



July 23, 2018

Chairman Rodney Frelinghuysen
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Homeland Security
H-305, The Capitol
Washington, DC 20515

Ranking Member Nita Lowey
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Homeland Security
H-305, The Capitol
Washington, DC 20515

Re: Markup of FY 2019 (“FY19”) Homeland Security (“DHS”) Appropriations Bill

Dear Chairman Frelinghuysen, Ranking Member Lowey, and Members of the Committee:

On behalf of Amnesty International USA (“AIUSA”) and our more than one million members and supporters nationwide, we urge this Committee to reject all funding increases for Customs and Border Protection (“CBP”) and Immigration and Customs Enforcement (“ICE”) in the recently released FY19 DHS Appropriations Bill. This Committee should not appropriate any funds for President Trump’s Border Wall, other purported “border security measures,” and additional ICE detention beds.

1. No Justification for Increased Spending on Border Enforcement

The FY19 House DHS spending bill would provide an unprecedented \$5 billion for President Trump’s Border Wall and other southwest border enforcement measures. Southwest border apprehensions have plummeted to their lowest levels in decades. With the downward trend of border apprehensions, there is no justification for Congress to grant the unprecedented sum of \$5 billion for President Trump’s Border Wall.

More than one third of border apprehensions in the first five months of FY18 were unaccompanied children and families with children, oftentimes seeking out border patrol to request humanitarian protection. These children and families are not seeking to evade border authorities; rather they are affirmatively requesting help and protection.

2. No Justification for Additional ICE Detention Beds

The FY19 House DHS spending bill proposes funds for 44,000 ICE detention beds (per day), a record high. The additional 3,480 beds sought in this spending bill would represent a 10 percent increase over the current ICE detention bed level and a near 30 percent increase over the FY16 bed levels. This exponential increase in ICE detention beds is designed to support DHS's policy of jailing asylum seekers including children and families.

This Committee must reject any additional funding requests for an increase in ICE detention bed levels. A vote in support of this FY19 DHS spending bill is a vote for this administration's "zero tolerance" policies including mass family detention and criminal prosecution of asylum seekers.

3. This Committee Should Not Provide Funds to Expand Mass Family Detention – a Practice That Violates Human Rights Standards

Due to overwhelming public outcry, President Trump in late June was forced to cease his cruel practice of separating children from their parents at the southern border. However, even as he was forced to abandon one policy that violates human rights, he has zealously taken up another policy that violates human rights – the practice of mass family detention. Congress should have no hand in funding and fueling the inhumane practice of locking up children and parents.

Many of these children and parents have suffered brutal sexual abuse and violence without legal recourse in their own country. They have fled to the U.S. in need of humanitarian protection. Mandatory detention subjects them to further trauma and punishes them for exercising their legal right to seek protection.

Instead of funding mass family detention, this Committee should robustly fund community-based alternative to detention programs, which have been proven to be cost-effective and reliable at ensuring appearances at court hearings. Specifically, this Committee should provide funds to reinstate programs such as the Family Case Management Program, a parole program that boasted a 99 percent success rate of getting asylum seekers and migrants to appear at their immigration court hearings, without detention.

4. This Committee Should Approve a FY19 DHS Spending Bill That Ensures a Fair Accessible Asylum Process and Protects Human Rights.

As a party to the Refugee Convention and the Convention Against Torture, the U.S. is legally bound to prevent the deportation of people facing persecution and/or torture. While all sovereign states have a legitimate interest in regulating entry into their territories, they can only do so within the limits of their [obligations under international law](#). The U.S. government has an obligation under

international human rights law to ensure that its laws, policies, and practices do not place people at an increased risk of human rights abuses.

Specifically, individuals have a right to seek asylum from persecution, and protection from being returned to a place where their lives are at risk. Under U.S. and international law, the U.S. government must provide a fair and accessible asylum process to ensure that people are not returned to situations where they would be persecuted, tortured or killed.

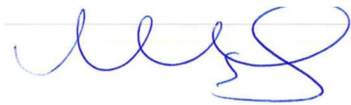
The proposed increases in the FY19 House DHS spending bill – including an unprecedented \$5 billion in border enforcement and a spike in ICE detention bed levels – will threaten asylum seekers at every turn. This spending bill will fuel this administration's cruel policies of detaining, deporting, and punishing children and families seeking humanitarian protection.

Amnesty International USA urges this Committee to reject the proposed funding increases for CBP and ICE, and to approve a bill that protects refugees and respects human rights. AIUSA further urges this Committee to put in place rigorous external oversight and accountability mechanisms over the conduct of CBP and ICE agents. If you have any further inquiries, please contact Marselha Gonçalves Margerin at (202) 675-8766 or marselha@aiusa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Lin".

Joanne Lin
National Director
Advocacy and Government Affairs

A handwritten signature in blue ink, appearing to read "Marselha".

Marselha Gonçalves Margerin
Advocacy Director for the Americas