

Rapid Response Analysis

Senate and House of Representatives “Reconciliation” Spending Provisions Related to Immigration Enforcement and the Border

Background

Both the Senate and the House of Representatives have proposed significant immigration- and border-related spending measures as part of the reconciliation process. The House passed its reconciliation bill by a [215-214 vote](#) on May 21, 2025. Nearly a month later, on July 1, 2025, the Senate passed its version after making some changes, which are detailed further below. The bill will now return to the House for consideration of the Senate’s changes.

“Reconciliation” is a congressional budgetary process that allows members of Congress to bypass the normal rules in the Senate that require at least 60 votes to pass legislation.¹ Provisions in any reconciliation bill must relate to the federal budget, funding, or debt-limit.² Under reconciliation, only a simple majority vote is needed in both chambers. In recent years, reconciliation has been used when one party controls Congress and the presidency as it does not require votes from members of the minority party.³ Reconciliation is a tool for the majority party to advance federal funding needs based on its policy agenda.

Currently, House and Senate Republicans disagree on the exact terms of the overall reconciliation bill, however there is very little daylight in their approach to immigration. Both pour billions of dollars into immigration and border enforcement and impose many mandatory and cost-prohibitive fees on certain immigration benefits applications. This analysis highlights the similarities and some key differences among both chambers’ bills.

In addition, because provisions in the Senate reconciliation bill must be related to federal spending or revenue, proposed provisions are reviewed by a person known as the Senate Parliamentarian who determines if each provision in the package is “extraneous” to the budget. In other words, if a provision is a policy change unrelated to the budget, it violates the reconciliation rules and the Parliamentarian “flags” it as extraneous.⁴ This review is known as the “Byrd bath” and begins a process by which senators can contest the inclusion of the provisions and subject them to a 60-vote threshold (instead of a simple majority). The Parliamentarian found several of the Senate proposals to violate these rules, which are flagged below. These provisions were taken out of the final bill, which was passed by the Senate on July 1, 2025.

Both the Senate and House reconciliation bills include recommendations proposed by other committees affecting noncitizens, including their eligibility for certain public benefits or tax programs. This analysis excludes those measures and focuses on enforcement-related spending.

Immigration and Border-Related Spending Proposals

House of Representatives

On April 29, 2025, the Homeland Security Committee [advanced](#) its spending [recommendations](#) which primarily focused on two agencies within the Department of Homeland Security (DHS): U.S. Customs and Border Protection (CBP) and the Federal Emergency Management Agency (FEMA). On May 21, 2025, the House

Rules Committee [approved](#) the addition of \$12 billion to reimburse states for costs borne due to immigration- and border-related enforcement. In addition, the Armed Services Committee approved its [recommendations](#), which includes border-related funding for the Department of Defense.

On April 30, 2025, the Judiciary Committee also advanced its [recommendations](#), primarily focusing on two other DHS agencies, U.S. Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS), as well as the Department of Health and Human Services (HHS), Department of State, and Department of Justice (DOJ).

Senate

On June 12, 2025, the Senate Judiciary committee [published](#) its recommendations to fund DHS, including ICE, and the Department of Justice (DOJ). The same day [two sets](#) of recommendations for Homeland Security were published; [one](#) by Senator Lindsey Graham, chair of the Budget Committee, and the [other](#) by Senator Rand Paul, chair of the Homeland Security and Government Affairs (HSGAC) Committee. Sen. Paul’s proposal cut the House’s Homeland Security spending recommendations in half while Sen. Graham indicated that his proposal aims to “fully fund” President Trump’s immigration agenda of “mass deportation” at an amount requested by the administration. Sen. Graham’s proposal was largely incorporated into the final Senate bill after [several](#) provisions were determined to violate reconciliation rules by the Parliamentarian.

Overview of Spending

Overall, the Senate and House of Representatives bills provide dramatic funding increases to immigration- and border enforcement-related funding provisions while implicitly driving dramatic changes to immigration policy. Because these funds are provided through reconciliation—and not the [regular appropriations process](#)—they do not include guidelines and directives about how the funds must be used which prevents members of Congress from conducting meaningful oversight on the use of these federal dollars. Importantly, these funds all need to be spent by September 30, 2029. However, the agencies receiving these funds would have significant discretion as to how to spend them over the next 51 months.

Committee/Bill	House of Representatives	Senate
Homeland Security (House); Homeland Security and Government Affairs (Senate)	\$78.6 billion	\$130.2 billion (Sen. Graham proposal)
Judiciary	\$79.7 billion	\$39.5 billion
Armed Services	\$5 billion	\$1.0 billion
Total¹	\$163.3 billion	\$170.7 billion

Legal Immigration and Relief from Removal

Both the Senate and House Judiciary bills **risk turning humanitarian immigration into a pay-to-play system** by significantly increasing fees on everything from asylum applications and work permits to family reunification and humanitarian protections like Temporary Protected Status (TPS), as well as on applications seeking relief from removal by individuals facing deportation in immigration court. The fees would also impact those seeking visas, with a new \$250 “visa bond” for all nonimmigrant visas, which could be

¹ These totals consider all immigration and border-enforcement related spending and is not the total cost of three committee bills.

reimbursed only after the visa expired and only if the visa holder could prove they had a record of perfect compliance.

These fees, many of which could be layered *on top of existing* fees and are largely **mandatory**, could effectively put legal pathways out of reach for thousands of people. Take, for example, the new proposed fees for an asylum applicant, which in the Senate bill is \$100 to apply, plus an additional \$100 for every year the application is pending. Under the new fees in the Senate bill, an asylum seeker who must wait at least 5 years to obtain a decision in the heavily backlogged immigration system would have to pay: \$100 (new application fee), \$550 for their first work authorization document, and \$100 every year for a pending application would result in *at least \$1,150 in filing fees* during the 5-year wait.

The new fees propose placing the burden of the backlogged immigration system on the applicants themselves. The steep fees would effectively block access to those unable to afford them given the compounding barriers of increasing fees throughout the application process.

Byrd Bath Update: The Senate bill makes several changes to the House bill’s immigration fee provisions based on the Senate’s Parliamentary rulings that some of these were excessive and violate reconciliation rules.⁵ **See Table 1 below for more details on fees.**

Detention

Both the Senate and House reconciliation bills **provide \$45 billion for building new immigration detention centers, including family detention facilities.** When averaged out over the next 51 months, this would constitute an additional \$10.6 billion for detention per year through Fiscal Year 2029, bringing ICE’s total detention budget to a minimum of \$14 billion per year. This amount would represent a 308 percent increase on an annual basis over ICE’s FY 2024 detention budget. By comparison, the entire Federal Bureau of Prisons budget was \$8.6 billion in FY 2025.⁶ The overwhelming majority of the funding for ICE detention would go to private companies contracted to build and run detention facilities.⁷

Based on [an estimate of detention costs](#) that ICE provided to Congress in January 2025, we estimate that an additional \$10.6 billion for detention per year could likely fund an increase in ICE detention to at least 116,000 beds, with \$6 billion per year spent on contracting with existing detention centers and \$8 billion per year spent on building and operating new “soft-sided” detention camps consisting primarily of tents and trailers.

However, because ICE is not required to spend this money evenly across the next 51 months, ICE could ultimately reach a higher detention population by September 30, 2029. The Senate bill also provides \$3.5 billion for state and local cooperation with ICE, which could lead to states constructing their own “soft-sided” detention centers and leasing them to ICE, as Florida has already done.⁸ Therefore, the bill could lead to an increase in ICE detention to 125,000 beds or higher – only just a bit below the current population of the entire federal prison system.⁹

In addition to authorizing more detention, both bills seek to use funding provisions to dismantle core legal protection for children by implicitly overriding protections found in the *Flores* litigation settlement agreement that limit the time minors can be detained.¹⁰ Whether this language overrules the *Flores* settlement would still be decided in court.

The bills also authorize the DHS Secretary to set minimal detention standards for single adult detention facilities without having to go through normal review, creating a situation where private prison operators whose facilities fail to meet current standards could be granted contracts anyway.¹¹ The consequences of providing such large sums of money to increase detention without commensurate oversight will exacerbate deleterious and inhumane conditions that have been endemic to the detention system for years, including medical neglect, overcrowding, overuse of solitary confinement, and preventable deaths.¹²

Arrests

The House bill directs \$26.7 billion toward ICE’s enforcement and deportation operations, including funding to hire an additional 10,000 ICE officers in five years. Similarly, **the Senate bill allocates \$29.9 billion for these purposes.** However, unlike the House bill, which designates funds for specific activities, the Senate bill provides a single lump sum with a list of allowable uses. This means the Senate bill provides federal

agencies significantly more flexibility in how ICE uses and allocates these funds toward immigration enforcement.

With this funding, the current administration will be poised to dramatically expand community arrests and expand cooperation with state and local law enforcement agencies. Given the recent dismantling of three primary DHS oversight agencies,¹³ this funding would also rapidly expand ICE’s enforcement capacity at a time when the agency failed to provide timely and accurate information on the whereabouts of those it has arrested.

The \$3.5 billion fund for states to assist in immigration enforcement could also be used to increase state and local law enforcement’s cooperation with ICE’s arrest operations, leading to an increase in immigration enforcement.

Immigration Court

The House bill specifically provides **\$1.3 billion**—a 30 percent annual budget increase—for the Executive Office for Immigration Review (EOIR), which oversees the country’s immigration court system.¹⁴ The Senate bill does not provide specific funding for EOIR. Instead, it includes EOIR funding as an allowable expense in a lump sum of **\$3.3 billion to the Department of Justice (DOJ)** which oversees the agency. The Senate bill also limits the number of immigration judges to 800. Given that EOIR currently has about 700 immigration judges,¹⁵ only a small portion of the lump sum is likely to be allocated to EOIR.

By providing only a small additional sum to the immigration courts while significantly increasing funding for immigration arrests and detention, both bills will likely dramatically increase already high immigration court case backlogs particularly for people held in detention facilities. The Senate bill’s decision to cap the number of immigration judges at 800 would also severely restrict progress on backlog reduction. Immigrants held in detention could be forced to wait months between every hearing while immigrants proceeding in their cases outside of detention would face even longer wait times as judges were reassigned to detained dockets.

Byrd Bath Update: The \$3.3 billion sum to the DOJ initially included a provision that prohibited [Byrne JAG](#) law enforcement grant funding to “[sanctuary cities](#)” as determined by the Attorney General. The Senate Parliamentarian initially ruled that the provision was non-budgetary and violated reconciliation rules likely because the requirement was too broad. However, after Senate Republicans limited the requirement to only Byrne JAG funding provided in the Senate bill, the provision was ultimately included. As a result, any state seeking additional law enforcement funding under this provision could be forced to prove their compliance with DOJ’s interpretation of the law.

Children

The House bill charges families of unaccompanied children **up to \$8,500 to sponsor a child and subjects them and their household members to intensive surveillance**. This is because the House bill applies a \$3,500 fee for sponsors of unaccompanied children and charges a \$5,000 fee to sponsors if the child as a pending immigration court case. The latter fee is refundable if the child completes the court case.

Initially, the Senate bill included the \$5,000 refundable fee, but it was eliminated following the Byrd bath.

However, a combination of new mandatory fees in both bills impose onerous and prohibitive fees that will make it enormously challenging for children to make a case for permanent safety such as requiring children. In the House bill, on top of the sponsor fees—which will likely force children to stay in detention due to the inability of sponsors to afford these new fees—children will have to pay \$1,000 to apply for asylum or \$500 to apply for Special Immigrant Juvenile status. While the application fees are lower in the Senate bill (\$100 and \$250, respectively), they will still shut out many children from obtaining an immigration status.

In addition, both the Senate and House bills remove existing statutory protections regarding licensing of family residential centers, which places children at risk of prolonged detention in unsafe conditions.¹⁶

The Senate bill contains a \$300 million fund for the Office of Refugee Resettlement to conduct background checks and home studies on any potential sponsor of a child, as well as to conduct physical examinations of the bodies of all children in ORR custody to check for tattoos or other identifying marks.

Byrd Bath Update: The Senate bill initially kept the \$5,000 fee for sponsors of children in immigration court proceedings, but the Parliamentarian [ruled](#) that it violated reconciliation rules.

Border

Both the House bill and the Senate bill invest **\$46.6 billion into border wall construction**—more than 3 times what the Trump administration spent on the wall in his first term despite the failure of the wall to improve or contribute in any meaningful way to border management strategy.¹⁷ The Senate and House bills also include **\$5 billion** for updating and constructing CBP facilities and checkpoints.

Both chambers also provide new funding for CBP. The House bill provides \$8.3 billion for hiring and retention new Border Patrol agents and vehicles and new infrastructure for the Federal Law Enforcement Training Center, while the Senate bill provides \$7.8 billion. Both bills also provide \$450 million for Operation Stonegarden, a program funding cooperation with state and local law enforcement at the border.

Both chambers’ Armed Services bills include **funding for the Department of Defense to support the military’s border operations—\$5 billion in the House and \$1 billion in the Senate**. This could include deployment of military personnel for immigration enforcement, temporary detention of migrants, and deportations of migrants.

State Grants for Immigration- and Border-Related Enforcement

On May 21, 2025, the House Rules Committee approved a [manager’s amendment](#) that added **\$12 billion for states that have supported border-related immigration enforcement**. The Senate bill includes \$10 billion for a “State Border Security Reinforcement Fund” for constructing border barriers and intercepting unauthorized border crossings. In addition, the Senate bill includes \$3.5 billion for reimbursements to state or local governments for costs related to immigration-related enforcement, detention, and criminal prosecutions.

These funding provisions for states and local governments cover actions taken on or after January 21, 2021. In practice, this means that a significant portion of these federal funds will likely reimburse Texas for its state-run immigration enforcement program known as Operation Lone Star. Texas has [spent](#) over \$11 billion on the program thus far. While the reconciliation bill will fund this large-scale state immigration enforcement effort, the Trump administration has simultaneously [paused](#) grants made to states and localities for programs responding to the urgent humanitarian needs of newly-arrived migrants and has [proposed](#) eliminating it completely in the next fiscal year.

Byrd Bath Update: The Parliamentarian ruled that both the [\\$10 billion](#) and [\\$3.5 billion](#) provisions violated reconciliation rules because they authorize state and local officials to arrest any noncitizen suspected of being in the U.S. unlawfully, which is a federal function. However, after including language that clarified that any authority had to conform with existing statute, both were included in the Senate bill.

Border Enforcement Fund

The Senate bill establishes a new \$10 billion fund to reimburse DHS for costs related to “safeguard[ing] the borders of the United States to protect against the illegal entry of persons or contraband.” This funding is nearly 50% of CBP’s FY 2024 budget. However, unlike a normal budget, this funding would provide very few guardrails and little guidance to DHS on how the funds must be used. As a result, this would become a slush fund for CBP to largely use however it determined.

Judicial Oversight

The House bill includes a provision to **limit judicial oversight of the executive branch** by restricting federal judges from holding the executive branch and its agencies in contempt for disobeying court orders if security bonds were not paid prior to obtaining a preliminary injunction. The Senate bill initially included a provision that prohibited federal courts from issuing temporary restraining orders or preliminary injunctions with narrow exceptions. However, after the Parliamentarian ruled against the Senate provision, it was removed.

Byrd Bath Update: The Parliamentarian [ruled](#) that the Senate provision limiting the ability of federal courts to issue preliminary injunctions or temporary restraining orders violated reconciliation rules because it required litigants to potentially post an enormous bond. It was subsequently removed from the bill.

House & Senate Topline Budget Comparison

Spending Category	House of Representatives	Senate	Difference
Construction and maintenance of border wall, CBP checkpoints, and CBP facilities	\$51.6 billion	\$51.6 billion	None
Border Patrol agents and vehicles, and Federal Law Enforcement Training Center improvements.	\$8.3 billion	\$7.8 billion	\$500 million decrease
Border technology and vetting	\$6.3 billion	\$6.2 billion	\$100 million decrease
Operation Stonegarden (funding to state and local law enforcement agencies to support border enforcement)	\$450 million	\$450 million	None
Border processing, including for unaccompanied children, Remain in Mexico, and expedited removal	\$2.2 billion	\$2.1 billion	\$100 million decrease
Prosecutions of noncitizens, compensating local governments for incarcerating noncitizens, combatting drug trafficking, immigration judges	\$2.8 billion	\$3.3 billion	\$500 million increase
Detention capacity expansion	\$45 billion	\$45 billion	None
Enforcement and removal, including hiring ICE agents, transportation costs, and detaining families	\$26.7 billion	\$29.9 billion	\$3.2 billion increase
Sponsor vetting and sheltering unaccompanied children	\$3.1 billion	\$0	\$3.1 billion decrease
State immigration and border enforcement cost-reimbursement funds	\$12 billion	\$13.5 billion	\$1.5 billion increase
DHS cost-reimbursement fund for border enforcement	Not included	\$10.0 billion	new
DOD support for immigration and border enforcement	\$5 billion	\$1.0 billion	\$4 billion decrease
Total²	\$163.3 billion	\$170.7 billion	\$7.4 billion increase

² These totals consider all immigration and border-enforcement related spending and is not the overall total cost of the committee bills.

TABLE 1: Fee Increases on Immigration Benefits

Both bills include provisions that dramatically increase or create new fees for certain immigration applications and forms of humanitarian protection. Below are five charts with a comparison of current and proposed fees that span USCIS, DOS, CBP, EOIR, and DHHS.

Importantly: all proposed fees are the minimum required but could be increased by the agency or department and may be layered on top of existing fees. And all fees are subject to yearly inflationary adjustments. Alarming, the proceeds of these fees largely go to the general fund at the Treasury Department and not for application processing.

There are many fees where fee waivers are prohibited, which are typically used by particularly low-income people who would qualify for the legal relief they are seeking but cannot afford to apply. This overrides or erases other provisions of law, including in the Violence Against Women Act, which require the government to offer fee waivers to certain vulnerable populations.

USCIS Applications	What It Covers	Current Fee	Current Fee Waiver or Exemption?	House Bill (FY 2025)	Senate Bill (FY 2025)
Asylum Application Fee	Filing an I-589 asylum application under INA § 208	\$0	N/A	\$1,000 No fee waiver	\$100 No fee waiver
Pending Asylum Application Fee	Pending I-589 asylum application under INA § 208, must be paid every year an application is pending.	\$0	N/A	\$100/year No fee waiver	\$100/year No fee waiver
Initial Work Permit Fee (Asylum Applicants)	Initial work permits for asylum applicants (c)(8) <i>House bill shortens work permit validity period to 6 months, but Senate bill removed this provision.</i>	\$0	N/A	\$550 No fee waiver	\$550 No fee waiver
Renewal Work Permit Fee (Asylum Applicant)	Renewal work permits for asylum applicants (c)(8) <i>House bill shortens work permit validity period to 6 months, but Senate bill removed this provision.</i>	\$520 (paper) or \$470 (online)	Yes	\$550 No fee waiver	\$275 No fee waiver

Temporary Protected Status (TPS)	Fee for registering for TPS	\$50	Yes	\$500 No fee waiver	\$500 No fee waiver
Parole Fee (Humanitarian or Significant Public Interest)	Any noncitizen paroled into the U.S. (with certain humanitarian carve-outs)	\$630 ³	Yes	\$1,000 No fee waivers unless meets exception	\$1,000 No fee waivers unless meets exception
Initial Work Permit Fee (Parolees, TPS Holders)	Initial work permits for paroled noncitizens under (c)(11) and those TPS applicant <i>House bill shortens work permit validity period to 6 months while Senate bill includes 1 year maximum.</i>	\$520 (paper) or \$470 (online)	Yes	\$550 No fee waiver	\$550 No fee waiver
Renewal Work Permit Fee (Parolees, TPS Holders)	Renewal work permits for paroled noncitizens under (c)(11) and those granted TPS <i>House bill shortens work permit validity period to 6 months while Senate bill includes 1 year maximum.</i>	\$520 (paper) or \$470 (online)	Yes	\$550 No fee waiver	\$275 No fee waiver
Special Immigrant Juvenile Status (SIJS) Fee	Fee for SIJS Petition (Form I-360) for children who are abandoned, abused, or neglected by one or both parents under INA § 101(a)(27)(J))	\$0 (exempt)	Yes	\$500 No fee waiver	\$250 May request fee waiver

³ This is the general fee; however, filing fees for parole vary. See United States Citizenship and Immigration Services, "G-1055, Fee Schedule," updated April 18, 2025, <https://www.uscis.gov/g-1055>.

Department of State (DOS) Applications	What It Covers	Current Fee	Current Fee Waiver or Exemption?	House Bill (FY 2025)	Senate Bill (FY 2025)
Nonimmigrant Visa "Integrity" Fee	Fee upon issuance of noncitizens' nonimmigrant visa by DOS (includes student visas, specialty occupation workers, agricultural workers, etc.)	\$0	N/A	\$250 No fee waiver	\$250 No fee waiver
Diversity Visa Registration Fee	Fee for noncitizen who files an application for a diversity immigrant visa	\$0	N/A	\$250 No fee waiver	Removed
Diversity Visa Application Fee	Fee for noncitizens who register for the diversity immigrant visa program	\$330	No	\$400 No fee waiver	Removed

Customs and Border Protection (CBP) Fees ⁴	What It Covers	Current Fee	Proposed Fee in House and Senate proposals (FY 2025)
Inadmissible noncitizen apprehension fee	Fee for any inadmissible noncitizen who is apprehended between ports of entry by U.S. Customs and Border Protection	\$50 to \$250 civil penalty, under 8 U.S.C. §1325(b)	\$5,000

Department of Health and Human Services (DHHS) Applications	What It Covers	Current Fee	Current Fee Waiver or Exemption?	House Bill (FY 2025)	Senate Bill (FY 2025)
Unaccompanied Minor (UC) Sponsor Fees	Fee for sponsor to partially repay government for UC's care	\$0	N/A	\$3,500 No fee waiver	Removed
Unaccompanied Minor (UC) Sponsor In Absentia Fee	Reimbursable fee for sponsors to ensure UC attends immigration court hearings	\$0	N/A	\$5,000 No fee waiver	Removed

⁴ This chart does not include other proposed fees in the Judiciary bills such as for obtaining Form I-94 Arrival/Departure Record and the Electronic System for Travel Authorization (ESTA).

Executive Office for Immigration Review (EOIR) Forms or Motions	What It Covers	Current Fee	Current Fee Waiver or Exemption?	House Bill (FY 2025)	Senate Bill (FY 2025)
Motion to Continue Hearing	Fee for any noncitizen who requests and is granted a continuance by an immigration judge for each such continuance	\$0	N/A	\$100 No fee waiver, unless granted based on exceptional circumstances	Removed
Green Card Application Fee	Fee for noncitizens who have an application to adjust to lawful permanent resident status adjudicated in immigration court	\$1,440 (USCIS) \$0 (EOIR)	Yes (USCIS) N/A (EOIR)	\$1,500 (EOIR) No fee waiver	\$1,500 (EOIR) May request fee waiver
Waiver of Inadmissibility	Fee for noncitizens whose application for waiver of grounds of inadmissibility is adjudicated in immigration court	\$1,050 (USCIS) \$0 (EOIR)	N/A	\$1,050 (EOIR) No fee waiver	\$1,050 (EOIR) May request fee waiver
Temporary Protected Status (TPS)	Fee for noncitizens whose application for temporary protected status is adjudicated in immigration court	\$50 (USCIS) initial registration \$0 (EOIR)	Yes (USCIS) N/A (EOIR)	\$500 (EOIR) No fee waiver	\$500 (EOIR) May request fee waiver
Filing fee for appeal of Immigration Judge Decision	Fee for any noncitizen who files any appeal from a decision of an immigration judge	\$110	Yes	\$900 No fee waiver, but exception for bond appeals	\$900 May request fee waiver, and exception for bond appeals

Filing an appeal from a decision of any adjudicating official in a practitioner disciplinary case	Fee for any practitioner who files an appeal from a decision of an adjudicating official in a practitioner disciplinary case	\$675	Yes	\$1,325 No fee waiver	\$1,325 May request fee waiver
Filing a motion to reopen or reconsider	Fee for any noncitizen who files a motion to reopen or to reconsider a decision of an immigration judge or the Board of Immigration Appeals	\$145 (with immigration court) \$110 (BIA)	Yes	\$900 No fee waiver, but exception if motion is based on receiving an in absentia removal order and there was a lack of proper notice	\$900 May request fee waiver and exception if motion is based on receiving an in absentia removal order and there was a lack of proper notice
Filing a suspension of deportation application in immigration court	Fee for any noncitizen who files with an immigration court an application for suspension of deportation	\$100 + \$30 biometrics fee	Yes	\$600 No fee waiver	\$600 May request fee waiver
LPR Cancellation Application	Fee for any noncitizen who files with an immigration court an application for cancellation of removal for certain lawful permanent residents	\$100 + \$30 biometrics fee	Yes	\$600 No fee waiver	\$600 May request fee waiver
Non-LPR Cancellation Application	Fee for any noncitizen who files with an immigration court an application for cancellation of removal for certain non-lawful permanent residents	\$100 + \$30 biometrics fee	Yes	\$1,500 No fee waiver	\$1,500 May request fee waiver

Ordered Removed in Absentia	Fee for any noncitizen who is ordered removed for missing their hearing (in absentia) and is subsequently arrested by ICE	\$0	N/A	\$5,000 No fee waiver, but exception if the in absentia removal order is rescinded)	\$5,000 No fee waiver, but exception if the in absentia removal order is rescinded)
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Endnote

¹ See Tori Gorman, *The Reconciliation Process: Frequently Asked Questions*, 8 (Washington, D.C.: Congressional Research Service, 2025), <https://www.congress.gov/crs-product/R48444>.

² Ibid, 1.

³ See Richard Kogan and David Reich, Introduction to Budget “Reconciliation,” 1-2, (Washington, D.C.: Center on Budget and Policy Priorities, 2022) (noting that since 2000, seven of the eight enacted reconciliation bills were agreed to during periods when one party controlled all three branches of the federal government), <https://www.cbpp.org/sites/default/files/atoms/files/1-22-15bud.pdf>.

⁴ See Bill Heniff, Jr., *The Budget Reconciliation Process: The Senate’s “Byrd Rule”*, 5 (Washington, D.C.: Congressional Research Service, 2022), <https://www.congress.gov/crs-product/RL30862>.

⁵ The following were removed: \$3,500 fee to sponsor an unaccompanied child; a \$5,000 fee for sponsors of unaccompanied children with pending immigration court cases; the restriction on asylum work permit that limited their validity period to 6-month increments; the \$100 fee to request a continuance of an immigration court hearing; the proposed application and registration fee increases for Diversity Visa applicants; the increase to the immigration user fee, which is generally charged to passengers arriving on an aircraft or vessel from abroad; and the blanket denial of fee waivers for proposed fees before the immigration courts. The following were modified: the application fee for youth who have been abandoned, abused, or neglected by one or both parents decreased from \$500 to \$250; the asylum fee decreased from \$1,000 to \$100; the work permit renewal costs for asylum applicants, TPS holders, and parolees decreased from \$550 to \$275; and the work permit validity period for parolees and TPS holders was extended from 6 months to 1 year.

⁶ U.S. Dep’t of Justice, “Fiscal Year 2026 Budget and Performance Summary,” June 13, 2025, at 223.

⁷ See U.S. Congress, Further Consolidated Appropriations Act, 2024; (Committee Print), Committee on Appropriations on H.R. 2882, House of Representatives, 631, 118th Congress, 2d Session, Washington D.C. 2024, <https://www.govinfo.gov/content/pkg/CPRT-118HPRT55008/pdf/CPRT-118HPRT55008.pdf> (indicating \$3,434,952 allocated to Immigration and Customs Enforcement’s Custody Operations division).

⁸ Hamed Aleaziz, “Florida to Build ‘Alligator Alcatraz’ Detention Center for Migrants in Everglades,” *New York Times*, June 23, 2025, <https://www.nytimes.com/2025/06/23/us/politics/florida-alligator-alcatraz-migrant-detention-center.html>.

⁹ See Department of Justice, Federal Bureau of Prisons, “Statistics,” accessed May 9, 2025 (indicating an incarcerated population of 156,379 as of May 8, 2025), https://www.bop.gov/about/statistics/population_statistics.jsp.

¹⁰ See Kelsey Y. Santamaria, *Child Migrants at the Border: The Flores Settlement Agreement and Other Legal Developments*, 1, (Washington, D.C.: Congressional Research Service, 2024), <https://www.congress.gov/crs-product/IF11799> (explaining that unaccompanied children must be transferred within 72 hours from Customs

and Border Patrol Custody to the Office for Refugee Resettlement (ORR). In turn, ORR must place the children in “the least restrictive setting that is in the best interested of the child.”).

¹¹ See generally American Immigration Council, “Oversight of Immigration Detention: An Overview,” May 15, 2022, <https://www.americanimmigrationcouncil.org/research/oversight-immigration-detention-overview>.

¹² See, e.g., Physicians for Human Rights, “‘Endless Nightmare’: Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention,” February 6, 2024, <https://phr.org/wp-content/uploads/2024/02/PHR-REPORT-ICE-Solitary-Confinement-2024.pdf>; Douglas MacMillan, “Immigrants forced to sleep on floors at overwhelmed ICE detention centers,” Washington Post, April 20, 2025, <https://www.washingtonpost.com/business/2025/04/18/immigrant-detention-overcrowding-trump-crackdown/>; and Amy J Zeidan, Harrison Goodall, Andrew Sieben, Parveen Parmar, and Elizabeth Burner, “Medical Mismanagement in Southern US Immigration and Customs Enforcement Detention Facilities: A Thematic Analysis of Secondary Medical Records,” *Journal of Immigrant and Minority Health*, 25(5), 1085–1097, <https://doi.org/10.1007/s10903-023-01451-y>.

¹³ See Ellen M. Gilmer, “Homeland Agency’s Dismantling of Oversight Units Draws Lawsuit,” April 24, 2025, <https://news.bgov.com/bloomberg-government-news/homeland-agencys-dismantling-of-oversight-units-draws-lawsuit>.

¹⁴ See U.S. Congress, Further Consolidated Appropriations Act, 2024; (Committee Print), Committee on Appropriations on H.R. 4366, House of Representatives, 554, 118th Congress, 2d Session, Washington D.C. 2024, <https://www.govinfo.gov/content/pkg/CPRT-118HPRT56550/pdf/CPRT-118HPRT56550.pdf> (indicating \$844,000,000 allocated to the Executive Office for Immigration Review).

¹⁵ See Department of Justice, Executive Office for Immigration Review, “Adjudication Statistics: Immigration Judge (IJ) Hiring,” updated April 2025, <https://www.justice.gov/eoir/media/1344911/dl?inline>.

¹⁶ See Kelsey Y. Santamaria, *Child Migrants at the Border: The Flores Settlement Agreement and Other Legal Developments*, 1, (Washington, D.C.: Congressional Research Service, 2024), <https://www.congress.gov/crs-product/IF11799> (explaining that the *Flores* settlement generally favors the release of unaccompanied children, which must generally be made to a sponsor or to a nonsecure facility licensed by an appropriate State agency).

¹⁷ See Christopher Giles, “Trump’s wall: How much has been built during his term?,” BBC, January 12, 2021, <https://www.bbc.com/news/world-us-canada-46748492> (noting that an approximate \$15 billion was spent on border wall construction during the Trump administrations first term).