

## **The President's Budget Request: Fiscal Year (FY) 2019**

The Trump administration released President Trump's budget request for fiscal year (FY) 2019 on February 12, 2018. This document provides an overview of the Department of Homeland Security's (DHS) [budget request](#) for its immigration-related responsibilities and compares the request to the amounts appropriated for FY 2017 and the President's budget request for FY 2018.

### **Department of Homeland Security (DHS)**

**FY 2019 Requested Discretionary Funding for DHS: \$46 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$42.4 billion (8.5 percent increase); FY 2018 President's Budget Request: \$44.1 billion (4.3 percent increase)].

### **Customs and Border Protection (CBP)**

**FY 2019 Requested Spending Authority: \$16.7 billion** [FY 2017 Omnibus Enacted Spending Authority: \$14.4 billion (16 percent increase); FY 2018 President's Budget Request: \$16.3 billion (2.5 percent increase)]. The requested spending authority for FY 2019 includes \$2.3 billion in anticipated fees and fines.

- **FY 2019 Requested Discretionary Funding: \$14.4 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$12.4 billion (16.1 percent increase); FY 2018 President's Budget Request: \$14.1 billion (2.1 percent increase)].

**Border Security Operations: \$4.8 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$4.3 billion (11.6 percent increase); FY 2018 President's Budget Request: \$4.5 billion (6.7 percent increase)]. This item funds most of CBP's operations along the southern, northern and certain coastal borders between ports of entry (POEs).

- **U.S. Border Patrol: \$4.7 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$4.3 billion (9.3 percent increase); FY 2018 President's Budget Request: \$4.5 billion (4.4 percent increase)]. This item funds the operations of the Border Patrol, which in FY 2017 consisted of approximately 19,437 agents, as well as its assets and support items. The Border Patrol is mandated by Congress to maintain an active duty presence of 21,370 agents but has been unable to meet that staffing goal due to recruiting and hiring difficulties.
  - **Hire 750 Additional Border Patrol Agents: \$164.3 million** [new funding item]. This new funding item would fund 750 additional Border Patrol agents, in addition to the Border Patrol's required active duty presence of 21,370 agents.
- **Office of Training and Development: \$82 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$54 million (51.9 percent increase); FY 2018 President's Budget Request: \$78 million (5.1 percent increase)]. The Office of Training and Development (OTD) establishes standards and policies for designing, delivering and evaluating training at CBP. This item funds OTD operations for the Border Patrol.

- **Patrol, Surveillance and Interdiction: \$3 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$2.8 million (7.1 percent increase); FY 2018 President’s Budget Request: \$2.9 million (3.4 percent increase)]. This item includes funding for rescue operations, which support large area searches and tracking operations with rescue and apprehension missions in arduous environments.

**Trade and Travel Operations: \$4.4 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$4.2 billion (4.8 percent increase); FY 2018 President’s Budget Request: \$4.2 billion (4.8 percent increase)]. This item funds most of CBP’s operations at U.S. ports of entry (POEs) related to border security, as well as expediting trade and travel.

- **Office of Field Operations (OFO): \$4.1 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$3.9 billion (5.1 percent increase); FY 2018 President’s Budget Request: \$3.9 billion (5.1 percent increase)]. This item funds operations at all 328 POEs in the U.S. and approximately 22,810 OFO officers, as well as agriculture specialists.

**Procurement, Construction, and Improvements: \$1.8 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$771 million (133.5 percent increase); FY 2018 President’s Budget Request: \$2.1 billion (14.3 percent decrease)].

- **Border Wall Construction: \$1.6 billion** [FY 2017 Omnibus Enacted Discretionary Funding: N/A; FY 2018 President’s Budget Request: \$1.571 billion (1.8 percent increase)]. This item would support construction of 65 miles of a “new border wall system” in the Rio Grande Valley Sector, including real estate and environmental planning, land acquisition, design, construction and oversight.
- **Other Border Security Assets and Infrastructure: \$47 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$533 million (91.2 percent decrease); FY 2018 President’s Budget Request: \$143 million (67.1 percent decrease)]. This item provides funding for surveillance and technology at the border, including \$43.7 million for Remote Video Surveillance Systems (RVSS) Upgrade technology, \$2 million for Integrated Fixed Towers (IFT) and \$1.6 million for a follow-on Mobile Video Surveillance System (MVSS) contract that will enable CBP to procure an additional 181 MVSS units (achieving a capacity of 297 MVSS units). The sharp drop in funding for this item is attributed to the Trump administration’s decision not to provide any funding for the “Tactical Infrastructure” item, which was used in previous years for the planning, construction and replacement of various tactical infrastructure components along the border, including roads, fences, gates, bridges, and vegetation removal, among other components.
- **Trade and Travel Assets and Infrastructure: \$44 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$71 million (38 percent decrease); FY 2018 President’s Budget Request: \$109 million (59.6 percent decrease)]. This item supports the recapitalization of large-scale and small-scale Non-Intrusive Inspection (NII) systems to inspect arrivals conveyances at ports of entry.
- **Construction and Facility Improvements: \$48 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$21 million (128.6 percent increase); FY 2018 President’s Budget Request: \$60 million (20 percent decrease)]. This item provides \$33.4 million in funding for the construction of the new CBP-owned Freer Border Patrol Station (BPS) in the Laredo Sector and \$14.8 million in funding to continue the construction and modernization of land ports of entry along the northern and southern borders.

**Mission Support: \$1.8 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$1.6 billion (12.5 percent increase); FY 2018 President’s Budget Request: \$1.8 billion (no change)].

- **Office of Professional Responsibility: \$225 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$176 million (27.8 percent increase); FY 2018 President’s Budget Request: \$205 million (9.8 percent increase)]. The Office of Professional Responsibility (OPR) maintains oversight over all aspects promoting integrity and security at CBP, including conducting polygraph examinations for law enforcement applicants and investigating officer misconduct.
- **Office of Chief Counsel: \$58.4 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$50.8 million (15 percent increase); FY 2018 President’s Budget Request: \$55.6 million (5 percent increase)].
- **Body-Worn Cameras: \$0** [FY 2017 Omnibus Enacted Discretionary Funding: \$0 (no change); FY 2018 President’s Budget Request: \$5 million (100 percent decrease)]. The President’s budget does not request funding to support the incorporation of body-worn camera technology in CBP law enforcement operations.

**Integrated Operations: \$1.1 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$1 billion (10 percent increase); FY 2018 President’s Budget Request: \$1.1 billion (no change)]. This item includes funding for multiple CBP mission programs, including Air and Marine Operations.

- **Air and Marine Operations: \$887 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$838 million (5.8 percent increase); FY 2018 President’s Budget Request: \$877 million (1.1 percent increase)]. This item funds Air and Marine Operations’ 1,800 federal agents and missions support personnel, 240 aircraft and 300 marine vessels tasked with interdicting unlawful cargo and people without documentation in the air and maritime environments.

### **Immigration and Customs Enforcement (ICE)**

**FY 2019 Requested Spending Authority: \$8.568 billion** [FY 2017 Omnibus Enacted Spending Authority: \$6.770 billion (26.6 percent increase); FY 2018 President’s Budget Request: \$7.942 billion (7.9 percent increase)]. The number of full-time equivalent (FTE) positions would increase by 3,974 positions over FY 2017, to 23,439.

- This request includes an increase of more than 3,000 positions “to support 20 percent of the 10,000 Law Enforcement Officers (LEOs) and commensurate support staff mandated in Executive Order (EO) 13768 *Enhancing Public Safety in the Interior of the United States*.”

**Enforcement and Removal Operations (ERO): \$4.864 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$3.709 billion (31.1 percent increase); FY 2018 President’s Budget Request: \$4.861 billion (0.1 percent increase)]. The FY 2019 request calls for 9,835 full-time equivalent (FTE) positions, an increase of 1,890 positions over FY 2017. ERO carries out the apprehension, detention, and removal of removable individuals from the U.S.

**Custody Operations: \$3.294 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$2.705 billion (21.8 percent increase); FY 2018 President’s Budget Request: \$3.601 billion (8.5

percent decrease)]. The FY 2019 request calls for 5,276 FTE positions, a decrease of 73 positions from FY 2017.

- The FY 2019 Budget-in-Brief requests \$275.6 million dollars to maintain 52,000 detention beds, 2,500 of which would be family detention beds. Of the 49,500 adult detention beds, 46,846 would be funded by discretionary appropriations and the remaining 2,654 would be funded by fees.
- There is a discrepancy in that the FY 2019 ICE Budget Overview states the FY 2019 budget request would maintain an average daily population of 47,000 detention beds (2,500 of which would be family detention beds).
- The conflicting detention bed numbers requested by the administration represent a 23.3 percent (47,000 detention beds) or 36.5 percent (52,000 detention beds) increase over FY 2017's average daily population of 38,106 detention beds (36,628 adult beds and 1,476 family beds).

**Fugitive Operations: \$255.9 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$151.8 million (68.6 percent increase); FY 2018 President's Budget Request: \$184.7 million (38.5 percent increase)]. FTE positions would increase by 471 positions to 1,253 FTE positions.

- The National Fugitive Operations Program (NFOP) “supports the identification, location, and arrest of removable aliens in the United States.”

**Criminal Alien Program: \$619.1 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$312.4 million (98.2 percent increase); FY 2018 President's Budget Request: \$412.1 million (50.2 percent increase)]. The request calls for 2,766 FTE positions, nearly double the 1,488 FTE positions in FY2017 (an increase of 1,278 positions).

- The Criminal Alien Program (CAP) supports the biometric and biographic identification, arrest, and removal of undocumented immigrants who are held in federal, state and local prisons and jails, as well as other undocumented immigrants in the country.

**Alternatives to Detention: \$184.4 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$183.3 million (0.6 percent increase); FY 2018 President's Budget Request: \$177.7 million (3.8 percent increase)]. FTE positions would increase by 66 to 334.

- This increase in funding for Alternatives to Detention (ATD) supports a projected daily average of 82,000 participants in the program for FY 2019, an increase of 11 percent compared to FY 2018 (74,000 projected participants) and 18 percent compared to FY 2017 (69,466 participants).
- The ATD program “places low-risk individuals, under various forms of non-detained, intensive supervision through a combination of home visits, office visits, alert response, court tracking, and/or technology, which may include electronic monitoring.”

**Transportation and Removal Program: \$511.1 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$355.9 million (43.6 percent increase); FY 2018 President's Budget

Request: \$484.9 million (5.4 percent increase)]. The number of FTE positions would more than triple going from 58 to 206 positions.

- This program provides for secure transportation of individuals in ICE custody between facilities and during removal.

**Homeland Security Investigations: \$1.61 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$2.073 billion (22.3 percent decrease); FY 2018 President’s Budget Request: \$2.019 billion (20.3 percent decrease)]. The budget includes funding for 7,915 FTE positions, a decrease of 412 positions.

- The Homeland Security Investigations (HSI) program “conducts criminal investigations to protect the United States against terrorist and other criminal organizations that threaten public safety and national security. HSI combats transnational criminal enterprises that seek to exploit America’s legitimate trade, travel, and financial systems. This program upholds and enforces America’s customs and immigration laws at and beyond our Nation’s borders.”

**Domestic Investigations: \$1.386 billion** [FY 2017 Omnibus Enacted Discretionary Funding: \$1.834 billion (24.4 percent decrease); FY 2018 President’s Budget Request: \$1.798 billion (23.9 percent decrease)]. The budget calls for 7,169 FTE positions, a decrease of 486 positions.

- Domestic Investigations “enables criminal investigations that protect the United States against terrorists, [Transnational Criminal Organizations], and other malicious actors who threaten public safety and national security. Domestic Investigations also identifies, locates, and removes aliens who overstay their visas or potentially pose a threat to national security.”
- The ICE Budget Overview explains that ICE is proposing “a decrease of \$207.6M for O&S HSI Domestic Investigations Operations as a result of a non-expenditure transfer from the Immigration Examinations Fee Account (IEFA), which shifts requirements from discretionary to mandatory funding.” It goes on to explain “ICE will utilize collections from IEFA to fund the additional hiring of 300 special agents and 212 support personnel in HSI Domestic Investigations” to meet expected needs.

**International Operations: \$150.7 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$159 million (5.2 percent decrease); FY 2018 President’s Budget Request: \$140.9 million (7.0 percent increase)]. Despite the requested decrease in funding from FY2017 levels, the Budget Request increases the number of FTE positions by 32 to 313.

- International Operations funding “enables 67 offices in 50 countries to conduct law enforcement activities and provide investigative support to domestic offices in combating crime. Specifically, International Operations focuses on [Transnational Criminal Organizations] that engage in human smuggling and trafficking; the trafficking of narcotics, money, firearms, and sensitive technologies; and the sexual exploitation of children, including child sex tourism.”

**Legal Proceedings (Office of the Principal Legal Advisor [OPLA]): \$305.4 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$259 million (17.9 percent increase); FY 2018 President’s Budget Request: \$282.5 million (8.1 percent increase)]. The request would support 1,970 FTE positions, an increase of 532 positions.

- “The Office of the Principal Legal Advisor provides legal counsel and representation, personnel training, and litigation support to ICE to ensure public safety and homeland security. This program serves as the exclusive DHS representative in removal proceedings before the Department of Justice Executive Office for Immigration Review. The Executive Office for Immigration Review is responsible for adjudicating immigration proceedings in the United States.”

### **Other requests highlighted in the budget**

- **\$570.9 million** for additional personnel, including 2,000 law enforcement officers and 1,312 support staff, to process the greater workload resulting from enhanced enforcement. This funding includes additional OPLA funding and funding to the U.S. Department of Justice’s Executive Office for Immigration Enforcement.

### **Office of Civil Rights and Civil Liberties (OCRCL)**

**FY 2019 Requested Discretionary Funding: \$20.8 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$22.6 million (8 percent decrease); FY 2018 President’s Budget Request: \$20.7 million (0.5 percent increase)]. The Office for Civil Rights and Civil Liberties (OCRCL) advises and trains DHS leadership on civil rights and civil liberties issues, investigates civil rights and civil liberties complaints from the public and manages DHS’ equal employment opportunity programs. It is specifically involved in the oversight of ICE’s 287(g) and PEP programs by providing policy advice, investigations and training.

### **Office of the Inspector General**

**FY 2019 Requested Discretionary Funding: \$162.4 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$175 million (7.2 percent decrease); FY 2018 President’s Budget Request: \$158 million (2.8 percent increase)]. The Office of Inspector General conducts and supervises independent audits, inspections, special reviews and investigations of DHS programs and operations. The request would fund 715 full-time equivalents (FTEs), a decrease from 854 FTEs in FY 2017. The request, which totals \$162.4 million, includes a \$24 million transfer from the Federal Emergency Management Agency (FEMA).

### **U.S. Citizenship and Immigration Services (USCIS)**

**FY 2019 Requested Spending Authority: \$4.7 billion** [FY 2017 Omnibus Enacted Spending Authority: \$4.2 billion (11.9 percent increase); FY 2018 President’s Budget Request: \$4.4 billion (6.8 percent increase)]. USCIS is primarily funded by user fees. The total spending authority for FY 2019 includes approximately \$4.6 billion in amounts to be collected over the year as fees.

- **FY 2019 Requested Discretionary Funding: \$132 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$119 million (10.9 percent increase); FY 2018 President’s Budget Request: \$131.5 million (0.4 percent increase)].
  - **Employment Status Verification (E-Verify): \$132 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$119 million (10.9 percent increase); FY 2018 President’s Budget Request: \$131.5 million (0.4 percent increase)]. USCIS’ discretionary funding funds the E-Verify program. This includes \$109 million in

funding for the operations, mission support, and associated management or administration costs of E-Verify and \$23 million in funding for the planning and acquisition costs of future enactment of mandatory nationwide E-Verify.

**Immigration Examinations Fee Account: \$4.5 billion** [FY 2017 Omnibus Enacted Spending Authority: \$4 billion (12.5 percent increase); FY 2018 President's Budget Request: \$4.2 billion (7.1 percent increase)]. Almost all of USCIS funding comes from the Immigration Examinations Fee Account. This account is where the fees collected from immigrants applying for immigration status or visas are collected and deposited. Funds are used to operate USCIS District Offices, service centers, Asylum/Refugee Operations, records, information and customer services, adjudication services and administration.

- **Fee Funded Transfer to ICE: \$207.6 million** [new funding item]. The President's budget transfers \$207.6 million from the Immigration Examinations Fee Account, which is funded by immigrants applying for immigration status or visas, to ICE to support immigration investigation and enforcement. The President's budget request argues that USCIS collects fees to recover the full cost of providing immigration adjudications and naturalization services, so this should include the cost of investigatory work necessary to adjudicate applications and petitions, as well as the work conducted after an adjudication decision has been rendered by USCIS.
- **Asylum, Refugee and International Operations: \$356 million** [FY 2017 Omnibus Enacted Spending Authority: \$358 million (0.5 percent decrease); FY 2018 President's Budget Request: \$400 million (11 percent decrease)]. This item is funded from the Immigration Examinations Fee Account to extend humanitarian protection and immigration benefits to eligible individuals.
- **Systemic Alien Verification for Entitlements (SAVE): \$38 million** [FY 2017 Omnibus Enacted Spending Authority: \$34 million (11.8 percent increase); FY 2018 President's Budget Request: \$35 million (8.6 percent increase)]. This program assists federal, state and local agencies in determining eligibility for licenses or public benefits by verifying the applicant's immigration status. It is funded through a combination of fees charged to users of the system and funds from the Immigration Examinations Fee Account.
- **Citizenship and Assimilation Grants: \$0** [FY 2017 Omnibus Enacted Spending Authority: \$10 million (100 percent decrease); FY 2018 President's Budget Request: \$0 (no change)]. Congress authorized USCIS to obligate \$10 million in FY 2017 from user fee revenue to support the Citizenship and Integration Grants program, now known as the Citizenship and Assimilation Grants program. The President's budget does not make a specific request to fund the Citizenship and Assimilation Grants program. These grants help promote awareness and understanding of citizenship and assimilation into American civic life.

**H-1B and L Visa Fraud Prevention and Detection Fee Account: \$47.3 million** [FY 2017 Omnibus Enacted Spending Authority: \$46.7 million (1.3 percent increase); FY 2018 President's Budget Request: \$67.2 million (29.6 percent decrease)]. These funds are collected from fees and used to prevent and detect fraud in the delivery of all immigration benefit types to ensure the integrity of the immigration system.

**H-1B Nonimmigrant Petitioner Fee Account: \$15 million** [FY 2017 Omnibus Enacted Spending Authority: \$15 million (no change); FY 2018 President’s Budget Request: \$15 million (no change)]. Certain employers who participate in the H-1B program must pay \$1,500 in addition to the Form I-129 base filing fee. Of the amounts deposited into the H-1B Nonimmigrant Petitioner Account, 55% of the fee revenue is provided to the Department of Labor, 40% is provided to the National Science Foundation and 5% percent is retained by USCIS.

**Office of Citizenship and Immigration Services Ombudsman**

**FY 2019 Requested Discretionary Funding: \$6 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$6 million (no change); FY 2018 President’s Budget Request: \$6 million (no change)]. The USCIS Ombudsman assists individuals and employers with cases pending before USCIS and proposes policy changes to mitigate identified problem.