

Open letter to Trump Administration about ICE detention of pregnant women

Re: Protections for Pregnant, Postpartum, and Nursing Women in Immigration Custody

Dear President Trump, Secretary Noem, and Acting Director Lyons:

We write as pro-life organizations to urge the immediate reinstatement and enforcement of federal protections that prevent the detention of pregnant, postpartum, and nursing women, except in truly exceptional circumstances. Pregnancy and early postpartum are medical states that require care that immigration detention facilities are structurally unable to provide.

Existing policy and its erosion

In 2016, Immigration and Customs Enforcement (ICE) adopted a presumption of release for pregnant women unless "extraordinary circumstances" required detention. That presumption was [formally ended on December 14, 2017](#).^[1] In July 2021, [ICE issued new guidance](#) stating that, absent narrow exceptions, ICE should not arrest or detain individuals known to be pregnant, postpartum, or nursing.^[2]

Although this 2021 guidance has not been publicly rescinded, multiple reports indicate [it is no longer being followed in practice](#).^[3] ICE's own web materials describing these protections have been labeled "archived" and "not reflective of current practice".

Medical consensus

National medical organizations have warned that detaining pregnant women places both maternal and fetal health at serious risk. [In a joint letter](#), the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the American Academy of Family Physicians stated that ending presumptive release for pregnant detainees "puts the health of women and adolescents and their pregnancies at great risk."^[4]

[Detention facilities routinely lack obstetric specialists](#), continuity of prenatal care, appropriate nutrition, and timely access to emergency treatment.^[5] The physiological stress of detention itself [is a known risk factor](#) for pregnancy complications, preterm labor, and adverse neonatal outcomes.^[6]

Documented impact

When ICE ended its presumption of release in 2017, detentions of pregnant women rose sharply. According to the U.S. Government Accountability Office, ICE detained 1,377 pregnant women in 2016 and 2,094 in 2018, [an increase of approximately 52 percent](#).^[7]

Medical advocacy groups and investigative reporting have documented prolonged detention of women with high-risk pregnancies, delayed emergency treatment, miscarriages, and stillbirths.

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[8] Simply stated, [unborn children are dying because of this policy](#). These outcomes are not anomalies. They are the result of placing pregnant women in systems designed for incarceration, not medical care.

Our request

We respectfully urge your administration to:

1. Formally reinstate and enforce the July 2021 ICE guidance prohibiting the arrest and detention of individuals known to be pregnant, postpartum, or nursing, except where release is legally prohibited or exceptional circumstances exist (such as national security or imminent risk of harm).
2. Require ICE field offices to obtain headquarters-level approval before detaining any pregnant, postpartum, or nursing woman.
3. Restore transparency by publishing semi-annual data on the number of pregnant, postpartum, and nursing women in ICE custody and the justification for each detention, as previously required by Congress.
4. Review all current cases and immediately release pregnant, postpartum, and nursing women who do not pose a genuine security threat.

Alternatives to detention, such as monitoring, check-ins, and community-based supervision, are well established, far less costly, and significantly more humane. These mechanisms preserve immigration enforcement while safeguarding maternal, fetal, and infant health.

Detaining pregnant and nursing women is not a necessary feature of immigration policy. Reinstating protections for pregnant, postpartum, and nursing women reflects sound medical judgment and responsible governance.

We respectfully urge you to act.

Sincerely,

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ENDNOTES:

[1] American Immigration Lawyers Association, ICE Ends Presumption of Release for All Pregnant Detainees (Directive 11032.3, Dec. 14, 2017),

<https://www.aila.org/infonet/ice-ended-presumption-of-release-for-all-pregnant>

[2] ICE Directive 11032.4, Identification and Monitoring of Pregnant, Postpartum, and Nursing Individuals (July 9, 2021), archived copy via National Immigrant Women's Advocacy Project,

<https://niwaplibrary.wcl.american.edu/pubs/ice-pregnant-postpartum-nursing-individuals>

[3] See, e.g., ICE keeps detaining pregnant immigrants against federal policy, The 19th (Oct. 21, 2025), <https://19thnews.org/2025/10/ice-detaining-pregnant-nursing-immigrants/>; ICE keeps detaining pregnant immigrants against federal policy, LAist (Oct. 2025), <https://laist.com/brief/news/politics/ice-keeps-detaining-pregnant-immigrants-against-federal-policy>

[4] American Academy of Family Physicians, Joint Letter to DHS on Detention of Pregnant Women (AAP, ACOG, AAFP, Mar. 30, 2018),

<https://www.aafp.org/dam/AAFP/documents/advocacy/prevention/women/LT-DeputyDirectorHoman-033018.PDF>

[5] U.S. Government Accountability Office, Immigration Detention: Care of Pregnant Women in DHS Facilities, GAO-20-330 (Mar. 2020),

<https://www.gao.gov/products/gao-20-330>; Kramer C, et al. Shackling and pregnancy care policies in US prisons and jails. *Maternal and Child Health Journal*. 2023;27:186-196; National Commission on Correctional Health Care. Pregnancy and postpartum care in correctional settings. January 2018.

[6] Dunkel Schetter C. et al., Contribution of maternal stress to preterm birth, *Clinics in Perinatology* (2011); Lilliecreutz C. et al., Effect of maternal stress during pregnancy on risk for preterm birth, *BMC Pregnancy and Childbirth* (2016),

<https://pmc.ncbi.nlm.nih.gov/articles/PMC3179976/>

[7] U.S. Government Accountability Office, GAO-20-330, Table 2 (matched ICE records for 2016 and 2018), <https://www.gao.gov/assets/710/707266.pdf>

[8] American Civil Liberties Union, Pregnant and Postpartum Women Face Neglect and Abuse in ICE Detention (Oct. 27, 2025),

<https://www.aclu.org/news/immigrants-rights/pregnant-and-postpartum-women-face-neglect-and-abuse-in-ice-detention>; see also Associated Press, Advocacy groups say

pregnant migrants suffered miscarriages in ICE custody,

<https://apnews.com/article/811f9f6b10ef42cc51c7c7d154046a30>