

The President's Budget Request: Fiscal Year (FY) 2021

The Trump administration released President Trump's budget request for fiscal year (FY) 2021 on February 10, 2020. This document provides an overview of President Trump's [budget request](#) for the Department of Homeland Security (DHS) for its immigration-related responsibilities and compares the request to the amounts [enacted](#) by Congress for FY 2020 and the President's [budget request](#) for FY 2020.

Department of Homeland Security (DHS)

FY 2021 Requested Net Discretionary Funding for DHS: \$49.8 billion [FY 2020 Enacted Net Discretionary Funding: \$49.7 billion (0.2% increase); FY 2020 President's Budget Request: \$51.7 billion (4% decrease)].

U.S. Customs and Border Protection (CBP)

FY 2021 Requested Spending Authority: \$18.2 billion [FY 2020 Enacted Spending Authority: \$17.4 billion (5% increase); FY 2020 President's Budget Request: \$20.8 billion (9% decrease)]. The requested spending authority for FY 2021 includes \$2.6 billion in anticipated fees, fines and offsetting collections.

- **FY 2021 Requested Discretionary Funding: \$15.6 billion** [FY 2020 Enacted Discretionary Funding: \$14.9 billion (5% increase); FY 2020 President's Budget Request: \$18.2 billion (14% decrease)].

Border Security Operations: \$5 billion [FY 2020 Enacted Funding: \$4.9 billion (2% increase); FY 2020 President's Budget Request: \$4.9 billion (2% 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: \$4.96 billion** [FY 2020 Enacted Funding: \$4.9 billion (1% increase); FY 2020 President's Budget Request: \$4.8 billion (3% increase)]. This item funds the operations of the Border Patrol, which in FY 2018 consisted of approximately 19,555 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: \$161.2 million** [FY 2020 Enacted Funding: \$0 (no funding); FY 2020 President's Budget Request: \$163.6 million (1.5% decrease)]. This item would support hiring an additional 750 additional Border Patrol agents and 126 associated support personnel, including their training and equipment.
- **Office of Training and Development: \$77 million** [FY 2020 Enacted Funding: \$60 million (28% increase); FY 2020 President's Budget Request: \$77 million (no change)]. 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.

Trade and Travel Operations: \$4.9 billion [FY 2020 Enacted Funding: \$4.8 billion (2% increase); FY 2020 President's Budget Request: \$4.5 billion (9% 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): \$4.5 billion** [FY 2020 Enacted Funding: \$4.4 billion (2% increase); FY 2020 President's Budget Request: \$4.2 billion (7% increase)]. This item funds operations at all 328 POEs in the U.S. and approximately 22,810 OFO officers, as well as agriculture specialists.
- **Office of Trade: \$293 million** [FY 2020 Enacted Funding: \$279 million (5% increase); FY 2020 President's Budget Request: \$297 million (1% decrease)]. The Office of Trade enforces current trade laws and implements the administration's trade policies.
- **Office of Training and Development: \$63 million** [FY 2020 Enacted Funding: \$65.5 million (4% decrease); FY 2020 President's Budget Request: \$48 million (31% increase)]. The Office of Training and Development (OTD) is responsible for providing training to CBP OFO personnel at ports of entry.

Procurement, Construction, and Improvements: \$2.3 billion [FY 2020 Enacted Funding: \$1.9 billion (21% increase); FY 2020 President's Budget Request: \$5.4 billion (57% decrease)].

- **Border Wall Construction: \$2 billion** [FY 2020 Enacted Funding: \$1.375 billion (46% increase); FY 2020 President's Budget Request: \$5 billion (60% decrease)]. This item would support construction of approximately 82 miles of a "new border wall system," including real estate and environmental planning, land acquisition, design, construction and oversight.
- **Other Border Security Assets and Infrastructure: \$96 million** [FY 2020 Enacted Funding: \$133 million (28% decrease); FY 2020 President's Budget Request: \$83 million (16% increase)]. This item provides funding for surveillance and technology at the border, including \$7.6 million for Remote Video Surveillance Systems (RVSS). The item also provides \$88 million for Border Security Assets and Infrastructure End Items, which funds other technologies and assets for the Border Patrol.
- **Trade and Travel Assets and Infrastructure: \$22 million** [FY 2020 Enacted Funding: \$88 million (75% decrease); FY 2020 President's Budget Request: \$66 million (67% decrease)]. This item supports technologies and assets for CBP OFO, including screening, scanning, biometric and/or other processing systems to expedite legal trade and travel to the U.S.
- **Construction and Facility Improvements: \$127 million** [FY 2020 Enacted Funding: \$62 million (105% increase); FY 2020 President's Budget Request: \$100 million (27% increase)]. This item provides \$60 million in funding for the construction and replacement of the Border Patrol stations in Niagara Falls and Champlain, New York. The item also provides \$40 million for a humanitarian care center in the Rio Grande Valley Sector and \$27.4 million to design and construct a new Air Unit in Laredo, Texas.

Mission Support: \$1.9 billion [FY 2020 Enacted Funding: \$1.9 billion (no change); FY 2020 President's Budget Request: \$1.9 billion (no change)].

- **Office of Professional Responsibility: \$228 million** [FY 2020 Enacted Funding: \$209 million (9% increase); FY 2020 President's Budget Request: \$233 million (2% decrease)]. 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.
- **Executive Leadership and Oversight: \$118 million** [FY 2020 Enacted Funding: \$112 million (5% increase); FY 2020 President's Budget Request: \$109 million (8% increase)]. This item includes funding for the Office of the Commissioner, Office of Chief Counsel, Office of Congressional Affairs, and Office of Public Affairs.
- **Body-Worn Cameras: \$0** [FY 2020 Enacted Funding: \$21 million (100% decrease); FY 2020 President's Budget Request: \$0 (no change)]. The President's budget does not directly request additional funding to support the incorporation of body-worn camera technology in CBP law enforcement operations.

Integrated Operations: \$1.2 billion [FY 2020 Enacted Funding: \$1.2 billion (no change); FY 2020 President's Budget Request: \$1.1 billion (9% increase)]. This item includes funding for multiple CBP mission programs, including Air and Marine Operations.

- **Air and Marine Operations: \$914 million** [FY 2020 Enacted Funding: \$885 million (3% increase); FY 2020 President's Budget Request: \$891 million (2.6% increase)]. This item funds Air and Marine Operations' 953 federal agents, 234 aircraft and 315 marine vessels tasked with interdicting unlawful cargo and people without documentation in the air and maritime environments.

Immigration and Customs Enforcement (ICE)

FY 2021 Requested Spending Authority: \$10.4 billion [FY 2020 Enacted Spending Authority: \$8.4 billion (24% increase); FY 2020 President's Budget Spending Authority Request: \$9.3 billion (12% increase)]. The number of full-time equivalent (FTE) positions would increase by 1,732 positions over FY 2020, to 22,644.

- This request includes an increase of 2,844 law enforcement officers and 1,792 commensurate support staff "to fill critical operational and resource gaps and to more effectively carry out ICE's mission."

Enforcement and Removal Operations (ERO): \$5.7 billion [FY 2020 Enacted Funding: \$4.4 billion (30% increase); FY 2020 President's Budget Request: \$5.2 billion (10% increase)]. The FY 2021 request calls for 9,020 full-time equivalent (FTE) positions, an increase of 699 positions from FY 2020. ERO carries out the apprehension, detention, and removal of removable individuals from the U.S.

- **Custody Operations: \$4.1 billion** [FY 2020 Enacted Funding: \$3.1 billion (32% increase); FY 2020 President's Budget Request: \$3.7 billion (11% increase)]. The FY 2021 request calls for 5,675 FTE positions, an increase of 212 positions from FY 2020.

- The FY 2021 Budget Justification targets an average daily population (ADP) of 60,000 in immigration detention, representing an increase of 20% from the 50,165 ADP in FY 2019. (ICE has yet to publish the final ADP for FY 2020). The FY 2021 ADP target includes 5,000 family detention beds, an increase of 2,500 from FY 2020.
- **Fugitive Operations: \$195 million** [FY 2020 Enacted Funding: \$140 million (39% increase); FY 2020 President’s Budget Request: \$220 million (11% decrease)]. The number of FTE positions would increase by 107 positions to 890 FTE positions over FY 2020 levels.
 - Fugitive Operations “identifies, locates, and arrests removable aliens in the United States.” The National Fugitive Operations Program (NFOP) targets “performs its duties in accordance with EO 13768 [*Enhancing Public Safety in the Interior of the United States*], under which the entire fugitive population is subject to arrest and removal.”
- **Criminal Alien Program: \$415 million** [FY 2020 Enacted Funding: \$265 million (57% increase); FY 2020 President’s Budget Request: \$515 million (19% decrease)]. The request calls for 1,932 FTE positions, an increase of 281 from the 1,651 FTE positions in FY 2020.
 - 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: \$354 million** [FY 2020 Enacted Funding: \$319 million (11% increase); FY 2020 President’s Budget Request: \$210 million (69% increase)]. FTE positions would increase by 75 over FY 2020 levels to 542.
 - The ATD program “enables ICE to supervise individuals who are moving through immigration proceedings without detaining them. ATD supervises participants through a combination of home visits, office visits, alert response, court tracking, and/or technology.” The requested funding would enable ICE to monitor an average of 120,000 individuals.
- **Transportation and Removal Program: \$603 million** [FY 2020 Enacted Funding: \$562 million (7% increase); FY 2020 President’s Budget Request: \$557 million (8% increase)]. The number of FTE positions would increase from 65 in FY 2020 to 89 positions in the FY 2021 Budget Request.
 - This program coordinates “the safe and secure transportation of aliens who either are subject to final orders of removal or require transfer within the United States.”

Homeland Security Investigations: \$2.3 billion [FY 2020 Enacted Funding: \$2.0 billion (15% increase); FY 2020 President’s Budget Request: \$1.7 billion (35% increase)]. The budget includes funding for 8,779 FTE positions, an increase of 268 positions from FY 2020 levels.

- The Homeland Security Investigations (HSI) investigators “conduct investigations targeting violations of United States customs and immigration laws. As the largest investigative unit within DHS, HSI uses its broad authority to investigate transnational

crimes and threats to national security related to people, goods, and money. . . . HSI special agents investigate a wide range of illegal activities with a focus on identifying, mitigating, and eliminating the most significant threats to the safety and security of the American public.”

- **Domestic Investigations: \$2 billion** [FY 2020 Enacted Funding: \$1.77 billion (12% increase); FY 2020 President’s Budget Request: \$1.43 billion (39% increase)]. The budget calls for 8,102 FTE positions, an increase of 230 positions.
 - Domestic Investigations “conducts criminal investigations throughout the United States to protect against terrorists, transnational criminal organizations (TCOs), and other malicious actors who attempt to exploit America’s trade, travel, and financial operations and threaten public safety and national security.”
- **International Operations: \$205 million** [FY 2020 Enacted Funding: \$179 million (15% increase); FY 2020 President’s Budget Request: \$170 million (21% increase)]. The Budget Request increases the number of FTE positions by 11 to 271 as compared to FY 2020 levels.
 - International Operations targets transnational criminal organizations “engaged in human trafficking, narcotics, money, firearms, and sensitive technologies, and the sexual exploitation of children, including child sex tourism.”

Office of the Principal Legal Advisor [OPLA]: \$353 million [FY 2020 Enacted Funding: \$290 million (22% increase); FY 2020 President’s Budget Request: \$326 million (8% increase)]. The request would support 1,833 FTE positions, an increase of 221 positions from FY 2020 levels.

- The Office of the Principal Legal Advisor “provides funding for ICE attorneys who represent the U.S. Government in exclusion, deportation, bond, and removal proceedings before the Department of Justice’s (DOJ) Executive Office for Immigration Review (EOIR). OPLA also provides critical legal advice to ICE law enforcement components on criminal, administrative, and civil customs and immigration laws and authorities.”

Other Requests Highlighted in the Budget

- **Hire Additional ICE Personnel: \$543.6 million.** The President’s budget for ICE requests a cumulative \$543.6 million to hire an additional 2,844 ICE law enforcement officers and 1,792 support staff “to expand immigration enforcement and investigative capacity to better fulfill ICE’s core mission objectives.” The request includes 2,095 additional law enforcement officers and 697 support staff for ERO, 749 additional criminal investigators and 305 support staff for HIS, and 421 attorneys and 122 support staff for OPLA, along with additional support staff for other segments of ICE.
- **Migrant Protection Protocol (MPP):** The budget request provides for \$126 million in new funding for MPP, including \$111 million for reoccurring operations at Immigration Hearing Facilities (IHF) and \$15 million for transportation of migrants from the points of entry to IHF or other designated locations.

Office of the Inspector General

FY 2020 Requested Discretionary Funding: \$178 million [FY 2020 Enacted Funding: \$190 million (6% decrease); FY 2020 President's Budget Request: \$170 million (5% 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 747 full-time equivalents (FTEs), a decrease from 756 FTEs enacted by Congress in FY 2020.

Office of the Secretary and Executive Management

Operations and Engagement: \$44 million [FY 2020 Enacted Funding: \$59 million (25% decrease); FY 2020 President's Budget Request: \$46 million (4% decrease)]. The budget request proposes to move the Office for Civil Rights and Civil Liberties (CRCL), Office of the Citizenship and Immigration Services Ombudsman, and Office of the Immigration Detention Ombudsman, as well as other offices, into the newly formed Operations and Engagement funding account, which is under the Office of the Secretary and Executive Management.

- **Office of Civil Rights and Civil Liberties (CRCL): \$24.5 million** [FY 2020 Enacted Funding: \$28.8 million (15% decrease); FY 2020 President's Budget Request: \$24 million (2% increase)]. CRCL 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 Citizenship and Immigration Services Ombudsman: \$7.6 million** [FY 2020 Enacted Funding: \$8.2 million (7% decrease); FY 2020 President's Budget Request: \$7.8 million (3% decrease)]. The USCIS Ombudsman assists individuals and employers with cases pending before USCIS and proposes policy changes to mitigate identified problems.
- **Office of the Immigration Detention Ombudsman: \$0** [FY 2020 Enacted Funding: \$10 million (full elimination); FY 2020 President's Budget Request: N/A (new funding item)]. The Immigration Detention Ombudsman is a new oversight entity created by Congress in FY 2020 to assist individuals with resolving complaints against CBP, ICE and associated entities. The budget proposes the elimination of this office.

U.S. Citizenship and Immigration Services (USCIS)

FY 2021 Requested Spending Authority: \$5.1 billion [FY 2020 Enacted Funding: \$4.9 billion (4% increase); FY 2020 President's Budget Request: \$4.8 billion (6% increase)]. USCIS is primarily funded by user fees. The total spending authority for FY 2020 includes approximately \$4.9 billion in amounts to be collected over the year as fees.

- **FY 2021 Requested Discretionary Funding: \$119 million** [FY 2020 Enacted Funding: \$132 million (10% decrease); FY 2020 President's Budget Request: \$122 million (2% decrease)].

- **Employment Status Verification (E-Verify): \$119 million** [FY 2020 Enacted Funding: \$122 million (2% decrease); FY 2020 President’s Budget Request: \$122 million (2% decrease)]. USCIS’ discretionary funding funds the E-Verify program. This includes funding for the operations, mission support, and associated management or administration costs of E-Verify. While the budget proposes to cut E-Verify funding by 2%, it predicts that the number of E-Verify cases will increase to 47.1 million in FY 2021 from about 44.7 million in FY 2020.
- **Citizenship and Assimilation Grants: \$0** [FY 2020 Enacted Funding: \$10 million (100 percent decrease); FY 2020 President’s Budget Request: \$0 (no change)]. Congress provided USCIS \$10 million in discretionary funding in FY 2020 to support the Citizenship and Integration Grants program, now known as the Citizenship and Assimilation Grants program. For the third year in a row, 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.

Immigration Examinations Fee Account: \$4.9 billion [FY 2020 Enacted Funding: \$4.7 billion (4% increase); FY 2020 President’s Budget Request: \$4.7 billion (4% increase)]. Almost all 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, and adjudication services and administration.

- **Immigration Services Surcharge: 10 Percent Surcharge to All Immigration Filing Fees** [*new funding item*]. The President’s budget [recommends](#) adding a 10 percent surcharge to all immigration filing fees for deficit reduction. The proposal is expected to collect \$4.3 billion over the next ten years.
- **Fee Funded Transfer to ICE: \$112.3 million** [FY 2020 Enacted Funding: \$0; FY 2020 President’s Budget Request: \$207.6 million (46% decrease)]. The President’s budget requests a transfer of \$112.3 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.
- **Asylum, Refugee and International Operations: \$372 million** [FY 2020 Enacted Funding: \$349 million (7% increase); FY 2020 President’s Budget Request: \$349 million (7% increase)]. 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): \$37 million** [FY 2020 Enacted Funding: \$35 million (6% increase); FY 2020 President’s Budget Request: \$38 million (3% decrease)]. 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.

H-1B and L Visa Fraud Prevention and Detection Fee Account: \$50 million [FY 2020 Enacted Funding: \$48.5 million (3% increase); FY 2020 President’s Budget Request: \$48.5

million (3% increase)]. 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: \$20 million [FY 2020 Enacted Funding: \$15 million (33% increase); FY 2020 President's Budget Request: \$15 million (33% increase)]. 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.