

The Costs of Biden's Border Crisis: The First Two Years

Erin Dwinell and Hannah Davis

KEY TAKEAWAYS

The Biden Administration is actively using federal resources to double down on dangerous border and immigration policies.

The Biden Administration's agenda and funding priorities place illegal aliens above American citizens, taxpayer dollars, and national security.

Congress should demand accountability from the Biden Administration and strict enforcement of the nation's immigration laws.

Federal Dollars for Illegal Aliens

The Biden Administration has shifted from deterrence, detention, and deportation of illegal aliens toward accommodating an ever-rising wave of illegal immigrants into the United States in parole status. As a result, its demand for federal dollars have increased significantly. As the Administration, through nongovernmental organizations (NGOs), disperses millions of illegal aliens into the interior of the country, it expects American taxpayers to pay for their long-term and widespread support, including travel, food, housing, and health care. Under the Biden Administration, government-run or contracted transportation, food, and medical care for illegal aliens have cost taxpayers billions of dollars so far, with no end in sight.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3755>

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Federal, state, and local government entities¹ all bear the brunt of the federal government's policy decisions. This *Backgrounder* provides an analysis of costs and priorities at the federal level, as well as an assessment of the strategy and agenda of the Biden Administration.

Biden's Agenda Abuses Taxpayers

President Joe Biden has often said, "Don't tell me what you value. Show me your budget, and I'll tell you what you value."² Taking President Biden at his word, we can evaluate the *Budget of the U.S. Government for Fiscal Year 2023*³ to understand the Biden Administration's values regarding border security and illegal immigration.

This analysis indicates that the Biden Administration values neither securing America's borders nor enforcing the nation's immigration laws. Rather, a high value is placed on allowing as many illegal aliens into the United States as possible and making the American taxpayers provide their transportation, shelter, food, medical care, education, and more during the lengthy, indefinite period needed to determine final immigration status in each case. Very few resources are allocated toward deporting the millions who fail to qualify for asylum or other immigration benefits.

Compared to the *Budget of the U.S. Government* immediately prior to President Biden taking office, proposed by then-President Donald Trump for fiscal year (FY) 2021,⁴ the Biden Administration would increase spending by \$98.6 billion over the FY 2022–FY 2030 period on budgetary accounts and programs that facilitate—rather than control—the border crisis.

In contrast, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), the federal agencies tasked with enforcing America's border security and immigration laws, would spend \$33 billion less on their important mission-focused accounts over the same FY 2022–FY 2030 period as compared to the previous budget proposal.

Major changes in the spending priorities of immigration policy are outlined here.⁵

Spending Reductions for Border Security and Immigration Enforcement. During his first year in office, President Biden took 296 executive actions relating to the border and immigration. Of these, 89 dissolved the previous Administration's border policies.⁶ Among other things, these orders ended enhanced vetting and processing for those attempting to enter the United States from specific regions; fortified protections for the Deferred Action for Childhood Arrivals program; terminated southern border wall construction; counted illegal aliens in the same way as U.S.

TABLE 1

Biden’s Border Spending Priorities (Page 1 of 2)

	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total, 2022–2030
Department of Health and Human Services, Administration for Children and Families, Refugee and Entrant Assistance										
FY 2021 Budget	2,456	2,456	2,456	2,456	2,456	2,456	2,456	2,456	2,456	22,104
Biden Budget	8,954	8,141	8,456	8,780	7,569	8,057	8,239	8,425	8,615	75,236
Difference	6,498	5,685	6,000	6,324	5,113	5,601	5,783	5,969	6,159	53,132
Department of State, Migration and Refugee Assistance										
FY 2021 Budget	299	299	299	299	299	299	299	299	299	2,691
Biden Budget	3,847	3,912	4,002	4,094	4,188	4,285	4,383	4,484	4,587	37,782
Difference	3,548	3,613	3,703	3,795	3,889	3,986	4,084	4,185	4,288	35,091
United States Emergency Refugee and Migration Assistance Fund										
FY 2021 Budget	0	0	0	0	0	0	0	0	0	0
Biden Budget	2,276	100	102	105	107	110	112	115	117	3,144
Difference	2,276	100	102	105	107	110	112	115	117	3,144
Department of Homeland Security, U.S. Customs and Border Protection, Operations and Support										
FY 2021 Budget	19,201	19,437	19,622	19,876	20,065	20,282	20,323	20,424	21,325	180,555
Biden Budget	17,036	18,546	19,759	20,239	20,697	21,169	21,650	22,141	22,645	183,882
Difference	-2,165	-891	137	363	632	887	1,327	1,717	1,320	3,327
Procurement, Construction, and Improvements										
FY 2021 Budget	2,281	2,281	2,281	2,281	2,281	2,281	2,281	2,281	2,281	20,529
Biden Budget	1,913	446	456	466	477	489	500	511	523	5,781
Difference	-368	-1,835	-1,825	-1,815	-1,804	-1,792	-1,781	-1,770	-1,758	-14,748
U.S. Immigration and Customs Enforcement, Operations and Support										
FY 2021 Budget	11,220	11,409	11,503	11,609	11,615	11,631	11,633	11,643	11,645	103,908
Biden Budget	8,401	8,531	8,722	8,913	9,109	9,311	9,517	9,728	9,941	82,173
Difference	-2,819	-2,878	-2,781	-2,696	-2,506	-2,320	-2,116	-1,915	-1,704	-21,735
Procurement, Construction, and Improvements										
FY 2021 Budget	105	105	105	105	105	105	105	105	105	945
Biden Budget	97	98	100	103	105	107	109	113	115	947
Difference	-8	-7	-5	-2	0	2	4	8	10	2
Citizenship and Immigration Services, Operations and Support										
FY 2021 Budget	119	119	119	119	119	119	119	119	119	1,071
Biden Budget	367	904	926	946	968	990	1,012	1,036	1,060	8,209
Difference	248	785	807	827	849	871	893	917	941	7,138

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Biden’s Border Spending Priorities (Page 2 of 2)

	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total, 2022–2030
Federal Assistance										
FY 2021 Budget	0	0	0	0	0	0	0	0	0	0
Biden Budget	10	10	10	10	11	11	11	11	12	96
Difference	10	10	10	10	11	11	11	11	12	96

NOTES: Table displays discretionary and mandatory budget authority by fiscal year in millions of dollars. U.S. Customs and Border Protection Operations and Support and Procurement, Construction, and Improvements and U.S. Immigration and Customs Enforcement Operations and Support account lines display gross budget authority.

SOURCES: Office of Management and Budget, “Table 25-1. Federal Budget by Agency and Account, FY2021 President’s Budget Policy,” February 10, 2020, <https://www.govinfo.gov/content/pkg/BUDGET-2021-PER/pdf/BUDGET-2021-PER-8-6-1.pdf> (accessed August 26, 2022), and Office of Management and Budget, “Table 26-1. Federal Budget by Agency and Account, FY2023 President’s Budget Policy,” March 28, 2022, https://www.whitehouse.gov/wp-content/uploads/2022/03/26-1_fy2023.pdf (accessed August 26, 2022).

citizens in the U.S. Census; and limited ICE’s ability to remove illegal aliens who posed national security threats, had previous criminal convictions, or who had recently entered the United States illegally.⁷

The Administration fought hard to terminate the Migrant Protection Protocols,⁸ the policy allowing the Department of Homeland Security (DHS) to require non-Mexican aliens arriving from Mexico to return and remain there while waiting for their asylum claims to be heard. Since April 2021, the Administration has attempted to end the use of Title 42,⁹ a law allowing Border Patrol agents to quickly expel aliens for public health reasons. Lawsuits and resulting court orders have prevented them from doing so, but in any case, the Administration has elected to use the authority on fewer than half of those attempting to enter the United States illegally.¹⁰

The Biden Administration has adamantly refused to enforce interior immigration laws. From FY 2020 to FY 2021, the number of aliens removed by ICE dropped from 185,884¹¹ to 59,011,¹² respectively. The average number of illegal aliens detained daily dropped in 2021 to the lowest it had been seen since 1999,¹³ even as monthly encounters at the border soared to record levels.¹⁴

By doing away with both deterrence at the border and enforcement of immigration law in the interior, in its overall immigration strategy, the Administration continually signals that the southern border is open and puts the lives of millions of citizens and migrants in harm’s way.

- **CBP Procurement, Construction, and Improvements:** The Biden Administration would reduce spending for the U.S. Customs and Border Patrol Procurement, Construction, and Improvements account by \$14.7 billion over the FY 2022–FY 2030 period.¹⁵ This account provides vital funding for physical and technological barriers at the border, including the construction of the border wall system as well as aircraft, marine vessels, and tactical infrastructure to protect the nation’s borders.
- **ICE Operations and Support:** The Biden Administration would reduce spending for the U.S. Immigration and Customs Enforcements Operations and Support account by \$21.7 billion over the FY 2022–FY 2030 period.¹⁶ This account funds mission support, immigration enforcement and removal operations, the Office of the Principal Legal Advisor, and Homeland Security Investigations operations of ICE so that it can enforce the nation’s immigration laws.

Spending Increases to Perpetuate the Border Crisis. The Biden Administration’s re-direction of funding includes carving out billions of dollars in massive U.S. aid bills¹⁷ to fund refugee resettlement programs and re-allocating taxpayer-funded government resources to process aliens illegally crossing the border into the United States more quickly. Policy changes include countless memos changing operations across federal agencies to assist in this endeavor.

President Biden set in place new regulations for the “public charge” rule, which would make it easier for illegal aliens to receive governmental benefits such as cash assistance, medical care, food stamps, education, and housing.¹⁸

- **HHS Refugee and Entrant Assistance:** The Biden Administration would increase spending for the Department of Health and Human Services (HHS) Refugee and Entrant Assistance account by \$53.1 billion over the FY 2022–FY 2030 period.¹⁹ This account provides taxpayer-funded grants to NGOs and states to provide cash, medical assistance, and social services to aliens. It funds the Office of Refugee Resettlement, which transports and settles aliens around the United States.
- **Department of State Migration and Refugee Assistance:** The Biden Administration would increase spending for the Department

of State Migration and Refugee Assistance account by \$35.1 billion over the FY 2022–FY 2030 period.²⁰ This account provides taxpayer-funded grants to NGOs for processing, transporting, and resettling refugees and immigrants to the United States as well as aid to refugees and migrants overseas.

- **USCIS Operations and Support:** The Biden Administration would increase spending for the U.S. Citizenship and Immigration Services Operations and Support account by \$7.1 billion over the FY 2022–FY 2030 period.²¹ Historically, this budgetary account has primarily been used to fund the E-Verify program,²² which acts as a deterrent to illegal immigration. However, the Biden Administration would transform this account, adding billions of dollars in new spending to pay for the immigration application processing fees of aliens. Illegal aliens claiming asylum are not charged fees, even when their claims are fraudulent or frivolous.

Compared to the previous Administration’s 2021 refugee admissions cap of 15,000, President Biden’s 2022 and 2023 caps of 125,000 admissions each year²³ is excessive, unachievable, and unmanageable.

The CBP is so overwhelmed that it has drastically increased reliance on NGOs as a means of collecting, transporting, harboring, and, ultimately, integrating illegal aliens throughout the United States.²⁴ By relying on NGOs to provide “a more orderly, reliable process for the federal government authorities and the border communities receiving them,”²⁵ the Administration, according to Secretary of Homeland Security Alejandro Mayorkas, is “bolstering the capacity of NGOs,”²⁶ which are facilitating what amounts to human smuggling.

In its FY 2023 budget, the Biden Administration requested and received billions of dollars toward embedding illegal aliens in the United States as described below despite the likelihood of high percentages being ruled ineligible to remain after due process.

Customs and Border Protection. The Biden Administration added 300 Border Patrol agents at a cost of \$65 million. Rather than being tasked with patrol, their assigned functions now often center around processing and caring for illegal immigrants at the border.²⁷ The Administration will also hire 300 Border Patrol processing coordinators at a cost of \$23 million. A new Joint Processing Center—including space for migrant processing, housing, food, and medical care, largely provided by contractors and NGOs—will cost \$140 million.

It is important to note that of the CBP “Operations and Support” omnibus funding, the \$1,563,143,000 for border management requirements is specifically prohibited from being used “to acquire, maintain, or extend border security technology and capabilities, except for technology and capabilities to improve Border Patrol processing.”²⁸

Immigration and Customs Enforcement. In ICE’s “Operations and Support” 2023 omnibus funding, the agency receives \$339,658,000 for “non-detention border management requirements.”²⁹

Rather than fund enforcement of the nation’s laws, the Biden Administration’s FY 2023 budget³⁰ allotted \$527 million in funding for Alternatives to Detention, an increase of \$87 million. However, not only has DHS proven itself unable to keep adequate track of the program’s participants,³¹ but the program itself is ineffective at replacing detention. (DHS reports that if aliens are never or only briefly detained, they will not be removed 97 percent of the time.³²) Emergency or temporary beds meant for processing prior to release are funded at \$25 million for the year, while the Administration eliminates traditional family detention beds and reduces traditional adult detention beds by 5,000.

As smuggling and trafficking at the southern border increases, Homeland Security Investigations funding is a planned \$2.3 billion, a \$162 million increase. DHS’s Center for Countering Human Trafficking obtains \$15 million and the Victim Assistance Program receives \$11 million. So much money would not be needed if the Biden Administration prevented illegal immigration in the first place. Instead, it throws good money after bad policy.

Office of Health Security. The newly established Office of Health Security will duplicate HHS functions within DHS—namely, to tend to the health needs of aliens in DHS custody.³³ This new allocation of resources provides \$34.3 million to be used for the new office, including functions never before within the agency’s scope. As discussed below, if ICE agents were instead permitted to apprehend, detain, and deport illegal immigrants, the resources required to care for them would be dramatically less.

Federal Emergency Management Agency. As aliens cross the southern border, the Biden Administration requested an increase of \$24 million in FY 2023 budget³⁴ to provide “food, shelter, transportation, COVID-19 testing, and care” for them through the Emergency Food and Shelter Program—Humanitarian Relief. Now, the 2023 omnibus makes up to \$785 million³⁵ available for this program.

U.S. Citizenship and Immigration Services. At U.S. Citizenship and Immigration Services (USCIS), the Biden Administration prides itself on increasing “humanitarian” functions.³⁶ In the FY 2023 budget,³⁷ \$375

million and 1,151 new full-time employees are allocated for asylum adjudications following the Administration's move in 2022 to allow USCIS asylum officers—rather than immigration judges—to adjudicate asylum claims at the border. That decision of dubious legality³⁸ will expedite erroneous approvals,³⁹ encourage fraud, and put more vulnerable aliens at risk.⁴⁰ Meanwhile, asylum fraud is rampant at the border,⁴¹ and there are approximately 8.7 million total pending applications (over 571,000 of which are asylum applications) waiting to be adjudicated by USCIS.⁴²

Congress more than doubled the President's budget request of \$10 million for Citizenship and Integration Grants⁴³ and provided \$25 million.⁴⁴ Many of these grants can be traced to NGOs such as Catholic Charities⁴⁵ that facilitate support for aliens crossing the border illegally. These grants fuel more actors' capacity for corruption and ability to embed illegal immigrants into communities in violation of the law.

Lame Duck Omnibus Spending Bill Funds Biden's Border Crisis

The FY 2023 omnibus appropriations bill doubled down on Biden's border crisis.

Compared to the FY 2021 appropriations bills enacted in December 2020 just prior to Biden taking office, the FY 2023 bill significantly increased funding for accounts and activities that advance Biden's irresponsible immigration policies. HHS Refugee and Entrant Assistance receives \$8.2 billion, almost \$1.9 billion more than President Biden requested. Department of State Migration and Refugee Assistance receives \$2.9 billion, about the same as the FY 2021 enacted level. USCIS Operations and Support receive \$243 million, the majority of which is for application process subsidies.

In contrast, the omnibus shortchanged appropriations accounts that support border security. CBP Procurement, Construction, and Improvements receives \$582 million, only \$9 million above the FY 2021 enacted level despite worsening conditions at the border. ICE Operations and Support receives \$8.4 billion, a less than \$200 million increase from the FY 2021 enacted level. Congress has appropriated these insufficient funding levels when border security and enforcement of immigration laws is sorely needed.

Recommendations

Congress should introduce robust flagship legislation⁴⁶ to take control of the nation's borders, stop the uncontrolled flow of illegal immigration,

TABLE 2

Omnibus Misallocates Border Security Resources

	FY 2023 Omnibus Funding	FY 2023 Senate	FY 2023 House	Biden FY 2023 Request	FY 2022 Enacted	FY 2021 Enacted
Department of Health and Human Services - Administration for Children and Families						
Refugee and Entrant Assistance	8,202.2	9,370.0	7,924.3	6,327.8	8,925.2	1,910.2
Department of State						
Migration and Refugee Assistance	2,912.2	3,637.2	3,700.0	3,912.0	2,912.2	3,432.0
United States Emergency Refugee and Migration Assistance Fund	0.1	0.1	0.1	100.0	0.1	0.1
Department of Homeland Security - U.S. Customs and Border Protection						
Operations and Support	15,590.7	15,515.3	14,690.5	14,459.6	13,756.2	12,908.9
Procurement, Construction, and Improvements	581.6	549.0	547.5	440.3	572.1	1,839.6
U.S. Immigration and Customs Enforcement						
Operations and Support	8,396.3	8,038.3	8,298.6	8,002.1	8,206.5	7,875.7
Procurement, Construction, and Improvements	23.0	100.8	97.8	97.8	51.7	97.8
Citizenship and Immigration Services						
Operations and Support	243.0	816.7	653.3	903.6	389.5	117.8
Federal Assistance	25.0	50.0	30.0	10.0	20.0	10.0
	FY 2023 Omnibus Funding	FY 2023 Senate	FY 2023 House	Biden FY 2023 Request	FY 2022 Enacted	FY 2021 Enacted
Department of Health and Human Services - Administration for Children and Families						
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Department of State						
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United States Emergency Refugee and Migration Assistance Fund	0.1	0.1	0.1	100.0	0.1	0.1
Department of Homeland Security - U.S. Customs and Border Protection						
Operations and Support	15,590.7	15,515.3	14,690.5	14,459.6	13,756.2	12,908.9
Procurement, Construction, and Improvements	581.6	549.0	547.5	440.3	572.1	1,839.6
U.S. Immigration and Customs Enforcement						
Operations and Support	8,396.3	8,038.3	8,298.6	8,002.1	8,206.5	7,875.7
Procurement, Construction, and Improvements	23.0	100.8	97.8	97.8	51.7	97.8
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Federal Assistance	25.0	50.0	30.0	10.0	20.0	10.0

NOTES: Table displays net discretionary budget authority by fiscal year in millions of dollars. Biden Request column does not include mandatory spending legislative proposals.

SOURCES: House Appropriations Committee, "Legislation," <https://democrats-appropriations.house.gov/legislation> (accessed February 15, 2023); Senate Appropriations Committee, "Legislation," <https://www.appropriations.senate.gov/legislation> (accessed February 15, 2023).

and prevent the Biden Administration from continuing the border crisis. Some solutions include:

- **Creating a non-public-health authority to immediately expel illegal aliens across the border in a crisis.** The current border crisis has shown that, during a crisis, Border Patrol agents should be able to exercise lawful authority to return inadmissible aliens across the border, regardless of country of origin, whether health related or not.
- **Funding thorough immigration enforcement.** Mandating and appropriating resources for completion of the border wall system, increasing ICE resources for deportation officers and detention beds so they are commensurate with the mandatory detention and removal requirements in the law, clarifying deportation officers' authority to make custodial arrests, and detaining aliens would encourage adherence to the nation's laws and disincentivize illegal immigration.
- **Ending abuse of humanitarian programs.** Reining in the rampant abuse of parole authority, the disparate treatment of unaccompanied alien children under the Trafficking Victims Protection Reauthorization Act, terminating the Flores settlement agreement that limits detention of family units to 20 days, and raising the "credible fear" asylum standard would restore integrity to the immigration system as well as safety for citizens and aliens alike.

Additionally, no later than the FY 2024 appropriations bill, Congress should:

- **Prohibit all dangerous Biden Administration rules and executive orders and reprogram their funding to truly secure the border.** Congress should hold the Administration accountable for the border crisis by refusing to fund its open border and immigration-related executive orders,⁴⁷ rules, and operations and instead reprogram the funds to successful programs that truly secure the border, including completing wall system construction and fully implementing the Migrant Protection Protocols. Congress should also prohibit implementation of the Administration's open border rules⁴⁸ and related memos and guidance documents.

- **Defund the Biden Administration’s open border operations through ubiquitous NGOs.** The Administration should be held accountable for its increased reliance on NGOs and efforts to skirt federal law and responsibilities. In addition to defunding detrimental government programs, NGOs facilitating the border crisis⁴⁹ should be defunded.
- **Defund the Office of Health Security.** This newly created office unnecessarily takes DHS funding that could be used to secure the homeland and enforce the nation’s laws and uses it to duplicate functions such as alien health care that are the responsibility of HHS.
- **Utilize the Holman rule to hold executive branch officials accountable.** The Holman rule in the House of Representatives permits provisions in appropriations bills to reduce salaries for specific executive branch officials or to eliminate positions entirely. This power should be used to hold Biden Administration officials accountable and to eliminate offices that are using taxpayer funds to weaken border security and enforcement of immigration laws.
- **Impeach Secretary of Homeland Security Alejandro Nicholas Mayorkas.** Secretary Mayorkas has violated his oath of office, purposely neglected his duty to secure the homeland, and instigated and overseen the greatest border crisis in the nation’s history.⁵⁰ For the sake of the nation, he deserves to be impeached and removed from office.

Conclusion

More than 5.7 million⁵¹ illegal aliens crossed the U.S. border in the first 24 months of the Biden presidency (between encounters⁵² and aliens evading encounter or apprehension). As historic numbers of illegal aliens continue to cross the border and disperse throughout the country,⁵³ every state has effectively become a border state. The nation is subject to significant preventable expenses⁵⁴ and countless crimes⁵⁵ committed by illegal aliens. As taxpayers demand change from Congress, elected officials should hold the Biden Administration accountable and put an end to disastrous federal funding priorities and policies that endanger America’s lawful society and national security.

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Endnotes

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