



MEMO: DHS Funding for Immigration Enforcement is Expanding the Reach of the Criminal Justice System

April 2026

As Congress reconvenes, it is essential to track how massive ramp-ups in federal immigration enforcement rely on and will dramatically expand the infrastructure of the criminal justice system, worsening its incentives and norms in ways that impact citizens and noncitizens alike.

Congress already gave the Department of Homeland Security (DHS) an enforcement windfall large enough to reshape policing and punishment for years to come, even absent additional planned budget allocations. Funds will increase and change financial incentives for local and state criminal justice actors for the worse, tying agencies to federal immigration objectives and increasing the capacity for heavy-handed enforcement and incarceration writ large. Simultaneously, legal rights and protections are being eroded in the name of immigration enforcement and the administration is re-centering outdated, dangerous ideas around use of force and extreme punishment. Fighting to stop, slow, and claw back federal DHS enforcement funds now and over the next few years is an essential part of combatting these trends.

DHS received a \$191B windfall for enforcement

In the July 2025 reconciliation bill, Congress committed a historic \$191 billion for DHS enforcement, on top of regular appropriations. This massive fund will, and has already begun to, expand the reach of the criminal justice system as well as dramatically ramp up immigration enforcement. Here's how that funding breaks down across agencies:

\$74.85B ICE (39%)	\$64.73B CBP (34%)	\$24.59B Coast Guard (13%)	\$22.0B DHS Slush Fund (12%)
Detention expansion to 100K beds, deportation flights, 14,593 new officers and staff, enforcement operations	Border wall (\$46.6B), surveillance technology, 8,409 new agents and staff	Fleet modernization, vessel acquisition, shore infrastructure, aviation assets	Unspecified enforcement funding with no line items, no oversight, no reporting mandates

Traditional state and local criminal justice systems are critical entities through which these funds will flow, and who the administration intends to enlist—through incentive or coercion—in the project of heavy immigration enforcement. This is not an accident, but a strategic and intentional choice by the administration. As [Border Czar Tom Homan](#) said in his January 29th press conference on drawing down federal agents in Minnesota:

“The withdrawal of law enforcement resources here is dependent upon cooperation. Like I said, one agent arresting one bad guy in jail means less agents on the street. We have some agreements. We’ve got more to talk about, how we’re going to implement those agreements. But as we see that cooperation happen, then the redeployment will happen.”

Recently, Homan [called on](#) Virginia Governor Spanberger to facilitate more cooperation between ICE and “county jailers,” saying “if you don’t let us in the jails, fine. We’ll just send more teams into the streets, into the neighborhoods.”

The dramatic infusion of cash into local criminal justice systems will expand policing, detention bed capacity, and surveillance, among other impacts. The increased mingling of these systems also weakens legal rights and protections in ways that will have harmful implications for citizens and noncitizens alike for decades to come. And funds are just beginning to flow — we [estimate roughly \\$150B](#) remains unspent, enough to fund DHS into late FY2027.

Funds are allocated—and flowing—to state and local law enforcement

Within the reconciliation bill, funds are earmarked specifically for local law enforcement in a number of different areas. For example:

Amount	What it's for
\$2.055B	To DHS for 287(g) Task Force Models and other state and local reimbursements for participation in immigration enforcement activities.
\$3.3B	To the Department of Justice for purposes including reimbursing jails and prisons for incarcerating “criminal aliens.” The Federal government typically pays local jails \$70 to \$110 per day per incarcerated immigrant.
\$3.5B	To the Attorney General for the “Bridging Immigration-related Deficits Experienced Nationwide (BIDEN) Reimbursement Fund” to reimburse state and local governments for costs incurred during the Biden administration to police, prosecute, detain, or transport undocumented people.
\$10B	To DHS for a “State Border Security Reinforcement Fund” that will reimburse state and local governments for purposes including drug and immigration enforcement and transporting detained immigrants.
\$29.85B	To ICE for hiring and retention and other purposes, including 287(g) expansion and facilitation (though the amount for 287(g) expansion is not yet clear).

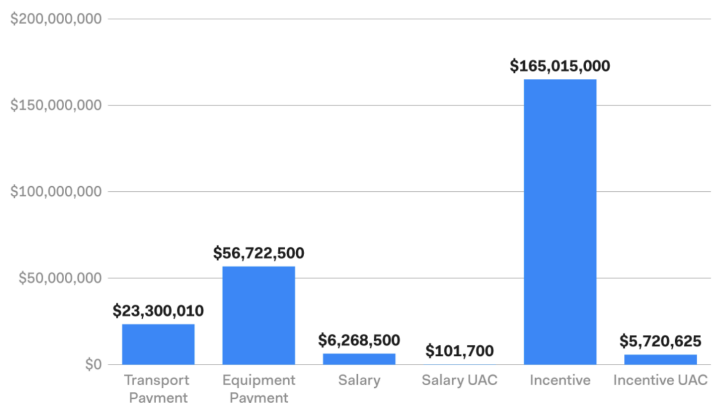
Texas’ [“Operation Lone Star,”](#) refunded by the BIDEN Reimbursement Fund, shows the impacts of the intended model: Ostensibly an effort to detect “illegal crossings” related to human or drug trafficking, the operation has instead resulted in racial profiling, arrests for misdemeanor offenses, and the prosecution of citizens for target offenses.

Cash incentives will fuse immigration enforcement to local policing

287(g) agreements are one of the clearest mechanisms reshaping local criminal justice to immigration enforcement in ways that change both systems for the worse. The number of 287(g) agreements went up by over 900% in the first year of the Trump administration, reinforcing ties between sheriffs, jails, and federal enforcement efforts. Importantly, the administration also revived an old, and once rejected, model (the “Task Force Model”) that incentivizes state and local law enforcement agencies to sign up and become deputized to conduct immigration enforcement — promising to pay the salaries of trained police officers along with what amounts to bounties for “performance.”

As of April 4, 976 state and local law enforcement agencies have signed up for the revived 287(g) Task Force Model, and [282 have received or been pledged specific funding](#). In some cases, the funding they have already received has doubled their [entire department budget](#). Our [recent analysis](#) shows that \$257M has

ICE 287(g) Payouts by Type



already been allocated, the majority for “incentive payments.”

The 282 departments with listed payments have deputized 7,514 local and state officers to do immigration enforcement, suggesting that there are or will be many thousands more deputized across the nearly 700 participating agencies not yet receiving payments.

In February, we estimated that based on the number of agencies signed up and the promised funding from ICE, [total funding could equal \\$1.4 to \\$2 billion](#) in 2026. With these larger incentive payments and many more agencies signing up, the total could grow even higher. This influx of federal immigration money would massively increase federal funding to local law enforcement (the previous two largest grants together totaled about \$1 billion) and drive the largest expansion of federal funding to local police since the 1990s.

To put a fine point on it: pushing billions into local law enforcement with a mandate and incentives to harass and arrest people who may appear to be immigrants is an enormous multiplier of force against Black and Brown people in this country.

Flexible federal money will pull in agencies far beyond ICE – and fund a wide range of activities and equipment

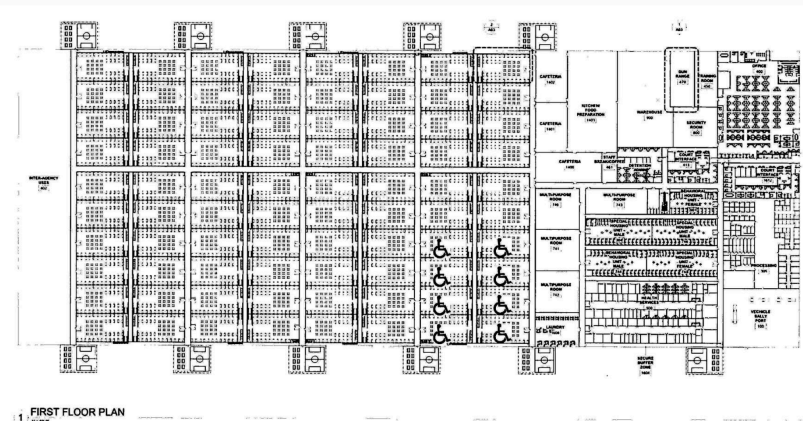
As noted above, the reconciliation bill includes a \$22 billion DHS enforcement fund with no line items, little oversight, and broad discretion. Many of the other line items directed towards state and local criminal justice actors have broad flexibility. This is the financial architecture for mission creep: money appropriated in the name of immigration control can support street patrols, detention, weapons, surveillance and other technology, data sharing, task-force operations, and public-order enforcement.

The D.C. experience shows how quickly that mission creep can happen. President Trump's March 2025 [executive order](#) on making Washington 'safe and beautiful' created an interagency task force to maximize resources across federal agencies. Public reporting in March 2026 found that [at least 10 ICE arrests in the D.C. region involved U.S. Park Police](#), some arising from traffic stops of commercial vehicles on federal parkways. Once agencies like the Park Police and state highway patrols are folded into the immigration agenda, roadway enforcement and minor public-order policing become gateways to detention and deportation.

The infrastructure for mass detention is expanding at every level, with state and local facilities providing critical infrastructure

Federal money from ICE rentals can be a [major source of revenue](#) for local jails. This funding structure incentivizes local jurisdictions to build newer, bigger jails, and then in turn requires them to maintain or increase rented space for immigration detention, creating a harmful cycle that fuels growth of both immigration and criminal detention. The reconciliation bill also includes funds to increase detention capacity at historic scale.

The “[Detention Reengineering Initiative](#)” is ICE’s \$38.3 billion goal to “implement a new detention model” by the end of FY26. It includes acquiring and renovating eight large-scale detention centers, 16 processing sites, and 10 “turnkey” facilities where ICE already operates/has contracts with local jails and prisons. [DHS’s floorplan](#) for one such site in Social Circle, GA, is shown below.



As we know from the field of criminal justice reform, “if you build it, you fill it.” As the administration begins to expand detention beds at the local, state, and federal level, we can anticipate not only an increase in detention related to immigration, but an expansion of incarceration and detention of all kinds.

Legal protections and rights are being weakened in the name of immigration enforcement

Alongside the rapid expansion in funding, the administration has systematically used immigration enforcement as the rationale to weaken essential rights and norms around stops, searches, and arrests. [Administrative warrants](#) and [warrantless arrests](#) are increasingly justified in contexts such as forced entry into homes that would have previously been unimaginable. Fundamental protections such as [habeas corpus](#) that allow people to challenge the legality of their confinement are similarly under attack.

The administration has taken an aggressive turn toward vehicle and pedestrian stops. Federal agents do not have ordinary traffic-stop authority, yet vehicle stops have become routine based on [apparent racial profiling](#). Immigration sweeps at Home Depot parking lots, construction sites, and delivery routes now may consider race or ethnicity as one factor alongside accent, location, or work in an immigrant-heavy industry to justify a stop — a practice sometimes referred to as a “Kavanaugh stop” because Justice Kavanaugh alleged that these were “brief encounters” rather than the traumatizing events they [often become](#). This new precedent lowers the threshold for policing overall and invites pretextual targeting based on appearance.

More broadly, the administration has recentered criminal conviction and [alleged gang affiliation](#) as a justification for extreme punishment, and attempted to normalize previously unthinkable ideas such as [offshoring incarceration](#) for U.S. citizens. The administration has also encouraged less restraint in the use of force and reintroduced outdated practices such as [quota-based enforcement](#), a dangerous combination that those of us in criminal justice reform knew might lead to exactly the types of deadly outcomes we saw in Minneapolis.

To combat these trends...

- Congress can keep fighting to stop and claw back DHS funding for enforcement
- Local and state officials can refuse to accept federal enforcement funds and ban funding and cooperation agreements
- Communities and local officials can block expanded detention capacity, from warehouses to local jails and state prisons
- States can penalize private prison companies
- Congress, along with state and local policymakers, can investigate the use of federal funds for local policing
- Local communities can demand leadership prioritize local public safety funds for community-safety investments
- Elected officials can exercise oversight authority and visit detention centers of all kinds – immigration, jails, and prisons

Recently, the administration prevailed in court in Texas, characterizing a group of protestors who gathered at the ICE Prairieland Detention Facility as [members of an “antifa cell”](#) and convicting them of providing material support for terrorism. One protester is [facing 40 years in prison](#) because they transported a zine that fit the administration’s broad definition of antifa. The lesson is broader than any single case: once immigration enforcement is built as a sprawling public-order apparatus, protest policing, surveillance of dissent, and aggressive prosecution become part of the system's operating logic.

Combating these trends is possible, and happening now

One major lesson for those who object to the administration’s enforcement tactics – on immigration and more broadly – is to keep the focus on the money now and in the

long-term. The Democrats recently scored a major victory by successfully splitting funding for ICE and CBP out of the rest of the funding package, after [holding firm](#) through the longest partial shutdown in history. Yet the fight will continue this summer and likely over the next few years.

While it’s likely that a new administration will be needed to reallocate remaining funds of the \$191B already allocated to DHS in the July 2025 reconciliation bill, Democrats can continue to call for this as they fight against new funding.

In late January, Sen. Bernie Sanders proposed an amendment to claw back the \$75 billion that was allocated towards ICE and redirect those funds to restore cuts to Medicaid, a policy with [proven](#) public safety returns. Far from fringe, [every Democrat and two Republicans](#) voted in support.

Local and state actors can also continue to reject and block federal funds that expand criminalization in the name of immigration enforcement. From [blocking warehouse purchases](#) to investigating the use of [federal funds for local policing](#), local actions can slow the flow of these funds. The more ingrained they become in more revenue streams, the harder they will be to claw back so every action to reject and block funding now has an outsized impact. States and

localities [can](#) and [are banning](#) 287(g) agreements, or limiting their scope. State and local officials can also demand that their sheriffs [stop renting jail space to ICE](#), or pursue legislation to [block private prisons](#).

When voters are exposed to the dramatic changes to our immigration and criminal enforcement systems, they demand accountability and action. Following the killings and violence in Minneapolis, [a series of national polls](#) showed sharp resistance to the administration's approach and clear support for Democrats' decision not to provide additional funding to ICE and CBP. Local communities [all over the country](#) are pushing back—and using [creative tactics](#)—to stop the sale and use of warehouses for ICE detention. Voters can also demand that local public safety funds be used in ways that run counter to the administration's enforcement goals, prioritizing local funds for [proven community safety investments](#) rather than for the expansion of [surveillance tools](#) or detention capacity.

We don't have to accept the dramatic expansion of immigration and criminal enforcement being pushed by the Trump administration. Across the country, at all levels of government, we can slow, stop, and claw back funds set to pour into these systems – to the benefit of immigrants and citizens alike.

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About FWD.us: FWD.us is a policy organization working to advance better and more politically resilient solutions on criminal justice and immigration. For too long, our harmful criminal justice and immigration systems have held us back and been weaponized in ways that undermine our nation's promise and democratic ideals. For over a decade, FWD.us has advanced criminal justice and immigration reforms that expanded freedom and opportunities to tens of millions of people in the United States. Working with partners in red, blue, and purple jurisdictions, we have secured legislative and judicial victories and executive actions despite often-challenging political conditions. **For more information on the above or to speak with experts, please reach out to todd@fwd.us, zoë@fwd.us, or press@fwd.us.**