

Southwest Border: DHS Coordinates with and Funds Nonprofits Serving Noncitizens

GAO-23-106147

Report to the Chairman, Committee on Homeland Security, House of Representatives

April 19, 2023

Why This Matters

In recent years, the U.S. has experienced a significant number of noncitizens arriving at the southwest border. The Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) reported over 2.3 million encounters with noncitizens at the southwest border in fiscal year (FY) 2022, up from over 1.7 million in FY 2021.¹ DHS releases some of these noncitizens into the U.S. while they await the outcome of their removal proceedings in immigration court. When releasing these noncitizens into the U.S., DHS components such as CBP and U.S. Immigration and Customs Enforcement (ICE) may coordinate with nonprofit organizations (nonprofits) that provide services such as food, shelter, and transportation. Additionally, DHS's Federal Emergency Management Agency (FEMA) provides grant funding to some nonprofits that offer services to individuals and families encountered by DHS.²

This report includes information on the actions DHS has taken to coordinate with nonprofits providing services to the noncitizens it releases into the U.S., and the extent to which DHS has used grants and contracts to provide funds to these nonprofits.

Key Takeaways

- CBP and ICE officials we interviewed at locations in states along the southwest border said they coordinate with local nonprofits that provide services, such as food, shelter, and travel assistance, to noncitizens after they are released from custody. About two-thirds (16 of 25) of CBP and ICE locations in states along the southwest border reported coordinating with local nonprofits.
- CBP, ICE, and nonprofit officials identified maintaining good communication and relationship-building as important for efficient coordination. They also described experiencing challenges related to coordination and provision of services. For example, they reported experiencing difficulties in: (1) planning for fluctuation in the number of noncitizens released over time, (2) having enough capacity to meet the high volumes of noncitizens needing services, and (3) coordinating on timing and logistics in transporting noncitizens.
- FEMA's Emergency Food and Shelter Program is the only DHS grant program that has provided funding to nonprofits providing services to noncitizens after they are released from custody. According to DHS, this grant program is intended to help local communities around the country better manage the costs of noncitizen arrivals in their communities. The Emergency Food and Shelter Program provided more than \$282 million in humanitarian relief grant funding to nonprofit and governmental organizations that provided services to noncitizens in FYs 2019, 2021, and 2022.³
- DHS has not entered into any contracts with nonprofits to provide services to noncitizens after they are released from custody.

Why does DHS coordinate with nonprofits that provide services to noncitizens?

Officials from the four CBP and ICE field locations we interviewed stated that they coordinate with nonprofits to avoid, to the greatest extent possible, releasing noncitizens directly into border communities without immediate support. These officials said that this coordination primarily involves coordinating transportation to the nonprofits for noncitizens prior to their release from DHS facilities. They added that they began coordinating with local nonprofits in response to an increase in the number of noncitizens apprehended along the southwest border. They further stated that coordination with nonprofits generally ends at the point the noncitizens arrive at the nonprofit.

Officials from the three nonprofits we spoke with said their organizations provided a range of services to noncitizens. These services include food, clothing, COVID-19 testing, transportation to airports or bus stations, and assistance with booking travel to other locations in the U.S. Officials from all three nonprofits said that, in most cases, the noncitizens they serve pay for their own travel to their final destinations within the interior of the U.S.

In addition, officials from two of these nonprofits reported making arrangements to provide short-term housing for noncitizens who were COVID-19 positive. Officials from one of the nonprofits also reported arranging for short-term housing in anticipation of a surge in the number of noncitizens being released by DHS in the summer of 2022.

The nonprofits we interviewed varied in scale: two reported serving an estimated 180,000 noncitizens each since they began providing these services in early 2021 and 2014, respectively; the third reported serving about 42,000 noncitizens in 2022.

To what extent does DHS coordinate with these nonprofits?

About two-thirds (16 of 25) of CBP and ICE locations in states along the southwest border reported coordinating with local nonprofits. We obtained information from 21 CBP and ICE field locations in addition to our four interviews. We found that all the CBP U.S. Border Patrol sectors (nine of nine) reported coordinating with nonprofits. Nearly half of the CBP Office of Field Operations field offices (three of seven) and the ICE Enforcement and Removal Operations field offices (four of nine) reported coordinating with nonprofits.⁴ Among the 16 locations that reported coordinating with nonprofits, most (13 of 16) reported doing so on a daily basis. These field officials reported having designated officials responsible for the coordination, and using phone calls, text messages, emails, meetings, and site visits to coordinate with nonprofits.

In addition, DHS headquarters officials also reported coordinating with nonprofits. For example, in February 2022, DHS officially launched the Southwest Border Coordination Center—comprised of officials from CBP, ICE, and FEMA, among others—to establish a unified approach to the increased number of noncitizens encountered at the southwest border. According to responsible officials, the Southwest Border Coordination Center works with DHS field locations and nonprofits located along the southwest border to increase the efficiency of that coordination. The Center also works to build a network of nonprofits, cities, and counties located in the interior of the U.S. to further support noncitizens traveling to their communities. Additionally, both CBP and ICE have headquarters officials who assist in building relationships with nonprofits both at the southwest border and at a national level.

What have DHS and nonprofits learned about their coordination?

CBP, ICE, and nonprofit officials we interviewed identified both lessons learned and common challenges related to coordination and provision of services to noncitizens. Officials identified maintaining good communication and building relationships as important for efficient coordination.

- **Maintaining good communication.** Officials at three CBP and ICE field locations and two nonprofits stated that maintaining good communication is important for efficient coordination. For example, officials at one Enforcement and Removal Operations field office stated that the nonprofit they coordinate with began sending information about its capacity to both Border Patrol and Enforcement and Removal Operations officials in a group text message, which officials said has helped improve coordination between the three groups. An official from one nonprofit said that good communication has helped the organization's staff and local Border Patrol officials find solutions to issues that arise.
- **Building relationships.** Officials at three CBP and ICE field locations and one nonprofit also discussed the importance of building relationships between DHS field officials and the nonprofits. Officials at one Border Patrol sector, for example, attributed the success of their coordination to relationship-building. Similarly, officials at an Enforcement and Removal Operations field office said it was important that officials at their office engage with their community and those providing services to noncitizens to bridge differences in ideology and find common ground. An official from one nonprofit credited her organization's positive relationship with local Border Patrol officials to a shared commitment to treating each other with respect and acting with good intentions.

The challenges officials identified included difficulties in: (1) planning for fluctuation in the number of noncitizens released over time, (2) having enough capacity to meet the high volumes of noncitizens needing services, and (3) coordinating on timing and logistics in transporting noncitizens.

- **Fluctuation in number of noncitizens released.** Officials at two CBP and ICE field locations and two nonprofits stated that fluctuation in the number of noncitizens DHS apprehends and releases over time makes it difficult to effectively coordinate and provide services. For example, officials at one Border Patrol sector shared that when the number of noncitizens released is lower than anticipated, nonprofits may have paid for more resources than needed, since they are typically required to pre-pay third-party transportation companies for the buses used to pick up the noncitizens from DHS facilities. Additionally, one nonprofit official explained that a lower-than-anticipated number of noncitizens being released can make it difficult to retain volunteers and maintain related resources, such as perishable food.
- **Limited capacity.** Officials at two CBP and ICE field locations also said limited capacity was a challenge. For example, officials at one Enforcement and Removal Operations field office said the nonprofit they coordinate with does not have the capacity to provide services to the total number of noncitizens being released each day.
- **Timing of transport to nonprofits.** Officials at three CBP and ICE field locations said it could be challenging to transport noncitizens to the nonprofits by the time of day that the nonprofits request. Officials at two locations stated that this was because the nonprofits they coordinate with are not able to receive noncitizens at night, since they do not operate 24 hours a day. An

official from one of the nonprofits we interviewed explained that they need to receive the noncitizens by specific times of day because the buses they pay for will not wait past the scheduled time if DHS encounters processing delays. Additionally, an official from one nonprofit said it was important to receive noncitizens early enough in the day to transport them to bigger cities that same day, as the nonprofit does not have the capacity to provide these noncitizens with overnight shelter.

What grant funding has DHS provided to nonprofits serving noncitizens?

FEMA’s Emergency Food and Shelter Program (EFSP) is the only DHS grant program that has provided funding to nonprofits that provide services such as food, shelter, and transportation to noncitizens released from DHS custody over the period of our analysis (FY 2017 through 2022).⁵ We confirmed this through interviews with DHS officials and by reviewing public DHS grant data to identify any grants DHS had provided to nonprofits that provide services to noncitizens outside of DHS custody from FY 2017 to 2022. We did not identify any additional grants in the scope of this engagement.⁶

The EFSP is governed by a National Board, consisting of representatives from six national nonprofits and chaired by FEMA.⁷ FEMA provides EFSP grant funding to the National Board, which then distributes the funds to nonprofit and governmental organizations via the program’s fiscal agent.⁸ In FYs 2019, 2021, and 2022, the EFSP provided more than \$282 million to nonprofits and governmental organizations providing services to noncitizens for humanitarian relief purposes.

We analyzed EFSP humanitarian relief funding data from FY 2019 and FY 2021 and found that the program distributed \$28,175,504 through reimbursements to 176 nonprofits in FYs 2019 and 2021 (see table 1). Reimbursements are payments made to nonprofits to reimburse them for expenses incurred when providing services to noncitizens.

Additionally, 13 nonprofits and governmental organizations received \$113,932,206 in advanced EFSP funding in FYs 2019 and 2021.⁹ The EFSP distributes advanced funding to designated nonprofits or governmental organizations, which receive and further disburse the funds to local service providers in their area and may also use the funds for services they provide directly. For example, a county government may receive the advanced funding and disburse funds to nonprofits in the county to provide services to noncitizens as well as use the advanced funds to provide services itself.

Table 1: Emergency Food and Shelter Program Humanitarian Relief Funding Distributed, Fiscal Years 2019 and 2021

Fiscal Year (FY)	Reimbursement Funding Distributed ^a	Number of Reimbursement Recipients	Advanced Funding Distributed ^b	Number of Advanced Funding Recipients ^c	Total Amount of Funding Distributed
FY 2019	\$18,114,509 ^d	128	\$1,138,822	1	\$19,253,331
FY 2021	\$10,060,995	48	\$112,793,384	12	\$122,854,379

Source: GAO analysis of Emergency Food and Shelter Program data. | GAO-23-106147

Note: All data are as of the date the program’s fiscal agent pulled the data: December 16, 2022 for all FY 2019 grant funding data; December 1, 2022 for the FY 2021 reimbursement data; and January 4, 2023 for the FY 2021 advanced funding data. No funding was appropriated to the EFSP for humanitarian relief in FY 2020.

^aThe reimbursement funding distributed includes only reimbursements made to nonprofit organizations and does not include reimbursements to governmental organizations.

^bAdvanced funding distributed refers to funding distributed to designated nonprofits or governmental organizations, which receive and disburse the funds to local service providers in their area and may also use funds for services they provide directly.

^cThese numbers represent the number of designated nonprofit or governmental organizations that received an advanced funding award to distribute to local service providers in their area (e.g., a county government may receive the advanced funding and disburse funds to nonprofits in the county to provide services to noncitizens).

^dIn FY 2019, five nonprofits did not receive reimbursement payments because they did not submit required documentation, so we did not include these reimbursements in our scope.

The EFSP fiscal agent was in the process of distributing humanitarian relief funding for FY 2022 during our review. According to the fiscal agent, as of January 4, 2023, the EFSP had distributed \$6,751,734 in reimbursements and \$140,104,148 in advanced funding to nonprofits and governmental organizations.

Officials representing all three nonprofits we interviewed stated that they had previously applied for reimbursement through the EFSP and reported experiencing delays of about a year between when they applied and when they received the funds. Officials from two of these nonprofits added that they now only receive EFSP humanitarian relief funding through the advanced funding process, as opposed to the reimbursement process. These officials explained that this process was easier to manage and allowed them to receive funding more quickly, enabling them to more effectively plan for the services provided to noncitizens. An official from one of these nonprofits also reported that her organization's ability to provide services to noncitizens is almost entirely reliant on EFSP humanitarian relief funding.

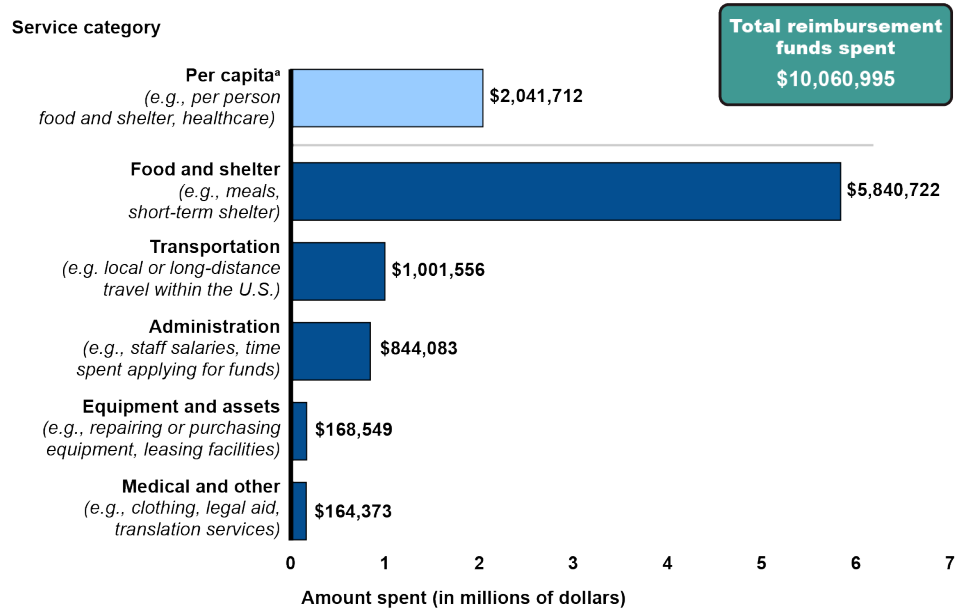
What types of services have nonprofits provided with EFSP funding?

Beginning with FY 2021, recipient organizations must identify and provide supporting documentation of how much they spent across six major spending categories when applying for reimbursement from the EFSP:

- **Per capita** represents a set reimbursement rate that nonprofits can receive for each noncitizen they serve. Per capita reimbursements can cover expenses for services in the food and shelter and medical and other categories. Nonprofits can choose to request reimbursement at a per capita rate instead of requesting reimbursement for their actual expenditure amounts in the food and shelter and medical and other categories below (governmental organizations are not eligible to use the per capita rate).
- **Food and shelter** services include meals and short-term housing provided to noncitizens.
- **Transportation** services include payments made to arrange transportation for noncitizens. This category includes local transportation, such as to a nearby airport, and long-distance transportation, such as to another city or state within the U.S.
- **Administration** services include expenses incurred when paying staff salaries for time spent providing services to noncitizens or preparing documentation to apply for EFSP funding, among other operations costs.
- **Equipment and assets** services include expenses incurred to maintain or repair their facilities, or to purchase equipment necessary for providing services.
- **Medical and other** services include medical care, clothing, legal aid, and language translation support.

As shown in figure 1, the majority of the \$10,060,995 in reimbursements provided to nonprofits in FY 2021 was spent on food and shelter (about 58 percent or \$5,840,722). The next two highest categories were per capita (about 20 percent or \$2,041,712) and transportation (about 10 percent or \$1,001,556).¹⁰

Figure 1: Fiscal Year 2021 Emergency Food and Shelter Program Humanitarian Relief Funding, Nonprofit Spending by Service Category



Source: GAO analysis of Emergency Food and Shelter Program data. | GAO-23-106147

Note: Fiscal year 2021 data maintained by the program’s fiscal agent are as of December 1, 2022.

^aPer capita represents a set reimbursement rate that nonprofits can receive for each noncitizen they serve. Nonprofits can choose to request reimbursement at a per capita rate instead of requesting reimbursement for their actual expenditure amounts in the food and shelter and medical and other categories.

What contract funding has DHS provided to nonprofits serving noncitizens?

DHS officials we interviewed confirmed DHS has not entered into contracts that provide funding to nonprofits providing services to noncitizens released from DHS custody. To corroborate this, we reviewed public DHS contract data to identify any contracts DHS had provided to nonprofit organizations that provided services to noncitizens outside of DHS custody from FY 2017 to 2022. We did not identify any contracts in the scope of this engagement.¹¹

What changes are planned for how DHS provides funding to these nonprofits?

In accordance with the FY 2023 Consolidated Appropriations Act, \$800 million was appropriated for a new Shelter and Services Program that is to be administered by FEMA, with cooperation from CBP, with a portion of that funding able to be awarded through the EFSP while FEMA establishes the new program.¹² FEMA officials reported that the Shelter and Services Program is to replace the humanitarian relief funding provided as part of the EFSP. The Explanatory Statement accompanying the FY 2023 Consolidated Appropriations Act states that this new program is to support CBP in effectively processing noncitizens and preventing overcrowding of short-term CBP holding facilities.

On February 28, 2023, FEMA announced a \$350 million funding opportunity for the EFSP National Board to distribute humanitarian funding to nonprofit and governmental organizations providing services to noncitizens. In March, FEMA officials reported that the agency was engaging with stakeholders to obtain feedback and develop the parameters for the Shelter and Services program, and that they planned to issue a Notice of Funding Opportunity by mid-June 2023.

Additionally, pursuant to a FY 2023 Continuing Resolution, FEMA awarded \$75 million to the EFSP for humanitarian relief in November 2022. According to officials from the program's fiscal agent, this funding was distributed by the EFSP to nonprofit and governmental organizations that had previously received humanitarian relief funding.

Agency Comments

We provided a draft of this report to DHS for review and comment. DHS provided technical comments, which we incorporated as appropriate.

How GAO Did This Study

We interviewed DHS headquarters officials at the Southwest Border Coordination Center, CBP, ICE, FEMA, the Office of Inspector General, and others. We obtained written responses from or interviewed all 25 Border Patrol, Office of Field Operations, and Enforcement and Removal Operations locations in states along the southwest border to describe efforts to coordinate with local nonprofits. Specifically, we interviewed officials from Border Patrol Del Rio and Yuma sectors and Enforcement and Removal Operations Phoenix and El Paso field offices. We selected these locations due to their proximity to the southwest border, the relatively high volume of noncitizens processed in their areas of responsibility, and confirmation that officials in these locations coordinated with nonprofits. We also interviewed a non-generalizable sample of three nonprofits that coordinated with DHS and received EFSP humanitarian relief funding: Val Verde Humanitarian Border Coalition, Regional Center for Border Health, and Casa Alitas (Catholic Community Services of Southern Arizona, Inc.).

DHS officials stated that the FEMA EFSP is the only grant program through which DHS has provided funding to nonprofits providing services to noncitizens and that DHS has not entered into contracts for this purpose. To corroborate these statements, we reviewed public contract data in the System for Award Management (SAM) and grant data from USAspending.gov to identify any contracts or grants DHS provided to nonprofits providing services to noncitizens from FYs 2017 through 2022.¹³

In addition, we analyzed EFSP humanitarian relief funding data from the program's fiscal agent to identify the amount of funding distributed in FYs 2019, 2021, and 2022. We also analyzed data on how nonprofits spent the FY 2021 reimbursement funding (these data were not available for FY 2019 reimbursement funds and were not yet available for the FY 2022 reimbursement funds, which were still being distributed). To assess the reliability of the EFSP data, we reviewed relevant program documentation, interviewed officials from the program's fiscal agent that manages these data, and conducted electronic testing for potential reliability concerns, such as outliers or missing values. We determined that the data were sufficiently reliable for reporting on program grant funding distributed to nonprofit and governmental recipient organizations.

We conducted this performance audit from July 2022 to April 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

List of Addressees

The Honorable Mark E. Green
Chairman
Committee on Homeland Security
House of Representatives

GAO Contact Information

For more information, contact: Heather MacLeod at (202) 512-8777 or MacLeodH@gao.gov.

Chuck Young, Managing Director, Public Affairs, YoungC1@gao.gov, (202) 512-4800

A. Nicole Clowers, Managing Director, Congressional Relations, ClowersA@gao.gov, (202) 512-4400

Staff Acknowledgments: Hugh Paquette (Assistant Director), Haley Dunn (Analyst-in-Charge), Benjamin Crossley, Michele Fejfar, Ali Hansen, Heidi Nielson, Kevin Reeves, and Janet Temko-Blinder.

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Endnotes

¹These data were retrieved from CBP's website on January 9, 2023 and include all CBP encounters of noncitizens along the southwest land border at or between official ports of entry.

²For our engagement, the definition of nonprofit organizations may include non-governmental, faith-based, charitable, and social welfare organizations and excludes government agencies, institutions of higher learning, and political organizations. DHS uses the term non-governmental organization interchangeably with nonprofit organizations, but not all nonprofit organizations meet the definition of non-governmental organizations.

³This total does not include some EFSP grant funding provided to governmental organizations in FYs 2019 and 2021 because they were not included in our scope. EFSP funding for FY 2022 was still being distributed during the course of our review, so this total includes only FY 2022 funding provided as of January 4, 2023. In total, from fiscal years 2019 to 2022, \$290 million was appropriated for EFSP for humanitarian relief. See Pub. L. No. 116-26, 133 Stat. 1018, 1020 (2019); Pub. L. No. 116-260, 134 Stat. 1182, 1462 (2020); Pub. L. No. 117-103, 136 Stat. 49, 328 (2022). No amount was appropriated to the EFSP for humanitarian relief in FY 2020.

⁴Within CBP, Border Patrol is responsible for securing U.S. borders between ports of entry, whereas CBP's Office of Field Operations is responsible for border security at U.S. ports of entry. Enforcement and Removal Operations is the directorate within ICE responsible for, among other parts of the immigration process, arresting, detaining, removing, and supervising the release of noncitizens. For more information about U.S. border security and immigration, see GAO, *Southwest Border: Challenges and Efforts Implementing New Processes for Noncitizen Families*, [GAO-22-105456](#), (Washington, D.C.: September 28, 2022); GAO, *Border Patrol: Actions Needed to Improve Checkpoint Oversight and Data*, [GAO-22-104568](#), (Washington, D.C.: June 6, 2022); GAO, *Border Security: CBP's Response to COVID-19*, [GAO-21-431](#) (Washington, D.C.: June 14, 2021); and others at <https://www.gao.gov/border-security-and-immigration>.

⁵DHS officials also identified a new Case Management Pilot Program that will provide funds to nonprofit and local governmental organizations providing services to noncitizens enrolled in ICE's Alternatives to Detention program, through which ICE monitors noncitizen participants to help ensure compliance with release requirements. DHS's FY 2021 appropriation provided \$5 million to FEMA to establish this new program. Pub. L. No. 116-260, 134 Stat. 1182, 1449 (2020). This pilot program was not included in our scope because DHS did not provide any funding to nonprofits through this program in FYs 2021 or 2022. For more information about the Alternatives to Detention Program, see GAO, *Alternatives to Detention: ICE Needs to Better Assess Program Performance and Improve Contract Oversight*, [GAO-22-104529](#), (Washington, D.C.: June 22, 2022).

⁶This review included only grants DHS provided to nonprofits that provide services to noncitizens outside of detention, and did not include sub-grants. We did not include programs for refugees or Legal Permanent Residents in our scope, instead focusing on funding provided to nonprofits to provide services to noncitizens apprehended at the southwest border.

⁷In August 2022, the DHS Office of Inspector General issued a report which contained ten recommendations to resolve identified oversight and management issues in the EFSP, but this did not include a review of the humanitarian relief funding. See DHS Office of Inspector General, *FEMA Needs to Improve Its Oversight of the Emergency Food and Shelter Program*, [OIG-22-56](#), (Washington, D.C.: August 10, 2022). The DHS Office of Inspector General separately reviewed the humanitarian relief funding distributed by the EFSP in FY 2021 and, in March 2023, found that recipient organizations did not always use the humanitarian relief funding consistent with program guidance. The report made two recommendations to improve oversight and enforcement. See DHS Office of Inspector General, *FEMA Should Increase Oversight to Prevent Misuse of Humanitarian Relief Funds*, [OIG-23-20](#), (Washington, D.C.: March 28, 2023).

⁸United Way Worldwide is a nonprofit organization that serves as the fiscal agent for the EFSP. According to United Way Worldwide officials, the fiscal agent is responsible for reviewing and approving requests for funding, distributing approved payments to recipient organizations, and maintaining program documentation and data.

⁹Nonprofit, faith-based, and governmental organizations are eligible to receive EFSP humanitarian relief funding. For our analysis of reimbursement funding data, we included only funding distributed to nonprofits and faith-based organizations and excluded funding distributed to governmental organizations because they are out of our scope. For our analysis of advanced funding data, we included funding distributed to both nonprofit and governmental organizations because the advanced funding data only includes the name of the designated organization that receives the

funding to use or disperse to other eligible organizations. Therefore, a governmental organization may be listed as the recipient organization when the funding was actually dispersed to nonprofits.

¹⁰The EFSP fiscal agent does not track service category level information for advanced funding in its database.

¹¹This review included only contracts DHS awarded to nonprofits that provide services to noncitizens outside of detention, and did not include sub-contracts. We did not include programs for refugees or Legal Permanent Residents in our scope, instead focusing on funding provided to nonprofits to provide services to noncitizens apprehended at the southwest border.

¹²See Pub. L. No. 117-328, 136 Stat. 4459, 4736 (2022); 168 Cong. Rec. S8568 (daily ed. Dec. 20, 2022).

¹³Agencies are required to report data to the System for Award Management (SAM) for contracts with an estimated value of at least \$10,000, and may report contracts with lower dollar amounts.