



U.S. SENATOR
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Stop Shackling and Detaining Pregnant Women Act

The *Stop Shackling and Detaining Pregnant Women Act* will protect the health and safety of pregnant women in immigration detention by reinstating their presumption of release, prohibiting the U.S. Department of Homeland Security from shackling pregnant women in its custody, and setting new standards of care and transparency for the treatment of pregnant women and youth.

The mistreatment of pregnant women in ICE detention has been well-documented—and without basic protections, pregnant women in ICE detention are at higher risk of miscarriage, stillbirth, and other pregnancy-related health complications. The mistreatment of pregnant women in detention also has [adverse effects](#) on women's access to justice mechanisms—for example, when faced with inadequate health services, pregnant women are pushed to abandon their asylum applications. Pregnant women have been detained at higher rates as the detention of women has risen. In 2008, there were 965 pregnant women in ICE custody; in 2018, there were 2,094 pregnant detainees. Most pregnant women detained in recent years have been apprehended after crossing the U.S.-Mexico border seeking refuge in the United States and did not have prior criminal records.

This legislation was first introduced in the U.S. Senate during the 115th Congress in light of reports of mistreatment of pregnant women in ICE custody, then was reintroduced in 2019 on the heels of a Washington Post report about a woman in ICE custody whose pregnancy ended in a stillbirth after she went into labor prematurely. While the policies around treatment of pregnant women in immigration detention have changed from administration to administration, this legislation is necessary to create vital safeguards for pregnant women—no matter who is in the White House.

The *Stop Shackling and Detaining Pregnant Women Act* would:

- Limit the detention of pregnant women and mothers of newborns by establishing a presumption of release, with exceptions only when the Secretary of Homeland Security makes an individualized determination that credible, reasonable grounds exist to believe that the person presents an immediate and serious threat of hurting themselves or others and that detention is the least restrictive means available to mitigate the threat.
- Prohibit the use of physical restraints on pregnant women in the Department's custody during pregnancy, labor, and postpartum recovery.
- Set minimum standards for comprehensive health care services for pregnant women and youth.
- Require the Secretary of Homeland Security to provide a notice of rights to detained pregnant women in their native language.
- Require training for DHS employees who have a role in the detention or care of a pregnant detained noncitizen or postpartum parent of a newborn at the time of hiring and annually. Require regular reporting on the detention of pregnant women and youth.

This legislation is supported by: The American Civil Liberties Union, American College of Obstetricians and Gynecologists, Anti-Defamation League, Center for Reproductive Rights, Church World Service, MomsRising, National Asian Pacific American Women's Forum, National Women's Law Center, Planned Parenthood Federation of America, and Reproductive Freedom for All (formerly NARAL Pro-Choice America).