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FEMA's Support Role: Migration at the Southwest Border

Introduction

On multiple occasions, Presidents and U.S. Department of Homeland Security (DHS) Secretaries have tasked the Federal Emergency Management Agency (FEMA) with supporting the federal response to migration across the nation's southwest border. Congress has debated FEMA's support role in this context.

This In Focus provides a brief explanation of FEMA's incident management role, and a short history of how the agency came to support the federal response to periods of high levels of migrant apprehensions at the southwest border since 2014. It concludes with additional information on grant programs that FEMA has administered since 2019, which have provided funding to state and local governments, nonprofits, and faith-based organizations supporting migrants released from DHS custody: the Emergency Food and Shelter Program-Humanitarian (EFSP-H), and its successor, the Shelter and Services Program (SSP).

Why FEMA?

FEMA's role goes beyond disaster response—at times, the agency is also tasked with providing incident management and support for non-disaster-related federal response activities (i.e., those that fall outside the statutory definition of a “major disaster”). FEMA's incident management capabilities for non-Stafford Act incidents can be activated by the President or requested by the head of a federal agency or department.

This activity is consistent with Homeland Security Presidential Directive-5 (HSPD-5), issued by President George W. Bush in 2003. HSPD-5 directed the development and adoption of a single, comprehensive approach to domestic incident management—a National Incident Management System (NIMS). NIMS “provide[s] a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.” It articulates that domestic incident response should be guided by the National Response Framework (NRF), a planning document that identifies the roles and responsibilities of federal agencies and departments. While the NRF describes how the federal government—including FEMA—may provide funding, resources, and services to support state, local, territorial, and tribal governments in responding to presidentially declared emergencies and major disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; P.L. 93-288, as amended; 42 U.S.C. §§5121 et seq.), it can also be used during non-Stafford Act responses.

FEMA Support at the Southwest Border

Although the U.S. Department of Health and Human Services (HHS) is the lead federal agency for the resettlement of refugees and the care and custody of unaccompanied children, FEMA, at the direction of the President, has taken on various supporting roles at the southwest border.

2014

In 2014, FEMA's role initially involved assisting with the identification of resources that the faith-based community could provide to support arriving migrants. FEMA was later asked to take on a coordinating role to increase the federal government's capacity to house and process unaccompanied children pursuant to its NRF authorities and interagency agreements.

On May 12, 2014, then-DHS Secretary Jeh Johnson declared a “Level IV Condition of Readiness” within DHS, which enabled the department to use all of its resources to respond to the influx of unaccompanied child migrants and rise of other unauthorized migration at the southwest border. Subsequently, on June 2, 2014, President Obama directed a broader government-wide response, and the President and DHS Secretary Johnson directed FEMA Administrator Craig Fugate to coordinate said response, at which point FEMA became the lead coordinating agency. In his role as Federal Coordinating Officer, Administrator Fugate mobilized a Unified Coordination Group that included DHS and all of its components, as well as the U.S. Departments of HHS, Defense, Justice, and State, and the U.S. General Services Administration, to support the agencies with lead roles in addressing the immediate needs of unaccompanied children: U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and HHS. FEMA also published an interagency “Incident Support Plan,” outlining the strategic and operational goals and objectives of all responding agencies.

DHS Secretary Johnson noted that migrant apprehensions declined in FY2015 and the Obama Administration cited its work with the governments of Mexico, Guatemala, Honduras, and El Salvador, including efforts to remove and repatriate migrants, process and screen refugees, increase border security, and stop criminal groups and illegal activities, including human smuggling and trafficking. Congress held hearings to evaluate the federal response, including FEMA's involvement.

2019

In 2019, FEMA's role at the southwest border was limited to administering grant funding for state and local governments and nonprofit organizations.

On January 8, 2019, President Trump addressed the nation from the Oval Office to discuss the “humanitarian and security crisis.” Citing large numbers of migrants and unaccompanied children at the border, on July 1, 2019, Congress enacted the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (P.L. 116-26), through which it appropriated \$30 million to FEMA to implement the Emergency Food and Shelter Program-Humanitarian (EFSP-H, discussed more below) for humanitarian relief for migrants that DHS had processed and released. Beyond implementing the EFSP-H, FEMA did not have a lead role in coordinating support for the 2019 activity at the border.

In 2019, the Trump Administration attributed the subsequent drop in illegal immigration to “domestic policy initiatives and international agreements to address legal and illegal immigration.”

2021-2024

From 2021 through 2024, FEMA took on a broader role, supporting the federal government in receiving, sheltering, and transporting unaccompanied children, providing medical support for migrants, and administering federal funding for the provision of humanitarian relief by state and local governments and nonprofit organizations through the EFSP-H and SSP.

In response to an influx of migrants beginning in 2020, on March 13, 2021, then-DHS Secretary Alejandro N. Mayorkas directed FEMA “to support a government-wide effort over the next 90 days to safely receive, shelter, and transfer unaccompanied children who make the dangerous journey to the U.S. southwest border.” Further, in a hearing, DHS Secretary Mayorkas informed Congress that DHS stood up an interagency “Movement Coordination Cell” to enable FEMA, HHS, CBP, and ICE to share information in support of the interagency approach to receiving, sheltering, and transferring unaccompanied children. FEMA helped HHS establish emergency intake sites, identified bed space requirements and built bed capacity, and provided critical supplies to support the sheltering of approximately 27,000 unaccompanied children.

In April 2022, DHS Secretary Mayorkas issued a memorandum detailing DHS’s “Plan for Southwest Border Security and Preparedness,” comprised of six “pillars” that described actions DHS and its component agencies were taking to prepare for and manage an increased number of migrant encounters. FEMA’s role was mentioned in two pillars:

- “Border Security Pillar 1” described efforts to provide additional resources in support of the influx of migrants, including additional personnel, increased capacity to transport migrants, additional medical support, and facility expansions to increase CBP’s holding capacity. FEMA was mentioned in the context of providing additional medical support—specifically, FEMA signed the interagency agreement related to the medical support plan.

- “Border Security Pillar 4” addressed “bolstering the capacity of non-governmental organizations (NGOs) to receive noncitizens after being processed by CBP, while awaiting the results of their immigration removal proceedings.” As noted above, FEMA was providing funding to state and local governments and nonprofit organizations providing food, shelter, and supportive services to migrants crossing the southwest border and encountered by DHS through the EFSP-H.

EFSP-H and SSP Background and Authorization

The Emergency Food and Shelter Program (EFSP) was established through the Temporary Emergency Food Assistance Act of 1983 (P.L. 98-8), and later authorized under the Stewart B. McKinney Homeless Assistance Act of 1987 (P.L. 100-77; 42 U.S.C. §§11331 et seq.), renamed the McKinney-Vento Homeless Assistance Act in 2000. For more than 40 years, FEMA’s EFSP has provided supplemental grants to nonprofit, faith-based, and governmental entities to support and expand existing programs that aid individuals and families who are, or are at risk of, experiencing hunger and/or homelessness.

In FY2019, for the first time, Congress authorized and appropriated funding to supplement the humanitarian relief efforts by state and local governments, nonprofits, and faith-based organizations to provide food, shelter, and supportive services to migrants encountered by DHS—the EFSP-H. The EFSP-H leveraged the existing EFSP for its structure, guidance, and network of public-private partnerships, and was administered in accordance with Title III of the McKinney-Vento Homeless Assistance Act. Congress authorized and appropriated funding for the EFSP-H in FY2019, FY2021, and FY2022, and authorized the use of funding to implement the EFSP-H in FY2023 while the SSP was established.

In FY2023 and FY2024, Congress authorized and appropriated funding for the SSP. This was done through the DHS Appropriations Acts of 2023 and 2024, which each directed CBP to transfer a specified amount of its appropriated funding to FEMA for the SSP. The SSP has funded state and local governments, nonprofits, and faith-based organizations providing food, shelter, transportation, and supportive services to noncitizen migrants encountered by and released from DHS. The SSP replaced the EFSP-H.

EFSP, EFSP-H, and SSP funding availability and eligibility, unlike some forms of FEMA assistance, is not linked to a presidential emergency or major disaster declaration.

For more information on FEMA’s role at the southwest border, and the EFSP-H and SSP, see CRS Report R47681, *FEMA Assistance for Migrants Through the Emergency Food and Shelter Program-Humanitarian (EFSP-H) and Shelter and Services Program (SSP)*.

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