

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 Justice (DOJ) 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 Justice (DOJ)

FY 2021 Requested Discretionary Funding for DOJ: \$31.7 billion [FY 2020 Enacted Funding: \$32.4 billion (2% decrease); FY 2020 President's Budget Request: \$29.2 billion (9% increase)]. This budget request includes \$143 million in "program enhancements" related to immigration enforcement.

- The budget request includes suggested appropriations legislation language that would amend U.S.C. § 1373 to prohibit certain public safety policies adopted by many state and local jurisdictions that limit local law enforcement involvement in federal immigration enforcement. If the language is adopted, local governments would be prohibited from having policies that restrict law enforcement officials from collecting or inquiring into information about an individual's immigration and/or citizenship status, and from communicating this information — along with information about scheduled release date, home and work address, and other information — to the Department of Homeland Security (DHS). It would also require state and local law enforcement agencies to honor Immigration and Customs Enforcement (ICE) detainees. The appropriations language would also condition grants to state and local entities from the DOJ and DHS on compliance with these requirements.

Executive Office for Immigration Review (EOIR): \$882.9 million. [FY 2020 Enacted Funding: \$673 million; (31% increase); FY 2020 President's Budget Request: \$673 million (31% increase)]. The request supports 3,761 positions, (2,621 Full Time Equivalent (FTE) positions), an increase of 300 FTE positions. The request includes:

- Funding for a total of 3,761 positions, including 1,911 attorneys.
- Funding for an additional 100 new immigration judges and necessary support staff. Support staff includes attorneys, judicial law clerks, legal assistants, and administrative support staff, including interpreters.
- Funding for IT modernization "in an effort to increase efficiencies" and reduce "the time and effort required to process cases."
- A transfer of \$4 million to EOIR from U.S. Citizenship and Immigration Services' (USCIS) Immigration Examinations Fee Account (IEFA), which is funded by immigrants applying for immigration status or visas.

- No funding for the Legal Orientation Program (currently funded at \$18 million). The Legal Orientation Program, conducted by non-profit immigrant legal service providers, provides legal education to detained immigrants concerning their rights and the court process.
- The budget document notes that EOIR continues to face challenges due to the growing caseload that, at the time the budget document was prepared, stood at more than one million. The document notes that EOIR is “maximizing existing resources and eliminating agency inefficiencies.” In part, the agency plans to achieve greater efficiencies with greater reliance on IT systems and use of video teleconferencing.

U.S. Attorneys: \$2.38 billion [FY 2020 Enacted Funding: \$2.25 billion (6% increase); FY 2020 President’s Budget Request: \$2.3 billion (3% increase)]. The request includes support for 11,344 positions (10,330 FTE), an increase of 108 FTE positions.

- The budget document states that “USAs will continue to prioritize criminal immigration prosecutions in FY 2021.” It also notes that, at the same time, U.S. Attorneys are having to defend against “an increasing number of civil actions” brought by immigration detainees in deportation proceedings or who have final orders of deportation.

General Legal Activities - Civil Division: \$327.2 million [FY 2020 Enacted Funding: \$295 million (11% increase); FY 2020 Budget Request: \$299.5 million (9% increase)]. The request is for 1,205 positions (1,193 FTE positions), an increase of 38 FTE positions).

- The budget request for the Civil Division includes an additional \$6 million and 52 positions (43 attorneys) to handle the Division’s “surging caseload” due to an increase in appellate court challenges to final orders of removal, individual and class action challenges to immigration detention, and “a sharply growing plethora of other immigration and constitutional challenges to nearly all aspects of the national immigration system.”
- The request for additional immigration enforcement resources comes on top of \$84.9 million and 445 positions (348 attorneys) already deployed for this purpose.

General Legal Activities - Environment and Natural Resources Division: \$114.3 million. [FY 2020 Enacted Funding: \$109.4 (5% increase); FY 2020 Budget Request: \$110.5 million (3% increase)]. The request is for 548 positions (487 FTE positions), an increase of 6 FTE positions.

- Part of the mission of the Environment and Natural Resources Division is to acquire property by eminent domain, including the taking of private land for border wall construction.
- The budget document notes that the division will continue to play a significant role in implementing the administrations border security policy. The division will “guide the acquisition of land along the U.S.-Mexico border ... and address defensive challenges under a host of environmental, wildlife, procedural and inverse taking statutes....”

General Legal Activities – Civil Rights Division: \$157.3 million [FY 2020 Enacted Funding: \$148.2 million (6% increase); FY 2020 Budget Request: \$153.2 million (3% increase)].

- One of the core areas of work of the Civil Rights Division, according to the budget document, is combatting workplace discrimination, prioritizing “enforcement of the Immigration and Nationality Act to ensure that companies do not discriminate against U.S. workers in favor of foreign visa holders.”

Community Relations Service: \$0 [FY 2020 Enacted Funding: \$16 million; FY 2020 President’s Budget Request: \$0 (no change)].

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

Office of Justice Programs (OJP) Discretionary Funding: \$1.85 billion [FY 2020 Enacted Funding: \$2.3 billion (20% decrease); FY 2020 President’s Budget Request: \$1.84 billion (0.5% increase)]. This request supports 692 positions, an increase of 50 positions.

- The 2021 strategy for the OJP is to, among other things, promote law enforcement officer safety and wellness, reduce and prevent violent crime, address pressing justice system challenges, including opioid abuse, support crime victims, and develop information and tools to understand and respond more effectively to crime. The office provides resources and leadership to state and local jurisdictions.
- **Byrne Justice Assistance Grants (JAG) Program: \$411.7 million** [FY 2020 Enacted Funding: \$547.2 million (25% decrease); FY 2020 President’s Budget Request: \$405.2 million (2% increase)]. The Byrne JAG program provides funding for state, local and tribal jurisdictions for drug and gang task forces, crime prevention, domestic violence programs, and border security and justice information sharing initiatives, among other priorities.
- **Community Oriented Policing Services (COPS) Hiring Programs: \$99 million** [FY 2020 Enacted Funding: \$235 million (58% decrease); FY 2020 President’s Budget Request: \$99 million (no change)] The administration is proposing to move the functions of the separate COPS office (see below) to OJP. The COPS hiring program grants support the hiring and rehiring of career law enforcement officers.
- **Victims of Trafficking Grant Program: \$120 million** [FY 2020 Enacted Funding: \$85 million (41% increase); FY 2020 President’s Budget Request: \$77 million (56% increase)]. This program helps combat human trafficking and provides services to trafficking victims.

- **State Criminal Alien Assistance Program (SCAAP): \$0** [FY 2020 Enacted Funding: \$244 million; FY 2020 President's Budget Request: \$0 (no change)]. SCAAP provides federal payments to states and localities that incur correctional costs for incarcerating undocumented immigrants. Efforts to end the SCAAP program span the Obama and Trump administrations, but Congress continues to maintain or increase funding for the program.

Community Oriented Policing Services (COPS): \$0 [FY 2020 Enacted Funding: \$343 million; FY 2020 President's Budget Request: \$0 (no change)]. 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. The mission of COPS is to advance public safety through the practice of community policing. The COPS Hiring Programs would be retained (with less funding) and moved to OJP (see above).

Office on Violence against Women: \$498.5 million [FY 2020 Enacted Funding: \$502.5 million (1% decrease); FY 2020 President's Budget Request: \$492.5 million (1% increase)]. The request provides for 70 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.