

Protect Pregnant, Postpartum, and Nursing Mothers in Detention

Immigration and Customs Enforcement (ICE)'s [official policy](#) mandates that "ICE should not detain, arrest, or take into custody for an administrative violation of the immigration laws individuals known to be pregnant, postpartum, or nursing" except in exceptional circumstances. Where detention is necessary, ICE must ensure adequate medical care and housing suitable for their medical and mental health needs, and refrain from using restraints. However, reports of pregnant, postpartum, and nursing mothers being held in unsafe and inhumane conditions by ICE are rampant. ICE itself reported that on February 16, 2026 it was detaining 121 such women, and it deported 363 between January 1 and February 16, 2026 alone. The true figures are likely higher, as DHS tracks data on postpartum and nursing mothers at only about 10% of facilities and, since February 2026, no data has been released.

Callous disregard of ICE's own policies is endangering pregnant, postpartum, or nursing mothers and their unborn and infant children.

WHY THIS MATTERS



Detention is turning manageable medical needs into serious emergencies

Pregnant and postpartum women have experienced delayed medical care, inadequate nutrition, shackling, and insufficient care for bleeding, miscarriage, and other complications. Detention places both pregnant mothers and their babies at [risk of serious and life-threatening harm](#).



Pregnant women are miscarrying in federal custody

[DHS itself reported](#) 16 miscarriages in its custody between January 1 and September 23, 2025 alone, a period that does not even include some of its most aggressive immigration enforcement surges. The agency has not provided information about miscarriages in immigration detention after late September, 2025.



Detention is unnecessary and harm is preventable

Sensible and legal alternatives to detention could allow pregnant, postpartum, and nursing mothers to continue their immigration proceedings while living at home with their families and accessing appropriate medical care, and to be removed in humane and safe conditions if that is ultimately the appropriate outcome in their case.



ICE operates with insufficient accountability

Limited data transparency and inadequate oversight allow harmful practices to continue unchecked, leaving violations without consequences and pregnant, postpartum, and nursing mothers, without protection or redress.



CONGRESSIONAL ASK

Protect Pregnant, Postpartum, and Nursing Mothers in Detention

- Urge DHS to reaffirm and enforce ICE policies protecting pregnant, postpartum, and nursing mothers, and extend them to bind all DHS employees involved in immigration enforcement.
- Use oversight authority to ensure transparency and accountability in immigration detention. Inspect ICE facilities and investigate the treatment of pregnant, postpartum, and nursing women in custody.
- Require DHS to report periodically to Congress on compliance with its own detention standards.

Documented Harm to Pregnant, Postpartum, and Nursing Women in Detention



Delayed care endangered a pregnant woman and baby

Burlington, MA | February 2026

A woman, 24 weeks pregnant, was held for approximately 3 days in a “hold room” without adequate nutrition or medical care. Despite abdominal pain, vomiting, and decreased fetal movement, hospital transfer was delayed. She was later diagnosed with electrolyte abnormalities and gallstones, requiring possible high-risk surgery. Her physician concluded that further detention would place both mother and baby at risk.



High-risk pregnancy without prenatal care

Henderson, NV | January 2026

A woman diagnosed with a high-risk pregnancy, was denied medical care and proper nutrition while in ICE detention. She did not have prenatal check-ups, professional evaluations, or medical testing. She suffered from dangerously low blood pressure, morning sickness, and lost significant weight, putting her and her baby at significant risk.



Breastfeeding mother separated from infant

Minnesota | January 2026

A woman was detained while nursing her 5-month-old baby, abruptly separating mother and child during a critical period of bonding, nutrition, and development. The mother also has congenital heart disease, requiring specialized medical care to prevent her premature death. Detention placed her health at risk and inflicted avoidable harm on her baby.



Miscarriage in ICE detention

Bakersfield, CA | September 2025

A woman received insufficient, poor-quality meals, inadequate medical care and prenatal information. These conditions, together with separation from her family and concern about her pregnancy, caused extreme distress. While in detention, she suffered a miscarriage.