

United States Senate

WASHINGTON, DC 20510

September 18, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

Secretary Noem:

We write to express grave concerns about the prevalence and treatment of pregnant, postpartum, and nursing women in Immigration and Customs Enforcement (ICE) detention. A recent Senate Judiciary Committee site visit and media reports point to the alarming detention of a significant number of pregnant women in ICE custody.^{1,2} We urgently request that ICE cease detaining pregnant, postpartum, and nursing women absent exceptional circumstances and that the agency provide information about the number and treatment of pregnant, postpartum, and nursing women in its custody.

Medical research links ICE detention to high rates of pregnancy complications, with physicians finding serious risks to both fetal and maternal health.³ These already serious risks are heightened by the deteriorating conditions inside detention facilities, including severe overcrowding, reports of inadequate food and water, and lack of emergency medical care.⁴ According to one media investigation, since January 2025, at least four 911 calls have been recorded from ICE detention facilities involving pregnant women in “distress, bleeding or suffering severe pain”—including one involving a facility staff member.⁵

¹ U.S. Senate Committee on the Judiciary, “What is it Really Like to Be in Detention? Exclusive Insight from Two Louisiana Immigration Detention Facilities?,” May 19, 2025, <https://www.judiciary.senate.gov/imo/media/doc/SENATE%20JUDICIARY%20COMMITTEE%20RANKING%20MEMBER%20REVEALS%20DEVASTATING%20INSIGHTS%20INTO%20ICE%20DETENTION%20IN%20EXCLUSIVE%20SITE%20VISIT.pdf>.

² Andrea Tode Jimenez, “He Was Dead Inside Me for 3 Days: Woman in ICE Custody Loses Baby After Begging for Help,” *International Business Times*, June 25, 2025, <https://www.ibtimes.co.uk/woman-ice-custody-loses-baby-after-begging-help-she-was-forced-sleep-floor-eating-1736693>.

³ Annette Decker, MD, MS, et al., “Emergency Medical Responses at U.S. Immigration and Customs Enforcement Detention Centers in California,” *Journal of the American Medical Association*, 6, no. 11 (2023), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2812358>; “Health Harms Experienced by Pregnant Women in U.S. Immigration Custody,” *Physicians for Human Rights* (2019), <https://phr.org/wp-content/uploads/2019/12/PHR-Pregnant-Women-in-Immigration-Custody-Fact-Sheet-Nov-2019.pdf>.

⁴ Miriam Jordan and Jazmine Ulloa, “Concerns Grow Over Dire Conditions in Immigrant Detention,” *New York Times*, June 28, 2025, <https://www.nytimes.com/2025/06/28/us/immigrant-detention-conditions.html>.

⁵ Dhruv Mehrotra and Dell Cameron, “They’re Not Breathing: Inside the Chaos of ICE Detention Center 911 Calls,” *Wired*, June 25, 2025, <https://www.wired.com/story/ice-detention-center-911-emergencies/>.

A recent Senate Judiciary Committee staff visit to the South Louisiana ICE Processing Center in Basile, Louisiana revealed that 14 pregnant women—a shockingly large number—were detained at the time of the visit.⁶ Women reported receiving little to no medical care and insufficient nutrition; some reported having never been seen by a physician in the facility, despite efforts to get care. The report shares an anecdote of “a pregnant woman who had a miscarriage while detained and was allegedly still bleeding when she was deported.”

Since the start of the Trump administration, accurate information about the number of pregnant women in ICE custody has been difficult to ascertain. Until this year, ICE provided semiannual reports to Congress on the number and treatment of pregnant, postpartum, and nursing women in immigration detention;⁷ however this previously required reporting has now ceased. Moreover, the effective closure of the Department of Homeland Security’s (DHS) Office for Civil Rights and Civil Liberties and Office of the Immigration Detention Ombudsman means that there is little visibility and independent oversight of the treatment of vulnerable populations, including pregnant women.⁸ At this time, we do not know how many pregnant women are in ICE custody, whether U.S. citizen babies have been born in ICE custody, and what provisions have been made for mothers’ and children’s health, safety, and wellbeing.

ICE’s own standards are unambiguous on the detention, monitoring, and treatment of pregnant, postpartum, and nursing women in detention. ICE Directive 11032.4, *Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals* (2021 Pregnancy Directive), states that ICE should not detain pregnant, postpartum, or nursing individuals except under very limited circumstances.⁹ If detention of these individuals is deemed absolutely necessary, the directive provides detailed requirements for ensuring that they are monitored closely, kept in suitable facilities, and given access to both routine and emergency health care. ICE recently reaffirmed its commitment to the health and safety of detained pregnant women in the 2025 revisions to its National Detention Standards.¹⁰

In response to our concerns that pregnant, postpartum, and nursing women may not be receiving necessary monitoring, health care, and treatment, we request answers to the following questions by September 26, 2025.

1. As of the date of receipt of this letter, how many women currently in ICE custody are known to be pregnant, postpartum, and nursing? Please provide totals for each category. How many of those women currently are in their third trimester of pregnancy? For the

⁶ *Supra* note 1.

⁷ See e.g. Department of Homeland Security, “Pregnant, Postpartum, and Lactating Individuals in Immigration Detention Fiscal Year 2024, Semiannual 1,” August 2, 2024.

⁸ Letter from Gary Peters, Ranking Member of the Senate Homeland Security and Governmental Affairs Committee, et al., to Kristi Noem, Secretary of Homeland Security, July 18, 2025, <https://www.hsgac.senate.gov/wp-content/uploads/2025-0718-Joint-Letter-to-DHS-Secretary-Noem-on-CRCL-OIDO-and-CISOMB-Final.pdf>.

⁹ Immigration and Customs Enforcement, ICE Directive 11032.4: Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals, July 1, 2021, <https://www.ice.gov/directive-identification-and-monitoring-pregnant-postpartum-or-nursing-individuals>.

¹⁰ Immigration and Customs Enforcement, *National Detention Standards*, Revised 2025, <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>.

purposes of defining “postpartum,” please use the number of women in the one-year period following the end of pregnancy.

2. Section 5.4 of the 2021 Pregnancy Directive requires that pregnant, postpartum, and nursing women receive weekly evaluations to determine whether continued detention is appropriate.
 - a. What is the process for conducting these evaluations and what criteria are used? From January 1, 2025 to the date of receipt of this letter, how many pregnant, postpartum, and nursing women have been released pursuant to one of these screenings? Who is conducting these evaluations and are they reported to ICE headquarters? If yes, what office?
 - b. From January 1, 2025 to the date of receipt of this letter, how many have remained in ICE custody? Of those pregnant women who received determinations to remain in custody, how many were in their third trimester?
3. Have any women given birth in ICE facilities from January 1, 2025 to the date of receipt of this letter, including both live and stillborn births? If so, how many live and stillborn births and in which facilities? In that same time frame, how many miscarriages have occurred?
4. All children born on U.S. soil, including at ICE detention facilities, are U.S. citizens. For any child born in ICE custody, what is the process for allowing their mothers to secure U.S. birth certificates and other vital documents? Have any women been deported before having an opportunity to seek and obtain a birth certificate for their child?
5. How many pregnant, postpartum, and nursing women have been deported since January 1, 2025? Please provide the monthly total.
6. Section 2 of the 2021 Pregnancy Directive requires that pregnant, postpartum, and nursing women be detained in facilities that are suitable for their physical and mental health needs.
 - a. What ICE facilities currently detain pregnant, postpartum, and nursing women? Please provide a list by facility name and location.
 - b. What are the criteria for determining if a facility is suitable for pregnant, postpartum, and nursing women? Of the pregnant, postpartum, and nursing women in ICE custody, how many were detained in facilities that have been deemed suitable according to these criteria from January 1, 2025 to the date of receipt of this letter? What ICE office determined those facilities were suitable and when was that determination made?

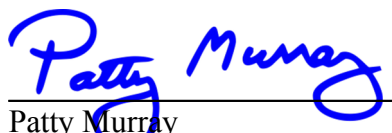
- c. How many women since January 1, 2025 have been transferred into a suitable facility once it is discovered that they are pregnant, postpartum, and nursing? How many of these transfers occurred because the woman was pregnant?
7. Since January 1, 2025, how many approved referrals for offsite obstetrics and gynecology services have been completed? How many inpatient hospitalizations related to active labor and birth for ICE detainees have occurred since January 1, 2025?
8. Please describe pregnant women's access to prenatal and postnatal health care in all ICE facilities that detain pregnant women, including routine medical examinations, treatment for pregnancy complications, and access to medical specialists such as OB/GYNs.
9. Please describe the provisions for ensuring safe labor and delivery, including an opportunity for mother and child to bond immediately after birth.
10. Current law (Section 528 of P.L. 118-47) and Section 2.3 of the 2021 Pregnancy Directive severely curtails the use of restraints on pregnant women at any time and prohibits them entirely during active labor and delivery. If restraints are used, documented medical approval is required. Since January 1, 2025, have any pregnant women been placed in restraints? If yes, how many and at which locations have restraints been used on pregnant women?
11. Please describe any provisions for ensuring that pregnant, postpartum, and nursing women have access to a diet that meets the U.S. government recommended dietary guidelines for pregnant, postpartum, and nursing women, which includes including fruits, dairy products, vegetables, to support a healthy pregnancy and ensure their safety after birth.¹¹

Given the urgent nature of pregnant women's health and safety needs, we request that you ensure all detention facilities are in full compliance with current law and the 2021 Pregnancy Directive. We also request as a sign of your agency's commitment to the care of all individuals in your custody that you immediately resume semiannual reporting on Pregnant, Postpartum, and Lactating Individuals in Immigration Detention.

We look forward to receipt of this reporting and responses to our questions.

Sincerely,

¹¹ United States Department of Agriculture, *Dietary Guidelines for Americans 2020-2025*, 9th Edition, December 2020, https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf.



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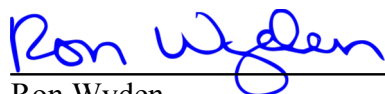
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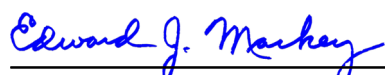
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Andy Kim
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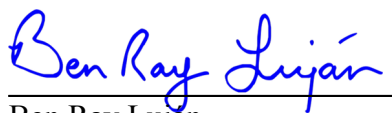
Jeffrey A. Merkley
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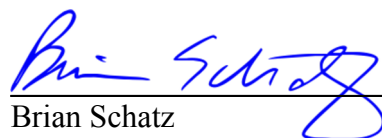
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Jeanne Shaheen
United States Senator



Raphael Warnock
United States Senator



John Hickenlooper
United States Senator



Tina Smith
United States Senator

A handwritten signature in blue ink, appearing to read "M.F. Bennet", is positioned above a horizontal line.

Michael F. Bennet
United States Senator