

The President's Budget Request for the Department of Justice (DOJ): Fiscal Year (FY) 2019

President Trump released his budget request for fiscal year (FY) 2019 on February 12, 2018. This document provides an overview of the Department of Justice's (DOJ) [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 Justice

FY 2019 Requested Discretionary Funding for DOJ: \$28 billion [FY 2017 Omnibus Enacted Discretionary Funding: \$28.3 billion (1 percent decrease); FY 2018 President's Budget Request: \$27.7 billion (1 percent increase)]. This budget request includes \$65.9 million in "program enhancements" related to immigration enforcement.

Executive Office for Immigration Review: \$563.4 million. [FY 2017 Omnibus Enacted Discretionary Funding: \$440 million; (28 percent increase); FY 2018 President's Budget Request: \$500.4 million (13 percent increase)]. The request supports 2,344 Full Time Equivalent (FTE) positions, an increase of 753 FTE positions. The request includes:

- Funding for an additional 75 new immigration judge teams (consisting of an immigration judge, judicial law clerk, legal assistant, and three administrative support staff).
- An additional \$25 million for modernization of EOIR's information technology.
- A transfer of \$4 million from the Department of Homeland Security's (DHS) Immigration Examinations Fee Account, which is funded by immigrants applying for immigration status or visas.
- The budget document notes that DHS enforcement efforts have significantly increased and that it is "critically important that EOIR has sufficient resources to keep pace with DHS enforcement efforts."

U.S. Marshals Service (USMS): \$2.8 billion [FY 2017 Omnibus Enacted Discretionary Funding: \$2.7 billion (4 percent increase); FY 2018 President's Budget Request: \$2.8 billion (No change)]. The request provides for a total of 4,807 FTE positions, an increase of 84 positions.

- Among other things, USMS is responsible for providing for the security of federal court facilities and the safety of judges and other government personnel, apprehending fugitives, executing federal court orders, and exercising custody of federal prisoners, including all unauthorized immigrants referred for criminal prosecution, and providing for their security and transportation to detention facilities and court proceedings.

- USMS projects an increase of 18,874 prisoners received between FY 2017 and FY 2019 due to the administration’s policy to increase immigration enforcement and immigration-related prosecutions. Two-thirds of that increase is projected to occur in the Southwest border districts.

U.S. Attorneys: \$2.1 billion [FY 2017 Omnibus Enacted Discretionary Funding: \$2 billion (5 percent increase); FY 2018 President’s Budget Request: \$2.1 billion (No change)]. The request includes support for 10,337 FTE positions, an increase of 336 positions.

- “Criminal immigration prosecutions” will continue to be the largest category of criminal cases handled in the offices of U.S. Attorneys.
- “U.S. Attorneys are required to defend an increasing number of civil actions brought by immigration detainees.... Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major ports of entry.”

Civil Division: \$284.5 million [FY 2017 Omnibus Enacted Discretionary Funding: \$292.2 million (3 percent decrease); FY 2018 President’s Budget Request: \$291.8 million (2.5 percent decrease)]. This budget request supports 1,121 FTE positions, a decrease of 100 positions.

- The Civil Division includes the Office of Immigration Litigation, which has seen growth in its workload in recent years due in part to “high-profile litigation surrounding the Administration’s priorities; a significant increase in time-sensitive, high-visibility programmatic litigation, particularly with regard to the nation’s foreign worker programs; ... and 51 class action cases challenging critical policies and programs relating to the Federal Government’s interpretation, administration, and enforcement of immigration law.”
- “U.S. Citizenship and Immigration Services is in the process of referring 1,600 civil denaturalization cases to the Department of prosecution in furtherance of Operation Janus, a DHS initiative that identified about 315,000 cases where some fingerprint data was missing from a centralized digital fingerprint repository.”
- “As EOIR handles more cases and issues more decisions, the Office of Immigration Litigation’s Appellate Section will handle more immigration appeals in federal appeals courts.”

Federal Bureau of Prisons (BOP): \$7.1 billion [FY 2017 Omnibus Enacted Discretionary Funding: \$7 billion (1 percent increase); FY 2018 President’s Budget Request: \$7.1 billion (No change)]. This budget supports 35,786 FTE positions, a decrease of 2,727.

- This budget requests \$991.6 million for Contract Confinement, a reduction of \$14.98 million from the enacted FY 2017 budget. 21 percent of the BOP inmate population are non-U.S. citizens, but in BOP contracted facilities 96 percent of inmates are “sentenced criminal aliens.”

Community Relations Service: \$0 [FY 2017 Omnibus Enacted Discretionary Funding: \$15.5 million (100 percent decrease); FY 2018 President’s Budget Request: \$14.4 million (100 percent decrease)].

- The Community Relations Service provides assistance to state and local communities in the prevention and resolution of tension, violence and civil disorders relating to actual or perceived discrimination on the basis of race, color or national origin. It works with communities to prevent and respond to hate crimes and address tension associated with alleged discrimination.
- The administration proposes to consolidate the functions of the Community Relations Service into the Civil Rights Division.

Office of Justice Programs (OJP) Discretionary Funding: \$1.45 billion [FY 2017 Omnibus Enacted Discretionary Funding: \$1.6 billion (9 percent decrease); FY 2018 President’s Budget Request: \$1.3 billion (11.5 percent increase)]. This request supports 603 positions, a decrease of 123 positions. In addition to the budget request’s decrease in discretionary funding for OJP, the request proposes to move the functions of the separate Community Oriented Policing Services (COPS) office to OJP without increasing OJP funding.

- Among other things, the Office of Justice Programs (OJP) works to address public safety needs by supporting law enforcement, prosecution and courts, corrections, and crime reduction programs in state, local, and tribal jurisdictions.
- In the proposed appropriations language, the administration is seeking to amend the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996, to prohibit “any government law enforcement entity or official” from restricting any government entity from “sending to, or receiving from, the Department of Homeland Security information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws...”
- The administration seeks further to amend IIRAIRA to prohibit state and local law enforcement entities or officials from restricting entities or agents from “complying with any lawful request made by the Department of Homeland Security ... including any request to maintain custody of the alien for a period not to exceed 48 hours in order to permit assumption of custody by the Department pursuant to a detainer for, or provide reasonable notification prior to the release of, any individual.”
- Another provision of the proposed appropriation language would prohibit a person or entity from restricting a state or local law enforcement entity from collecting, inquiring into, verifying, or maintaining “information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual currently or previously in custody or currently or previously suspected of a violation of law,

provided that such information is relevant to the enforcement of the immigration laws...”

- Proposed appropriations language gives authority to the Secretary of the Department of Homeland Security or the Attorney General to condition grants to state and local entities based on observance of the information exchange requirements specified in their proposed amendments.
- **Community Oriented Policing Services (COPS) Hiring Programs: \$99 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$259 million (62 percent decrease); FY 2018 President’s Budget Request: \$218 million (55 percent decrease)]. The administration is proposing to move the functions of the separate COPS office to OJP without an equivalent increase in funding. The mission of COPS is to advance public safety through the practice of community policing.
- The budget request proposes to eliminate the **State Criminal Alien Assistance Program (SCAAP)** [FY 2017 Omnibus Enacted Discretionary Funding: \$210 million (100 percent decrease); FY 2018 President’s Budget Request: \$0 (No change)]. SCAAP provides federal payments to states and localities that incurred correctional costs for incarcerating undocumented immigrants. The previous administration also attempted to end SCAAP, but Congress continues to maintain or increase funding for the program.
- **Victims of Trafficking Grant Program: \$45 million** [FY 2017 Omnibus Enacted Discretionary Funding: \$45 million (No change); FY 2018 President’s Budget Request: \$45 million (No change)]. This program helps combat human trafficking and provides services to trafficking victims.

Office on Violence against Women: \$505 million, including \$485.5 million for grants [FY 2017 Omnibus Enacted Discretionary Funding: \$501.4 million (1 percent increase); FY 2018 President’s Budget Request: \$480 million (5 percent increase)]. The request provides for 63 FTE positions, a decrease of 1 FTE positions.

- The Office on Violence against Women administers programs aimed at reducing violence against women (including immigrant women) and providing assistance for victims of domestic violence.
- The budget signals an intent in the future to bring this grant administration office within the Office of Justice Programs.
- The proposed appropriations language includes provisions identical to that proposed for the Office of Justice Programs, to condition grants on state and local authorities’ willingness to cooperate with immigration enforcement, including willingness to honor ICE detainees.

Community Oriented Policing Services (COPS): \$0 [FY 2017 Omnibus Enacted Discretionary Funding: \$259 million (100 percent decrease); FY 2018 President’s Budget Request: \$218 million (100 percent decrease)]. The request proposes to move the functions of COPS to the Office of Justice Programs (OJP), eliminating the program as its own office with its own funding.