

# **Duckworth, Durbin Join Murray, Garcia To Reintroduce Legislation To Prevent The Shackling And Mistreatment Of Pregnant Women In ICE And CBP Custody**

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WASHINGTON, D.C. – U.S. Senator Tammy Duckworth (D-IL) and U.S. Senate Majority Whip Dick Durbin (D-IL) joined U.S. Senator Patty Murray (D-WA) and U.S.

Representative Sylvia Garcia (D-TX-29) in reintroducing the *Stop Shackling and Detaining Pregnant Women Act*. The legislation would help protect the health and safety of pregnant, postpartum and lactating people in immigration detention by establishing a presumption of release, prohibiting any agency under the U.S. Department of Homeland Security from shackling pregnant women in its custody—including those in the custody of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)—and setting new standards of care and transparency for the treatment of pregnant women and youth.

“The practice of shackling and detaining pregnant women by ICE and CBP must stop immediately,” said Duckworth. “This policy puts mothers and their infants at risk while also denying these women the essential maternal care they deserve. I’m proud to join my colleagues in introducing this legislation that will set new standards for the treatment of pregnant and young women in detention.”

“It is unconscionable that pregnant and postpartum women in ICE and CBP custody would be shackled. This deeply barbaric policy only puts pregnant women and their babies at risk of dangerous complications,” said Durbin. “I’m joining my colleagues to introduce this legislation to ensure that no presidential administration will again allow the inhumane, shameful shackling of pregnant women in ICE or CBP custody.”

“Shackling pregnant women in ICE and CBP custody is pointless and deeply inhumane—and we know it can cause miscarriage, dangerous pregnancy complications, and inflict other physical and mental trauma on vulnerable women,” said Murray.

“There is simply no justifiable reason for this cruel policy. While the Biden administration has taken important steps to protect pregnant women in ICE custody, these protections are still limited and could be reversed immediately by the next administration—which is why now is the time to make them permanent. I am proud to join my friend Rep. Garcia in reintroducing this important legislation and continuing to raise our voices and keep the pressure up to prevent the cruel mistreatment of pregnant women in immigration detention.”

In 2021, President Biden announced that Immigration and Customs Enforcement (ICE) officers generally would not detain or arrest people who are pregnant, nursing, or postpartum (had a baby within the previous year), unless their release is prohibited by law or “exceptional circumstances.” The policy also prohibited the use of restraints on women who are in active labor or delivery. This policy reversed the Trump administration’s decision—[widely panned](#) by human rights organizations—to end the policy of presumed release of pregnant women and youth in immigration detention. But the current Biden administration protections for undocumented pregnant and postpartum women could disappear under a future administration. Additionally, the Biden administration policy only applies to ICE and does not apply to Customs and Border

Protection (CBP), meaning that CBP can—and does—still use physical restraints on pregnant women who are taken into custody at ports of entry, such as the U.S. southern border, until they are out of custody once again. There is a well-documented [pattern of mistreatment](#) of pregnant women in CBP custody; Murray and Garcia’s legislation would provide vital, codified safeguards that do not currently exist for pregnant women in CBP custody were it to pass into law.

Along with Duckworth, Durbin and Murray, the legislation is cosponsored in the Senate by U.S. Senators Richard Blumenthal (D-CT), Cory Booker (D-NJ), Laphonza Butler (D-CA), Ben Cardin (D-MD), Chris Coons (D-DE), Catherine Cortez Masto (D-NV), John Fetterman (D-PA), Kirsten Gillibrand (D-NY), Mazie Hirono (D-HI), Amy Klobuchar (D-MN), Ed Markey (D-MA), Robert Menendez (D-NJ), Jeff Merkley (D-OR), Alex Padilla (D-CA), Jack Reed (D-RI), Bernie Sanders (I-VT), Chris Van Hollen (D-MD), Elizabeth Warren (D-MA), Peter Welch (D-VT), Sheldon Whitehouse (D-RI) and Ron Wyden (D-OR).

Along with Garcia, the legislation is cosponsored in the House by U.S. Representatives Troy Carter (D-LA-02), Jasmine Crockett (D-TX-30), Diana DeGette (D-CO-01), Jesús “Chuy” Garcia (D-IL-04), Raúl Grijalva (D-AZ-07), Eleanor Holmes Norton (D-DC), Sheila Jackson Lee (D-TX-18), Hank Johnson (D-GA-04), Sydney Kamlager-Dove (D-CA-37), Barbara Lee (D-CA-12), Gwen Moore (D-WI-04), Andrea Salinas (D-OR-06), Jan Schakowsky (D-IL-09) and Bonnie Watson Coleman (D-NJ-12).

The 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).

A one-pager on the legislation can be found using the link [here](#).

The full text of the legislation can be found using the link [here](#).