

1630 Connecticut Avenue, N.W., Suite 500
Washington, DC 20009
Tel: 202-612-4321
Fax: 202-612-4333; 202-478-2988

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November 27, 2018

The Honorable Mitch McConnell
Republican Leader
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Paul Ryan
Republican Leader
1233 Longworth House Office Building
Washington, D.C. 20515

The Honorable Charles Schumer
Democratic Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Democratic Leader
233 Cannon House Office Building
Washington, D.C. 20515

Re: Decreasing enforcement funding in FY 2019 DHS Appropriations bill

Dear Majority Leader McConnell, Speaker Ryan, Minority Leader Schumer,
and Minority Leader Pelosi:

I write on behalf of Human Rights Watch to urge you to reduce funding for the administration's wasteful and abusive immigration enforcement activities. Instead of passing a full-year spending bill for the Department of Homeland Security (DHS) when the continuing resolution expires on December 7, we urge you to pass a clean, short-term continuing resolution without extra enforcement funds and allow the next Congress to debate the appropriate budget for DHS and crucially needed oversight measures.

Human Rights Watch has documented serious failures by DHS to use existing resources under previous budgets in rights-respecting ways. Despite repeated reports by Human Rights Watch, other nongovernmental organizations, and the DHS's own Inspector General, these problems continue to remain unaddressed. Increasing funding to an agency unable to remedy its past abuses will only exacerbate those problems. As a matter of responsible oversight, Congress should not increase funding in these areas without also addressing serious failings in border policy, immigration detention, and enforcement that lead to rights violations.

Human Rights Watch has documented: [failures by CBP](#) to follow US law when apprehending asylum seekers at the border; [\[1\]](#) the [separation and](#)

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[mistreatment](#) of families traveling together to the US to seek asylum;[\[2\]](#) [systemic failures](#) in detention medical care that has contributed to preventable deaths;[\[3\]](#) transfers of immigrant detainees between far-flung detention centers in ways that [interfere with their due process rights](#);[\[4\]](#) the abuse of [transgender women](#) in detention;[\[5\]](#) and [widespread summary deportations](#) of people who call the United States home—including mothers, fathers, and spouses of US citizens; [\[6\]](#) 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](#) [\[7\]](#)— particularly those who are [pregnant](#)[\[8\]](#) – in detention, [DACA recipients](#),[\[9\]](#) [domestic violence survivors](#),[\[10\]](#) and [children](#).[\[11\]](#) 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.

The abuses that we and others have documented require enhanced oversight and greater attention to due process. We recognize that these activities may, in fact, require appropriation of funds. For example, ensuring due process rights may require allocating funds to hire immigration judges and provide know-your-rights [services](#);[\[12\]](#) it may require ensuring counsel for noncitizens whose due process rights are threatened in immigration proceedings including vulnerable groups such as persons with [mental disabilities](#);[\[13\]](#) it requires [transparency in data collection](#) and dissemination;[\[14\]](#) and in effective accountability mechanisms within DHS and its component agencies. However, without a clear commitment by this administration and this Congress to appropriate first to these types of activities, there should at the very least not be any increase in appropriations for enforcement and detention. ICE has not even complied with the reporting requirements from the FY 2018 appropriations bill; it should not be rewarded with more funding.

We call on you to reject any increase in appropriations that will exacerbate serious rights violations in the existing immigration enforcement system, and instead to put forward appropriations that will enhance transparency, due process, accountability, and fair treatment of all people subject to DHS jurisdiction.

Signed,



Jasmine L. Tyler
Advocacy Director, US Program