

Ending Immigration Detention:

Abolitionist Steps **vs.** Reformist Reforms

The history of abuse and negligence inside Immigration and Customs Enforcement (ICE) detention is long and well-documented. A growing consensus has emerged among advocates that the system is irreparable, unnecessary, cruel, and racist by design. The only solution is to abolish it. As we work together to achieve a future without immigration detention, Detention Watch Network believes that efforts to end detention must be rooted in abolitionist values to ensure that we do not inadvertently replicate or create new harmful systems. To that end, we created this document to help guide our work.

A few notes on this resource

We recognize that organizations and individuals play different roles in the fight for detention abolition. Accordingly, different actors may pursue different strategies. This chart seeks to demonstrate which strategies are reformist in nature, maintaining or expanding the reach of the system through social control or violence, and which are abolitionist or transformative, moving us closer to liberation by chipping away at ICE enforcement and incarceration. We also note potential pitfalls as we see them in the hopes that such considerations will encourage advocates to make decisions based on the long-term goal of ending detention altogether.

As with everything we do, this chart is grounded in our solidarity with people targeted for deportation and detention and our belief that everyone, regardless of who they are or where they come from, should be able to live and move freely. We thus challenge a frame that focuses on forcing compliance with immigration laws that are flawed and racist by nature. Instead, we choose a frame that uplifts human dignity and provides support for people as they navigate an unjust immigration system designed to exclude them. Here, we focus on immigration detention, while recognizing that there are broader immigration laws and enforcement policies that must be dismantled to achieve liberation.

Acknowledgments

This guide is modeled after Critical Resistance's [Reformist reforms vs. abolitionist steps to end imprisonment chart](#). We extend our gratitude to the authors of that chart.

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DETENTION
WATCH NETWORK



Abolitionist Steps



Does This:

Reducing funding to ICE and CBP

Shutting down individual detention centers and ending ICE contracts without replacing them

Federal legislation aiming to shrink the pipeline to detention or limit or end ICE detention

Shrinking the pipeline to detention (ICE collaboration with local police) through executive, legislative, state, or local action

Ending contracts with private prison corporations through executive, legislative, state, or local action

Reduce the scale of detention and surveillance?

Yes, by reducing funds available for apprehension and detention.

Yes, in the immediate. Whenever a detention center is shut down, it will be important to mitigate potential harm by working to ensure people are released instead of transferred.

Yes, legislative change not focused solely on oversight has the potential for the greatest impact in reducing the scale of detention and ultimately ending detention completely. However, legislation must be evaluated individually to ensure it does not expand surveillance, require mandatory case management, or include carveouts that expand criminalization.

Yes, by reducing the number of people who are targeted for detention and deportation.

Yes, 80% of people in ICE detention are in facilities owned or operated by private prison companies, as long as capacity is not replaced by federally or locally operated facilities.

Chip away at the current system without creating new harms or helping some people at the expense of others?

Yes, by reducing the number of people that can be detained.

Yes, chips away at the system and builds narrative, power, and momentum needed to sustain the long-term work. Shut down fights provide opportunities to work in solidarity with decarceration efforts in the criminal punishment context (to ensure empty beds are not used in the criminal punishment system).

Yes, legislative reform is a crucial and necessary step to completely end the use of immigration detention permanently. However, legislation must be evaluated individually to ensure it does not expand surveillance, require mandatory case management, or include carveouts that expand criminalization.

Yes, chips away at the current system to reduce the number of people who end up in detention. However, any efforts must be evaluated individually to ensure that there are no categorical carveouts based on criminal convictions or harmful new surveillance policies that will need to be dismantled.

Yes, 80% of people in ICE detention are in facilities owned or operated by private prison companies, as long as capacity is not replaced by federally or locally operated facilities.

Provide relief to people who could be or are currently detained or under surveillance?

Yes, by reducing the space available to detain people and reducing apprehensions.

Yes, by creating space for potential releases. Shutting down individual detention centers can also lead to a reduction in arrests and detention in surrounding communities.

Yes, depending on specific provision, can significantly reduce the number of people in detention. However, legislation must be evaluated individually to ensure it does not expand surveillance, require mandatory case management, or include carveouts that expand criminalization.

Yes, by reducing the number of people who are targeted for detention and deportation.

Yes, 80% of people in ICE detention are in facilities owned or operated by private prison companies, but advocacy must include calling for releases and not transfers.

Abolitionist Steps

Does This:	Reduce the scale of detention and surveillance?	Chip away at the current system without creating new harms or helping some people at the expense of others?	Provide relief to people who could be or are currently detained or under surveillance?
Ending agreements with local jails through executive, legislative, state, or local action	Yes, as long as capacity isn't replaced by privately or federally owned and operated facilities.	Yes, as long as capacity isn't replaced by privately or federally owned and operated facilities.	Yes, as long as capacity isn't replaced by privately or federally owned and operated facilities and must be accompanied by calls for releases and not transfers.
Opt-in community-based support services	Yes, if coupled with concrete efforts to reduce funding and scale of detention.	Yes, but only if participation is not compelled.	Yes, but only if participation is not compelled.

Reformist Reforms

Maintaining or shifting capacity for detention to areas with more access to counsel	No, while it may lead to relief for some people, access to counsel does not reduce the scale of detention.	No, while it may provide relief to some people, it does not chip away at the system but rather legitimizes it.	No, while it could lead to release for some people, it is not without harm to others and the existence of detention in the community could lead to additional apprehensions.
Universal representation or increased access to counsel for people in ICE detention	No, while it may lead to releases for some people, tying representation to detention legitimizes the detention system and does not reduce its scale.	No, while it may provide relief to some people, it does not chip away at the system but rather legitimizes it.	No, while it could lead to release for some people, it is not without harm to others.
Alternatives to Detention: Case Management	No, these programs often increase the scope of who is detained and surveilled and have not led to a reduction in detention thus far.	No, given the history of case management in the welfare context and parole in the criminal punishment context, compulsory case management is often punitive in nature.	No, these programs have been shown to increase the scope of surveillance and do not provide relief to those currently detained.
Alternatives to Detention: Custody models that curtail freedom (for example, halfway houses, hotels, and reception facilities where freedom is limited to any degree)	No, these types of facilities change the physical nature of detention and are likely to expand the scope and scale.	No, creates a new system that is still carceral in nature and will have to be dismantled.	No, simply another form of detention that is still coercive and punitive.

Reformist Reforms

Does This:

Alternatives to Detention: Electronic monitoring such as ankle bracelets, and smart phone apps

More oversight and inspections or transparency at federal, state, or local level

Codifying common detention standards at federal, state, or local level

Reduce the scale of detention and surveillance?

No, electronic monitoring has not reduced detention capacity and instead increases the number of people surveilled as an alternative form of detention.

No, we have seen that more oversight does not lead to reductions in capacity though it has played an important role in exposing the failings and immorality of the system.

No, has no impact on scale of detention, but can provide a legal basis for shutdown of individual detention centers.

Chip away at the current system without creating new harms or helping some people at the expense of others?

No, further cements surveillance and funding for detention, surveillance and deportation.

No, but it can further expose the abuses and support arguments for closure, though the risk of creating “nicer” cages to address abuses is always there.

No, does not actually chip away at the system and can be seen as an endorsement of the system and shift focus to conditions while impeding efforts to reduce scale.

Provide relief to people who could be or are currently detained or under surveillance?

No, inherently coercive and punitive.

No, has no immediate impact on the punitive nature of detention and deportation proceedings. But it could help bolster arguments for closure of certain facilities.

No, better standards do not make the system overall less punitive and do little to alleviate harms.

