migrant Families Western New York
 Keshet
 Latin America Working Group
 Legal Aid Justice Center
 Lights for Liberty
 Make the Road New York
 Massachusetts Law Reform Institute
 Mijente
 Movement for Justice in El Barrio

National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Network for Immigrant & Refugee Rights
National Partnership for New Americans (NPNA)
National Priorities Project at the Institute for Policy Studies
New Mexico Asian Family Center (NMAFC)
New Mexico Center on Law and Poverty
New York Immigration Coalition
NorCal Resist
Northwest Immigrant Rights Project
OCA South Florida Chapter
OPAWL - Building AAPI Feminist Leadership in Ohio
Presente.org
Public Counsel
Refugee Action Network of Illinois
RefugeeOne
Rian Immigrant Center
Rocky Mountain Immigrant Advocacy Network
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas Justice Team
Social Eco Education (SEE-LA)
Southern Poverty Law Center
Takoma Park Mobilization - Equal Justice
The Bronx Defenders
The Leadership Conference on Civil and Human Rights
The Public Defenders Coalition for Immigrant Justice
U.S. Committee for Refugees and Immigrants
UndocuBlack Network
Union for Reform Judaism
United Church of Christ Justice and Witness Ministries
United We Dream
UnLocal
Win Without War
Wind of the Spirit Immigrant Resource Center
Women's Refugee Commission
Young Center for Immigrant Children's Rights
Unitarian Universalists for Social Justice