

## Independent Task Force on Immigration and America's Future

### Immigration Enforcement Spending Since IRCA

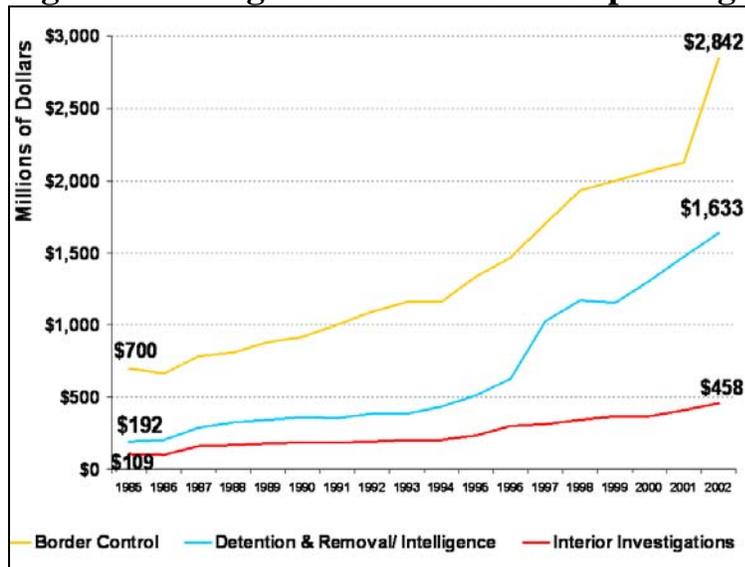
Since the passage of the Immigration Control and Reform Act of 1986 (IRCA), the levels of US government resources devoted to the enforcement of immigration laws have grown rapidly. A look at funding and staffing for US immigration enforcement activities and at outcomes shows that enforcement resources and efforts have been focused primarily along the Southwest land border.

Overall spending on enforcement activities has ballooned from pre-IRCA levels, with appropriations growing from \$1 billion to \$4.9 billion between fiscal years 1985 and 2002 and staffing levels increasing greatly. Resources have been concentrated heavily on border enforcement, particularly the Border Patrol. Spending for detention and removal/intelligence activities multiplied most rapidly over this period, with an increase in appropriations of over 750 percent. In contrast, interior investigations and consular affairs have experienced notably smaller increases in appropriated funds in the post-IRCA period. Interior investigations made up only 11 percent of enforcement spending between 1985 and 2002.

Apprehensions of immigrants in violation of immigration laws were also concentrated at the border, with 93 percent of apprehensions conducted by Border Patrol agents. Interior investigations were increasingly targeted at criminal investigations, growing from 43 to 70 percent of investigations cases completed between 1991 and 2003, with worksite, smuggling, and other investigations decreasing over this period.

The following information is based on INS budget documents, federal budget documents, and immigration statistics from the INS and the US Department of Homeland Security (DHS). The dollar amounts may not represent total appropriations to agencies or programs involved in immigration enforcement, but only reflect appropriations that were directly targeted to immigration enforcement activities. For example, the data does not reflect spending for program direction or information and records management, since funds for these activities supported all INS programs, and were not focused exclusively on immigration enforcement. Dollar amounts listed are calibrated to 2002 dollars. All years refer to fiscal years (FY), which begin on October 1 and end on September 30 of the calendar year listed.

**Figure 1. Immigration Enforcement Spending: FY1985-2002**



Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

**Immigration enforcement spending has grown rapidly since 1985.**

Between 1985 and 2002, appropriations for border control activities, including the Border Patrol, inspections at legal ports of entry, and consular affairs, increased by \$2.1 billion (306 percent); detention and removal/intelligence increased by \$1.4 billion (751 percent); and interior investigations increased by \$349 million (320 percent). Spending allocated specifically to detention and removal (not looking at legal proceedings or intelligence) increased 806 percent between 1985 and 2003, growing from \$141 million in 1985 to \$1.3 billion in 2003. (See Figure 1)<sup>1</sup>

**Border spending spiked after September 11.**

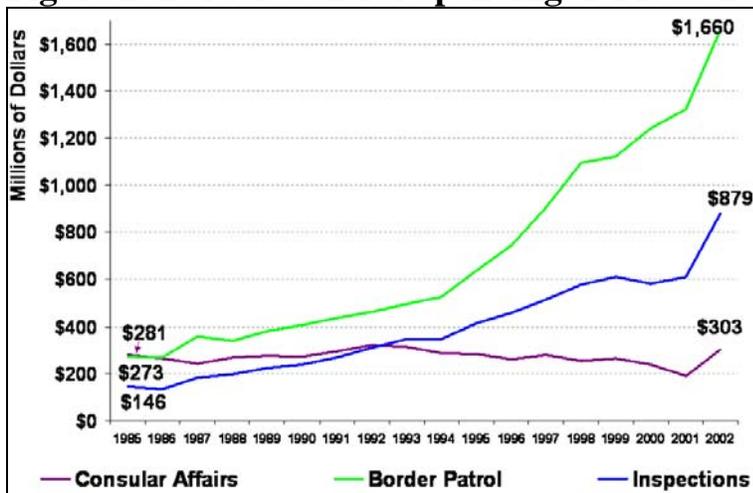
After September 11, appropriations for border control activities increased sharply, from \$2.1 billion in 2001 to \$2.8 billion in 2002. (See Figure 1)

**Spending on detention and removal increased dramatically under IIRIRA.**

Appropriations for detention and removal/intelligence jumped 64 percent (\$399 million) between 1996 and 1997. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) made the detention of large numbers of criminal aliens mandatory and called for the collection of increased fees to be used primarily to fund detention and removal activities. (See Figure 1)

<sup>1</sup> Border control activities include the Border Patrol, inspections at legal ports of entry, and the consular affairs program of the State Department. Interior investigations activities include the INS investigations program and INS employer and labor relations program, which operated from 1989 to 1991. Detention and removal/intelligence figures include detention and removal; intelligence; the Executive Office for Immigration Review (EOIR), which hears immigration appeals cases; and INS legal proceedings, which represents the government in immigration cases.

**Figure 2. Border Control Spending: FY1985-2002**



Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

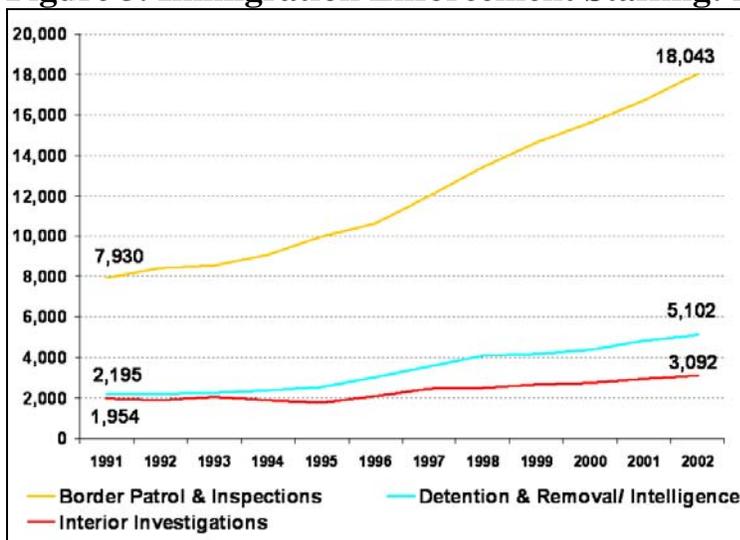
**Spending for consular affairs has remained relatively stagnant.**

While appropriations for both Border Patrol and inspections increased just over 500 percent between 1985 and 2002 (by \$1.4 billion and \$733 million respectively), appropriations for consular affairs increased by only 8 percent (\$22 million). (See Figure 2)

**Spending for all border control activities increased sharply after September 11.**

Appropriations for the Border Patrol increased by \$336 million (25 percent) between 2001 and 2002, appropriations for inspections at legal ports of entry increased by 266 million (43 percent), and appropriations for consular affairs increased by \$114 million (60 percent).<sup>2</sup> (See Figure 2)

**Figure 3. Immigration Enforcement Staffing: FY1991-2002**



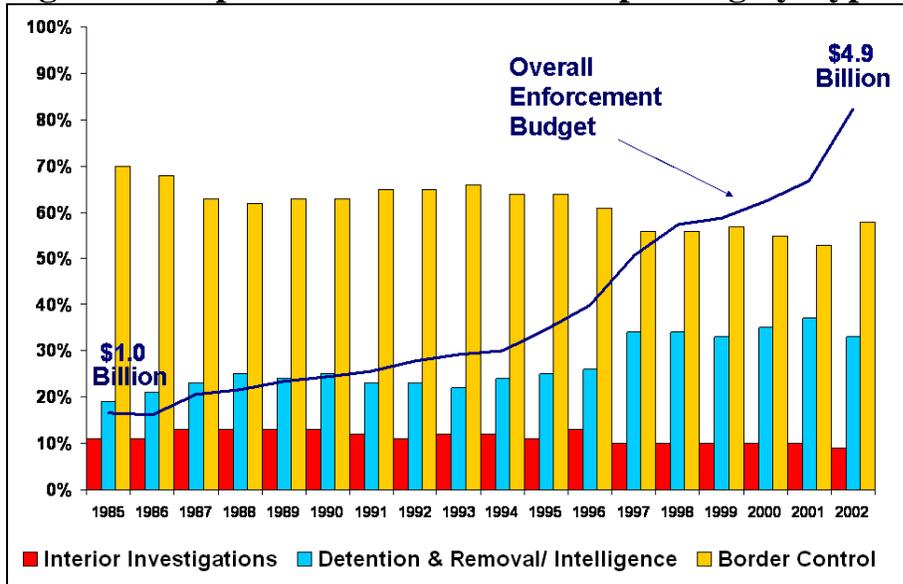
Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

<sup>2</sup> The consular affairs/consular relations program of the State Department involves the issuance, denial, and adjudication of immigrant and non-immigrant visas, refugee processing, and visa fraud detection and investigation. This category also includes funds for American citizen services including the issuance of passports, passport fraud detection and investigation, and emergency assistance to American citizens abroad. It was not possible to separate citizen services from spending on immigration enforcement, so actual spending for immigration enforcement by consular affairs is likely lower than the figures above.

**Staffing increases for the Border Patrol and detention and removal outpaced staffing for interior investigations.**

The number of full-time equivalent employees (FTEs) dedicated to the Border Patrol and Inspections increased by 10,113 (128 percent) from 1991 to 2002. The FTEs dedicated to detention and removal, intelligence, and INS legal proceedings increased by 2,907 (132 percent), and the FTEs dedicated to interior investigations increased by 1,138 (58 percent). (See Figure 3)

**Figure 4. Proportion of Enforcement Spending by Type: FY1985-2002**



Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

**Spending on immigration enforcement activities more than quadrupled between 1985 and 2002.**

Overall spending for immigration enforcement grew from one to 4.9 billion between 1985 and 2002. The periods of largest growth came between 1996 and 1997 after the passage of IIRIRA (27 percent or \$646 million) and between 2001 and 2002 following September 11 (23 percent or \$926 million). (See Figure 4)

**The majority of enforcement spending was aimed at the border.**

Border control activities, including the Border Patrol, inspections, and consular affairs constituted the majority of the INS enforcement budget, accounting for 60 percent of total appropriations between 1985 and 2002. (See Figure 4)

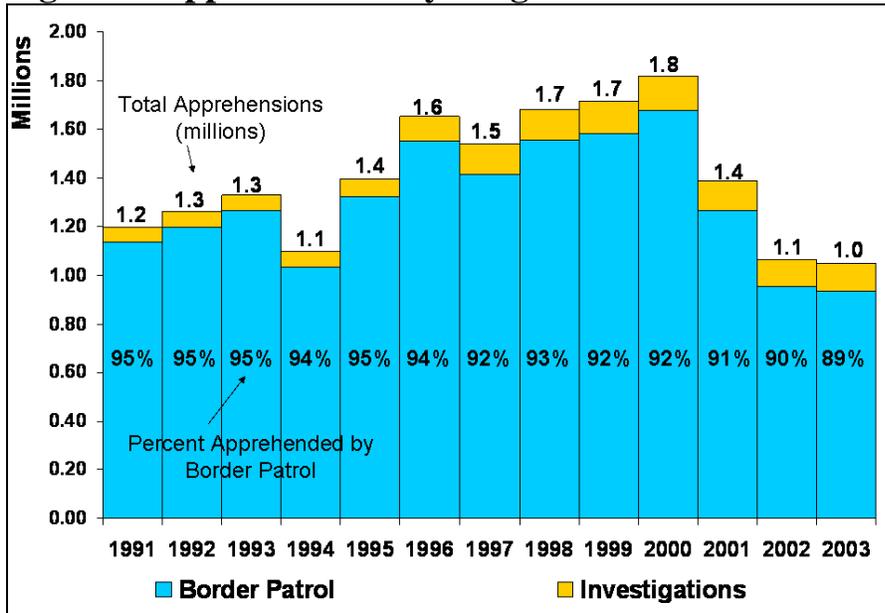
**About a tenth of spending was dedicated to interior enforcement.**

The percent of the overall enforcement budget dedicated to interior investigations remained relatively constant between 1985 and 2002, growing from 11 percent of the budget in 1985 to a high of 13 percent in 1996 and decreasing to 9 percent by 2002. (See Figure 4)

**Detention and removal grew as a percent of total enforcement spending.**

As a percent of the total enforcement budget, spending on detention and removal, intelligence, INS legal proceedings, and the Executive Office of Immigration Review (EOIR) increased after the mid-1990s, growing from 25 percent in 1995 to 37 percent in 2001, before falling slightly to 33 percent in 2002. (See Figure 4)

**Figure 5. Apprehensions by Program: FY1991-2003**



Source: MPI analysis of data from US Department of Justice, *Statistical Yearbook of the Immigration and Naturalization Service; Enforcement, 1991-2001*; and US Department of Homeland Security, *Yearbook on Immigration Statistics, Enforcement, 2002-2003*.

**The vast majority of apprehensions have taken place at the border.**

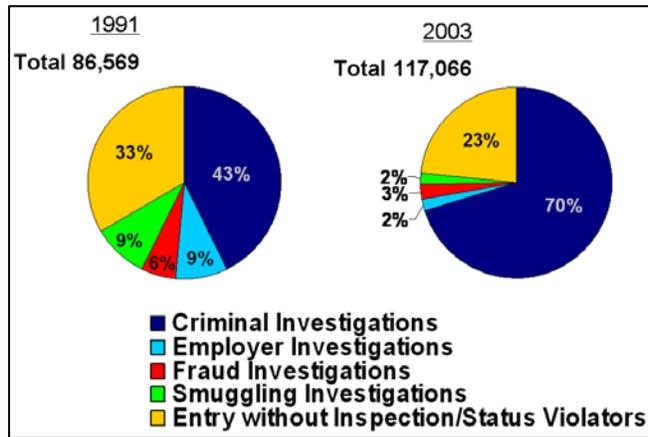
Border Patrol officials were responsible for 93 percent of the apprehensions made between 1991 and 2003, with investigations conducting the other 7 percent of apprehensions. Immigrants are apprehended when found to be in violation of immigration laws, when attempting illegal entry, or when found to have overstayed or violated conditions of their immigration status.<sup>3</sup> (See Figure 5)

**Apprehensions showed relatively steady growth until 2000, before dropping rapidly.**

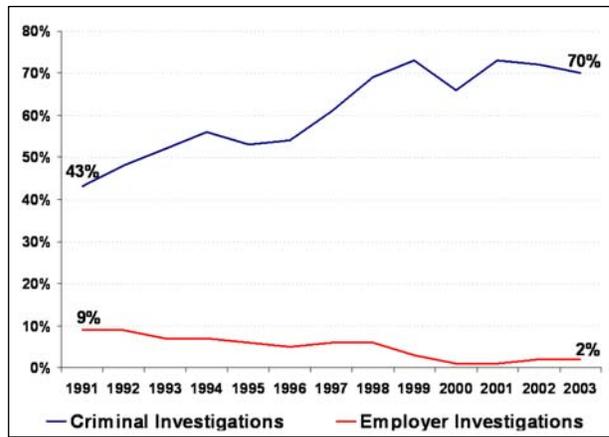
The total number of apprehensions hit an all-time peak of more than 1.8 million in 2000. The number of apprehensions decreased 42 percent, by about 768,000, between 2000 and 2003. (See Figure 5)

<sup>3</sup> Numbers of apprehensions reflect the number of apprehension cases, not the number of individuals apprehended, since the same individual may be apprehended several times. The actual number of individuals apprehended would be lower than the numbers above.

**Figure 6a. Interior Investigations by Type: FY1991 and FY2003**



**Figure 6b. Criminal/Employer Investigations as Share of Cases Completed: FY1991-2003**



Source: MPI analysis of data from US Department of Justice, *Statistical Yearbook of the Immigration and Naturalization Service; Enforcement, 1991-2001*; and US Department of Homeland Security, *Yearbook on Immigration Statistics, Enforcement, 2002-2003*.

**INS investigations expanded between 1991 and 2003.**

Overall, the number of cases completed by INS investigations grew from 86,569 to 117,066 between 1991 and 2003, an increase of 35 percent. (See *Figure 6a*)

**Most cases undertaken by INS investigations include criminal aliens.**

Criminal investigations make up the largest share of cases completed. This share increased from 43 percent of cases (37,062) in 1991 to 70 percent (82,236) in 2003. All other categories of investigations decreased both in number and as a percent of total cases completed during this period. Entry without inspection/status violation inspections decreased from 33 percent (28,884) to 23 percent (27,240). Smuggling inspections decreased from 9 percent (8,164) to 2 percent (2,346). Fraud investigations decreased from 6 percent (5,146) to 3 percent (3,050). Employer investigations decreased from 9 percent (7,403) to 2 percent (2,194). (See *Figures 6a and 6b*)

**Table 1. Immigration Enforcement Spending FY1985-2002**

Program	1985	1986	1987	1988
<b>Border Control</b>	<b>700,000,000</b>	<b>665,000,000</b>	<b>783,000,000</b>	<b>808,000,000</b>
Border Patrol	273,000,000	268,000,000	357,000,000	340,000,000
Inspections	146,000,000	134,000,000	184,000,000	199,000,000
Conduct of Consular Affairs/Relations	281,000,000	263,000,000	242,000,000	269,000,000
<b>Interior Investigations</b>	<b>109,000,000</b>	<b>104,000,000</b>	<b>165,000,000</b>	<b>168,000,000</b>
Investigations	81,000,000	76,000,000	133,000,000	135,000,000
Anti-Smuggling	28,000,000	28,000,000	32,000,000	33,000,000
Employer and Labor Relations	0	0	0	0
<b>Detention and Removal/ Intelligence</b>	<b>192,000,000</b>	<b>203,000,000</b>	<b>288,000,000</b>	<b>329,000,000</b>
Detention and Removal	141,000,000	152,000,000	214,000,000	233,000,000
Intelligence	3,000,000	3,000,000	6,000,000	6,000,000
Legal Proceedings	23,000,000	23,000,000	38,000,000	44,000,000
Administrative Review and Appeals/EOIR	25,000,000	25,000,000	30,000,000	46,000,000

1989	1990	1991	1992	1993	1994	1995
<b>881,000,000</b>	<b>918,000,000</b>	<b>1,001,000,000</b>	<b>1,091,000,000</b>	<b>1,156,000,000</b>	<b>1,160,000,000</b>	<b>1,334,000,000</b>
379,000,000	406,000,000	438,000,000	462,000,000	496,000,000	527,000,000	637,000,000
225,000,000	239,000,000	270,000,000	310,000,000	345,000,000	347,000,000	415,000,000
277,000,000	273,000,000	293,000,000	319,000,000	315,000,000	286,000,000	282,000,000
<b>183,000,000</b>	<b>188,000,000</b>	<b>187,000,000</b>	<b>192,000,000</b>	<b>208,000,000</b>	<b>208,000,000</b>	<b>238,000,000</b>
140,000,000	148,000,000	147,000,000	192,000,000	208,000,000	208,000,000	238,000,000
36,000,000	33,000,000	32,000,000	0	0	0	0
7,000,000	7,000,000	8,000,000	0	0	0	0
<b>344,000,000</b>	<b>361,000,000</b>	<b>357,000,000</b>	<b>387,000,000</b>	<b>388,000,000</b>	<b>434,000,000</b>	<b>513,000,000</b>
245,000,000	253,000,000	254,000,000	275,000,000	274,000,000	315,000,000	370,000,000
8,000,000	8,000,000	6,000,000	11,000,000	11,000,000	11,000,000	15,000,000
47,000,000	50,000,000	47,000,000	50,000,000	49,000,000	50,000,000	71,000,000
44,000,000	50,000,000	50,000,000	51,000,000	54,000,000	58,000,000	57,000,000

1996	1997	1998	1999	2000	2001	2002
<b>1,466,000,000</b>	<b>1,702,000,000</b>	<b>1,930,000,000</b>	<b>2,001,000,000</b>	<b>2,062,000,000</b>	<b>2,126,000,000</b>	<b>2,842,000,000</b>
747,000,000	907,000,000	1,097,000,000	1,124,000,000	1,242,000,000	1,324,000,000	1,660,000,000
458,000,000	514,000,000	578,000,000	612,000,000	580,000,000	613,000,000	879,000,000
261,000,000	281,000,000	255,000,000	265,000,000	240,000,000	189,000,000	303,000,000
<b>304,000,000</b>	<b>315,000,000</b>	<b>342,000,000</b>	<b>369,000,000</b>	<b>371,000,000</b>	<b>411,000,000</b>	<b>458,000,000</b>
304,000,000	315,000,000	342,000,000	369,000,000	371,000,000	411,000,000	458,000,000
0	0	0	0	0	0	0
0	0	0	0	0	0	0
<b>628,000,000</b>	<b>1,027,000,000</b>	<b>1,172,000,000</b>	<b>1,154,000,000</b>	<b>1,304,000,000</b>	<b>1,470,000,000</b>	<b>1,633,000,000</b>
488,000,000	802,000,000	917,000,000	891,000,000	1,035,000,000	1,175,000,000	1,278,000,000
15,000,000	15,000,000	17,000,000	17,000,000	18,000,000	17,000,000	45,000,000
81,000,000	88,000,000	97,000,000	99,000,000	101,000,000	108,000,000	128,000,000
44,000,000	122,000,000	141,000,000	147,000,000	150,000,000	170,000,000	182,000,000

Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

**Table 2. Immigration Enforcement Staffing (FTEs) FY1991-2002**

Year	Border Patrol & Inspections	Interior Investigations	Detention & Removal/ Intelligence
1991	7,930	1,954	2,195
1992	8,429	1,899	2,228
1993	8,552	2,039	2,232
1994	9,082	1,896	2,390
1995	9,987	1,746	2,556
1996	10,619	2,101	3,046
1997	11,966	2,435	3,562
1998	13,419	2,513	4,084
1999	14,650	2,639	4,176
2000	15,640	2,731	4,369
2001	16,725	2,958	4,823
2002	18,043	3,092	5,102

Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

**Table 3. Share of Enforcement Spending by Type**

Year	Interior Investigations	Detention & Removal/ Intelligence	Border Control	Overall Enforcement Budget
1985	11%	19%	70%	\$1,001,000,000
1986	11%	21%	68%	\$972,000,000
1987	13%	23%	63%	\$1,236,000,000
1988	13%	25%	62%	\$1,303,000,000
1989	13%	24%	63%	\$1,408,000,000
1990	13%	25%	63%	\$1,467,000,000
1991	12%	23%	65%	\$1,545,000,000
1992	11%	23%	65%	\$1,670,000,000
1993	12%	22%	66%	\$1,752,000,000
1994	12%	24%	64%	\$1,802,000,000
1995	11%	25%	64%	\$2,085,000,000
1996	13%	26%	61%	\$2,398,000,000
1997	10%	34%	56%	\$3,044,000,000
1998	10%	34%	56%	\$3,444,000,000
1999	10%	33%	57%	\$3,524,000,000
2000	10%	35%	55%	\$3,737,000,000
2001	10%	37%	53%	\$4,007,000,000
2002	9%	33%	58%	\$4,933,000,000

Source: MPI analysis of data from US Department of Justice Immigration and Naturalization Service, *Budget Requests to Congress*, 1985-2002; and *Budget of the United States Government, Appendix*, 1985-2003.

**Table 4. Apprehensions by Program FY1991-2003**

Year	Total Apprehensions	Border Patrol		Investigations	
		Number	Percent	Number	Percent
1991	1,197,875	1,132,933	95%	64,942	5%
1992	1,258,481	1,199,560	95%	58,921	5%
1993	1,327,261	1,263,490	95%	63,771	5%
1994	1,094,719	1,031,668	94%	63,051	6%
1995	1,394,554	1,324,202	95%	70,352	5%
1996	1,649,986	1,549,876	94%	100,110	6%
1997	1,536,520	1,412,953	92%	123,567	8%
1998	1,679,439	1,555,776	93%	123,663	7%
1999	1,714,035	1,579,010	92%	135,025	8%
2000	1,814,729	1,676,438	92%	138,291	8%
2001	1,387,486	1,266,214	91%	121,272	9%
2002	1,062,270	955,310	90%	106,960	10%
2003	1,046,422	931,557	89%	114,865	11%

Source: MPI analysis of data from US Department of Justice, *Statistical Yearbook of the Immigration and Naturalization Service; Enforcement*, 1991-2001 and US Department of Homeland Security, *Yearbook on Immigration Statistics, Enforcement*, 2002-2003.

**Table 5. Share of Interior Investigations Cases Completed FY 1991-2003**

Year	Criminal investigations	Employer investigations	Fraud investigations	Smuggling investigations	Entered without inspection/status violators
1991	43%	9%	6%	9%	33%
1992	48%	9%	4%	9%	30%
1993	52%	7%	5%	8%	27%
1994	56%	7%	7%	6%	24%
1995	53%	6%	7%	6%	27%
1996	54%	5%	4%	3%	33%
1997	61%	6%	4%	1%	28%
1998	69%	6%	4%	2%	20%
1999	73%	3%	3%	1%	20%
2000	66%	1%	3%	2%	28%
2001	73%	1%	3%	2%	21%
2002	72%	2%	2%	2%	21%
2003	70%	2%	3%	2%	23%

Source: MPI analysis of data from US Department of Justice, *Statistical Yearbook of the Immigration and Naturalization Service; Enforcement*, 1991-2001; and US Department of Homeland Security, *Yearbook on Immigration Statistics, Enforcement*, 2002-2003.

## **GLOSSARY**

**Apprehensions** – Both the Border Patrol and investigations programs, previously under the Immigration and Naturalization Service (INS) and now under the Department of Homeland Security (DHS), apprehend immigrants when found to be in violation of immigration laws, when attempting illegal entry, or when found to have overstayed or violated conditions of their immigration status. Border Patrol agents primarily conduct apprehensions along the border, while investigations agents primarily conduct apprehensions in the interior of the United States.

**Border Patrol** – The US Border Patrol monitors the country's land and water boundaries between legal entry points (ports of entry), in order to detect and prevent the illegal entry of persons into the country. The Border Patrol was part of the INS, but is now part of Customs and Border Protection (CBP) under DHS.

**Consular Affairs** – The consular affairs program of the State Department is responsible for the issuance, denial, and adjudication of immigrant and non-immigrant visas, refugee processing, and visa fraud detection and investigation. This program also includes American citizen services, including the issuance of passports, passport fraud detection and investigation, and emergency assistance to American citizens abroad.

**Detention and Removal** – The detention and removal program is responsible for the custody and tracking of immigrants undergoing removal proceedings. This involves providing for the basic needs of each individual, as well as overseeing removal procedures and the return of detainees to the proper authorities in their home country. Most removal proceedings are conducted before an immigration judge, though a process called expedited removal allows immigration officers to order the removal of an immigrant without court involvement. Detention and removal was a responsibility of the INS, but now falls under US Immigration and Customs Enforcement (ICE) in DHS.

**Employer and Labor Relations** – The employer and labor relations program of the INS operated from 1989 to 1991, and was intended to facilitate voluntary compliance with the Immigration Reform and Control Act's prohibition on the employment of unauthorized immigrants. Employer and labor relations officers visited employers and explained the new labor requirements included in the law.

**Executive Office for Immigration Review (EOIR)** – The Executive Office for Immigration Review, part of the Department of Justice, oversees fifty-three immigration courts located throughout the United States and includes the Board of Immigration Appeals (BIA). Immigration judges hear all immigration cases, including removal proceedings and cases on employer sanctions or immigration related employment discrimination. Individuals may appeal decisions of the immigration courts to the BIA.

**FTEs** – FTEs measure the number of staff hours assigned to a particular task. One full-time equivalent (FTE) is equal to one workyear, or 2,080 non-overtime work hours.

**Inspections** – Immigration inspectors are posted at legal border crossing points, including land and sea ports of entry and airports, to ensure that entrants have valid documentation and are entering the United States legally. Inspectors may permit most illegal entrants to withdraw their application for admission but may also refer immigrants to Immigration Judges for removal proceedings or order expedited removal. Border inspections were a responsibility of the INS but now fall under CBP within DHS.

**Intelligence** – The intelligence program provides strategic and tactical intelligence support to immigration enforcement efforts, supports coordination of anti-smuggling/terrorism strategies with the FBI, and works toward increased automation of the intelligence collection and analysis process. The Intelligence program was part of INS but in 2003 became a part of ICE within DHS.

**Investigations** - The investigations program focuses on the enforcement of immigration laws within the interior of the United States. Agents investigate violations of immigration law and immigrants involved in criminal activities, including investigations of worksites where unauthorized immigrants may be employed. Investigations agents previously worked under the INS, but now operate within ICE under DHS.

**Legal Proceedings** – The INS legal proceedings program funded INS attorneys who represented the agency before immigration judges and the BIA in removal cases. INS attorneys also provided legal counsel to the Commissioner, regional directors, district directors, and Border Patrol chiefs. After the creation of DHS, the principal legal advisor to the Assistant Secretary of ICE took leadership of the attorneys who represent DHS in immigration courts.

**Obligations** – Obligations are funds that a government agency commits to be spent on orders, contracts, services, or other transactions within a given fiscal year, regardless of whether the commitments will be paid off in the current year or in future years. Obligations cannot exceed the amounts appropriated by Congress.

## DATA SOURCES

Data on immigration enforcement spending, staffing, and program outcomes is based on 1) the INS' budget requests to Congress, held by the US Citizenship and Immigration Services (USCIS) historical library; 2) the Appendices of the Budget of the United States Government, and 3) the Department of Homeland Security's *Yearbook of Immigration Statistics* for 2002-2004 and the *Statistical Yearbook of the Immigration and Naturalization Service* for 1986-2001.

Enforcement spending under the INS refers to Congressional appropriations as enacted for each fiscal year, including funds appropriated through the salaries and expenses account, fee accounts, and special INS accounts. Amounts spent on INS enforcement activities also include a proportionate amount of funds appropriated for construction and for data and communications systems, as these funds were used particularly for immigration enforcement. Spending levels for consular affairs and the EOIR are measured in actual obligations, or amounts committed to be spent on enforcement activities. Obligations present a more conservative estimate of spending than appropriations, since levels of obligations are limited by the level of funds appropriated by Congress.

Data on enforcement spending covers fiscal years 1985 to 2002, in order to provide a pre-IRCA baseline and cover the latest year for which detailed funding information is available. In FY2003, INS was merged into DHS; resources for immigration enforcement were appropriated to DHS using different categories than those used for the INS, making it impossible to compare pre-DHS and post-DHS enforcement spending.

This information was compiled by David Dixon, Associate Policy Analyst, and Julia Gelatt, Research Assistant, in September 2005. The authors would like to thank Gabriela Gallegos, whose prior research assisted in locating INS budget data, and Michael Dino, for feedback on earlier drafts of this work.

For questions or to arrange an interview with a data expert or policy analyst, please contact Colleen Coffey at 202-266-1910 or [ccoffey@migrationpolicy.org](mailto:ccoffey@migrationpolicy.org). Please visit us at [www.migrationpolicy.org](http://www.migrationpolicy.org).

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