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Re: Human Rights Watch Letter Regarding Conference Negotiations for a Budget Deal

We write to urge you to reduce funding for the administration's wasteful and abusive immigration enforcement activities and to exercise much-needed oversight over the Department of Homeland Security (DHS) during the ongoing spending conference. Specifically, we urge you to support only legislation that cuts funding for immigration detention and enforcement and imposes explicit limitations on DHS's ability to reprogram or transfer funds into detention and enforcement accounts. Human Rights Watch has documented serious failures by the DHS to use existing resources under previous budgets in rights-respecting ways. As long as these problems remain unaddressed, any funding increase in these areas is likely to cause a proliferation of abuses. As a matter of responsible oversight, Congress should not increase funding in these areas without first addressing serious failings in border policy, immigration detention, and enforcement that lead to rights violations.

The final FY2019 DHS Appropriations bill should accomplish the following:

1. **Congress should reduce the enforcement and detention budget for Immigration and Customs Enforcement (ICE) and Customs and Border Protection.** CBP's budget has nearly tripled since DHS's inception in 2003 and ICE's has more than doubled—the two budgets total \$24 billion in taxpayer dollars, a [historically unprecedented high](#). These budgets have ballooned while the overall trend on the border has been a significant decrease in the number of crossings, down by [hundreds of thousands](#) in recent decades. Individual Border Patrol agents now apprehend, on average, fewer than [two people per month](#), and [60% of those are families and children](#) who usually turn themselves in. Yet DHS's rapid and unchecked growth in spending has given rise to [serious abuse](#).

Human Rights Watch has documented: [failures by CBP](#) to follow US law when apprehending asylum seekers at the border; the [separation and mistreatment](#) of families traveling together to the US to seek asylum; [systemic failures](#) in detention medical care that is linked to dozens of preventable deaths; transfers of immigrant detainees between far-flung detention centers in ways that [interfere with their due process rights](#); the abuse of [transgender women](#) in detention; and [widespread summary deportations](#) of people who call the United States home—including mothers, fathers, and spouses of US citizens, tax-paying employees, and respected community members—without giving them a chance for consideration of their deep and longstanding ties to the United States before removing them from the country. In addition, the media and other organizations have documented DHS' harmful treatment of immigrants, including [women](#)—particularly those who are [pregnant](#)—in detention, [DACA recipients](#), [domestic violence survivors](#), and [children](#). Measures should be taken to rectify the structural causes of these abuses and the impunity that has generally attached to them, before any increase in appropriations towards enforcement activity is considered.

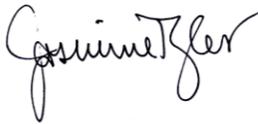
2. **Congress should explicitly limit DHS's authority to transfer or reprogram money toward increasing immigration detention, or other enforcement programs.** In recent years, ICE has redirected appropriations to grow its detention and enforcement machinery, spending beyond Congressional appropriations to expand detention to peak levels. ICE employed this tactic during the most recent partial government shutdown as it [expanded to 48,000 individuals in custody](#) despite the fact that the agency had only been appropriated funds to detain 40,500 individuals per day.
3. **Congress should ensure the Department of Homeland Security, particularly ICE and Customs and Border Protection (CBP) are investing adequately in accountability and oversight and should impose vital safeguards and reporting obligations in order to hold DHS accountable.** Despite congressional reprimands in response to unmet demands for transparency and required reports, DHS under the Trump administration has failed to comply with budgets, deadlines, and reporting requirements--and, shockingly, faced no consequences for these failures. Instead, its budget continues to skyrocket. **For this reason, critical accountability measures such as limitations on transfer and reprogramming authority must be included in**

statutory text, not just report language. It is now in your power to reverse the trend and start tackling the harms that deployment of these resources regularly causes.

4. Congress should carefully consider whether surveillance technologies would violate the human and constitutional rights of travelers, immigrants, and people who live near the border—and decline to fund those that it believes would do so. It should also conduct robust oversight of government surveillance technologies already deployed at the border, and ensure that any employment of surveillance technologies is disclosed in any relevant immigration or criminal cases so as to ensure judicial scrutiny of any potential rights violations. The House Democrat border security proposal has called for “an expansion of risk-based targeting,” drone surveillance, and “new cutting-edge technology to improve situational awareness.” We are concerned that funding further government surveillance on the border could amount to increased rights-violating surveillance of large numbers of people in the United States.

We look to Congress and this conference committee to uphold these principles and also use the conference report for the FY2019 DHS Appropriations bill to take steps toward reining in an agency that has operated in an abusive manner and with impunity. We urge all Members of Congress to reject the President’s manufactured border crisis, which serves as a thinly-veiled attempt to fund his abusive policy proposals. We call on you to demonstrate bold leadership, reset the course toward good governance and accountability, and work to re-align DHS spending with human rights norms and our shared values of dignity, fairness, and common sense.

Sincerely,



Jasmine L. Tyler
Advocacy Director
US Program, Human Rights Watch
HRW.org
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CC:

The Honorable Mitch McConnell
Republican Leader
US Senate

The Honorable Charles Schumer
Democratic Leader
US Senate

The Honorable Kevin McCarthy
Republican Leader
US House of Representatives

The Honorable Nancy Pelosi
Democratic Leader
US House of Representatives

Members of the US House of Representatives

Members of the US Senate