

WRONG DIRECTION

2022 Biden Administration Progress Report



In his second year in office, President Biden continued down an anti-immigrant path set by presidential administrations before him. While the Biden administration [ended contracts](#) for several Immigration and Customs Enforcement (ICE) detention facilities and submitted a budget request with a [26% reduction](#) in ICE detention capacity, these victories are attributable to consistent pressure and organizing from community members. Overall, President Biden has *widened* the enforcement dragnet as detention numbers continued to rise and the [number of people surveilled by ICE's so-called alternatives to detention \(ATD\) increased exponentially](#). At the same time, the administration [dragged its feet in walking back](#) Trump-era anti-immigrant border policies, including Title 42, and most recently doubled-down on deterrence policies, severely restricting access to asylum and increasing the pipeline into detention.



The Biden administration failed to make significant progress towards DWN's 2022 demands and has taken deeply disappointing and harmful steps in the wrong direction.

As President Biden enters his third year in office, Detention Watch Network demands the administration:



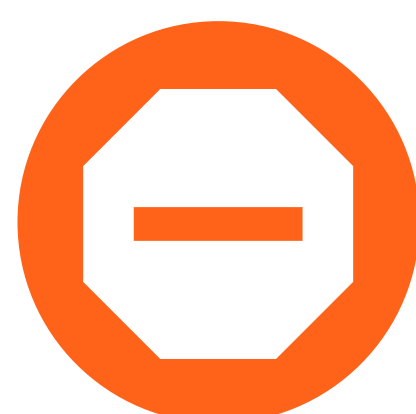
DEMAND 1:

Release people from detention and halt transfers within the ICE system and from jails and prisons



DEMAND 4:

End the use of invasive, compulsory ICE ATD programs



DEMAND 2:

Stop all expansion efforts, shut down detention centers, and end contracts, including by not renewing contracts that are set to expire in 2023



DEMAND 5:

Keep families together by ending deterrence-based immigration policies and permanently end family detention through formal policy making



DEMAND 3:

Shrink the pipeline into detention by ending police-ICE collaboration, halting migrant prosecutions, and restoring access to asylum at the border without the use of detention



DEMAND 6:

Cut funding to ICE and CBP in the President's Fiscal Year 2024 proposed budget and final appropriations bill and instead invest in communities.



DETENTION
WATCH NETWORK

1

DWN 2022 Demand:

Release people from detention and halt transfers within the ICE system and from jails and prisons



Biden Progress: The Biden administration failed to release significant numbers of people from detention and continued the harmful practice of transfers. In fact, the number of people in ICE detention [increased in 2022](#), from approximately 22,068 in January to 30,001 in November. By January 2023, the number declined to about [23,030](#) but still does not reflect a significant decrease compared to [when President Biden entered office](#). In many instances, the Biden administration resisted releasing migrants from detention. In early 2022, the Department of Homeland Security's Office of Inspector General (OIG) [called on ICE to immediately empty the Torrance County Detention Facility](#) in New Mexico after an investigation revealing egregious conditions and abuse. ICE refused to comply, and despite a [follow-up OIG report reiterating the recommendation](#) and [the tragic death of Kesley Vial](#) at the facility in August, ICE not only continues to detain immigrants at Torrance, but also [recently transferred approximately 100 people there](#).

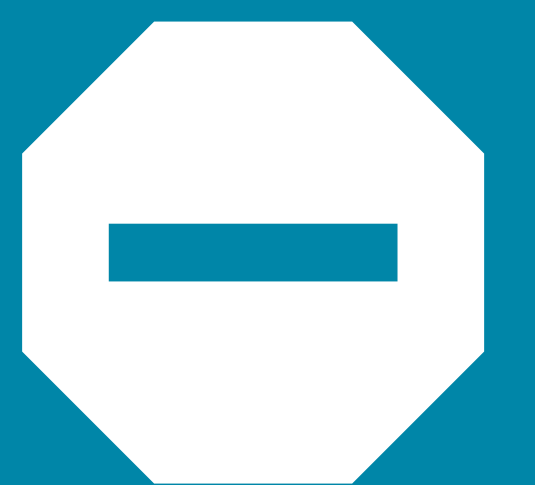
ICE also resisted releasing people after detention center contract terminations. After announcing it would no longer detain people at the Etowah County Jail due to unacceptable conditions, [ICE transferred all](#) of the people detained there to other facilities. In another instance, ICE failed to follow its facility closure protocols after the announced cancelation of the Yuba County Jail contract and transferred individuals before they had an opportunity to request release. However, in some instances, communities successfully pressured ICE to free people from detention, including from [Yuba County Jail](#) and [Berks County Detention Center](#).

Additionally, in June 2022, the Biden administration successfully argued before the supreme court that people detained awaiting removal have [no right to seek release on bond](#), allowing more people to be detained for prolonged periods of time.

2

DWN 2022 Demand:

Shut down detention centers, end detention contracts and immediately stop all efforts to expand the system



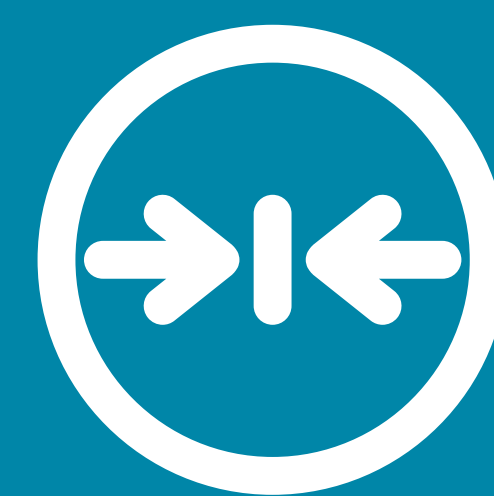
Biden Progress: In massive community victories, the Biden administration announced the end of three immigration detention contracts in 2022, but simultaneously attempted to expand the detention system. In the last two years, the Biden administration has ended ICE detention at five facilities where local communities have led shutdown campaigns ([Bristol County Correctional Facility](#) and [Irwin County Detention Center](#) in 2021 and [Etowah County Detention Center](#), [Berks County Detention Center](#) and [Yuba County Jail](#) in 2022). Although these are welcome steps in the right direction, they have not reduced the overall capacity of the detention system as the administration has [continued expansion efforts](#). In addition to the new Moshannon Valley ICE detention center, a former BOP facility which reopened in 2021 as an ICE facility with capacity for over 1,800 people, in 2022 [local officials in Georgia signed an agreement](#) with private prison corporation GEO group to expand the Folkston ICE Processing Center by 1,800 beds, potentially making it one of the largest ICE detention centers in the country. ICE also continues conversations with [private prison corporations about potential expansion](#) in states like Kansas, Texas, and Tennessee.



3

DWN 2022 Demand:

Shrink the pipeline to detention, including by ending police-ICE collaboration and restoring access to asylum at the border without the use of detention



Biden Progress: The Biden administration again failed to make significant progress towards ending police-ICE collaboration. As of January 2023, ICE still maintains at least [139 287\(g\) agreements across the country](#), despite [long-standing calls from advocates and UN human rights experts to end the program](#). A [report](#) released in 2022 by DWN, the Immigrant Legal Resource Center, and Ceres Policy Research also showed that immigrants in counties with more detention space are significantly more likely to be arrested and detained by ICE, highlighting the importance of the Biden administration both cutting detention facility contracts and ending collaboration with local law enforcement to protect immigrant communities.

Additionally, after months of defending the Trump era border policies, the Biden administration finally tried to end the [“Remain in Mexico” program](#) and [Title 42 expulsions](#), but these attempts have been blocked by the courts. In the meantime, the Biden administration advanced [new anti-asylum and deterrence policies](#) that further undermine the asylum process and expand Title 42 expulsions, and announced plans to [expand expedited removal, increase migrant prosecutions, and continue reliance on detention and surveillance](#). Additionally, the administration plans to issue new regulations that would [bar many from asylum](#) in the US.

4

DWN 2022 Demand:

End the use of invasive compulsory surveillance (ATD) programs in favor of opt-in community support



Biden Progress: Biden failed to make significant progress towards this demand in 2022 and instead massively increased the use of ICE’s [harmful](#) ATD programs, [exponentially widening](#) the ICE enforcement dragnet during his two years in office. In 2022, the number of people enrolled in [ICE’s ATD programs grew astronomically](#), quadrupling while at the same time detention numbers continued to increase. The administration continued to utilize ankle monitors, increased the use of phone apps to surveil people, and [piloted a home confinement program](#). In January 2023, the administration announced plans to continue relying heavily on these programs to surveil people.



5

DWN 2022 Demand:

Keep families together and permanently end family detention through formal means



Biden Progress: In 2021, the Biden administration informally stopped detaining families but failed to make a formal policy announcement ending family detention. Two of the three former family detention centers remain open to detain adults, and one, the Berks County Residential Center, converted to adult detention center before finally being shut down after years of local organizing. However, the administration again failed to make a formal policy ending family detention, leaving the door open to detain families again. Additionally, as noted above, the administration has doubled down on the same path as previous administrations by relying on deterrence-based policies which [cause family separations](#) and lasting trauma.

6

DWN 2022 Demand:

Cut funding to ICE and CBP in the President's Fiscal Year 2023 proposed budget and final appropriations bill



Biden Progress: In his fiscal year 2023 [Presidential Budget Request](#), the Biden administration proposed a 26% cut to immigration detention levels to fund an average daily population of 25,000 people. It also notably called for decreased spending on ICE's Enforcement and Removal Operations. However, the request also proposed increased funding for ICE's dangerous e-carceration and surveillance programs and for Customs and Border Protection (CBP) to over \$15 billion, including funding for 300 additional Border Patrol agents. The requested reductions in detention levels were embraced by Congressional appropriators and included in the House and Senate draft proposals—a decisive victory for the movement made possible by decades of dedicated organizing. Unfortunately, both Congress and the administration [failed immigrant communities](#) during final negotiations by not prioritizing these necessary cuts. They were left out in favor of status quo enforcement spending and political expediency.