

February 27, 2026

Roman Jankowski  
Chief Freedom of Information Act Officer  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528-0525  
[FOIA@hq.dhs.gov](mailto:FOIA@hq.dhs.gov)  
[DHSFOIAPublicLiaison@hq.dhs.gov](mailto:DHSFOIAPublicLiaison@hq.dhs.gov)

Re: Request Under the Freedom of Information Act

Dear Mr. Jankowski:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552 and the implementing regulations of the U.S. Department of Homeland Security (“DHS”), 6 C.F.R. Part 5, through which DHS implements FOIA.

The detention and treatment of pregnant, postpartum, and nursing women in federal immigration custody is of great concern to the public. Pregnant, postpartum, and lactating women are a highly vulnerable group in the detention system. They face considerable stress including the inability to access necessary medical care and support, separation from family, and the uncertainty of immigration proceedings.

Since the Trump’s administrations inhumane increase in immigration enforcement, there have been more than 1,000 credible reports of rights abuses in immigration detention centers.<sup>1</sup> Among these are the horror stories shared by pregnant, postpartum, and nursing immigrants in custody, some held for months, others deported, all facing dangerous, inhumane treatment.<sup>2</sup> According to reports of first-hand accounts from detainees, pregnant, nursing, and postpartum people in DHS-run detention centers are miscarrying, being mistreated through placement in solitary confinement or shackling, and being denied prenatal care and other basic necessities.<sup>3</sup>

Unfortunately, the public does not even know the number of pregnant, postpartum, or nursing people currently in custody because DHS is no longer required to report out the number of immigrants being held in these facilities.<sup>4</sup> Further, a 2021 policy restricts Immigration and Customs Enforcement (“ICE”), one component of DHS, from arresting or detaining immigrants

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<sup>1</sup> See Lautaro Grinspan, *More than 1,000 alleged rights abuses in immigration detention, Ossoff finds*, THE ATLANTA J.-CONST., Jan. 27, 2026, available at <https://www.ajc.com/news/2026/01/more-than-1000-alleged-rights-abuses-in-immigration-detention-ossoff-finds/>.

<sup>2</sup> See e.g., Shefali Luthra, Mel Leonor Barclay, *ICE keeps detaining pregnant immigrants — against federal policy*, THE 19TH NEWS, Oct. 20, 2025, available at <https://19thnews.org/2025/10/ice-detaining-pregnant-nursing-immigrants/> (hereinafter “19<sup>th</sup> News Report”).

<sup>3</sup> See *What’s Happening to Pregnant, Postpartum, and Nursing Women in ICE Custody?*, CENT. FOR REPROD. RTS., Feb. 13, 2026, available at <https://reproductiverights.org/news/pregnant-postpartum-nursing-women-ice-custody/>.

<sup>4</sup> See *id.*

who are pregnant, postpartum or nursing, except in extreme circumstances.<sup>5</sup> While the Trump administration has not formally rescinded the policy, there are highly concerning allegations, based on lawsuits, news reports, and immigration advocates, that the 2021 policy is not being followed or enforced internally at ICE.<sup>6</sup> Similarly, at the border, Customs and Border Protection (“CBP”) is required to provide medical assessments, specialized care, and, if necessary, ensure that 24-hour care and proper nutrition are available to immigrants who are pregnant, postpartum or nursing.<sup>7</sup> However, a January 2026 Government Accountability Office (“GAO”) report found that CBP is not consistently implementing its own policies, finding that 20 percent of pregnant individuals did not receive medical assessments.<sup>8</sup>

The Center for Reproductive Rights (“Center”) seeks to better understand the state of pregnant, postpartum, or nursing people currently in DHS custody as well as the policies applicable to these immigrants.

## Records Requested

Please provide all responsive records from January 20, 2025, through the date the search is conducted. As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Please note that “communications” requested include, but are not limited to, e-mails, messaging platforms (including, but not limited to Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, Truth Social messages, WhatsApp, Telegram, or Parler), and communications and relevant materials that may have been distributed via personal phones or devices.

We request the following to be produced within twenty business days:

1. Any and all records stored or maintained by DHS regarding all individuals, including unaccompanied children (“UAC”), known to be pregnant, postpartum, and nursing detained in DHS custody including, but not limited to, in ICE and CBP custody. This should include any and all data that can be exported electronically in spreadsheet format (e.g., \*.XLSX or \*.CSV formats).
2. Any and all records stored or maintained by DHS of doctors or other health care staff (e.g., nurses, nurse practitioners, physicians’ assistants, pharmacists) at DHS facilities, including ICE and CBP.

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<sup>5</sup> See ICE Directive 11032.4: Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals, Issue Date: July 1, 2021, Effective Date: July 1, 2021, IMM. AND CUSTOMS ENFORC. AGENCY, available at [https://www.ice.gov/doclib/detention/11032.4\\_IdentificationMonitoringPregnantPostpartumNursingIndividuals.pdf](https://www.ice.gov/doclib/detention/11032.4_IdentificationMonitoringPregnantPostpartumNursingIndividuals.pdf)

<sup>6</sup> See 19<sup>th</sup> News Report, *supra* n. 2.

<sup>7</sup> See *U.S. Customs and Border Protection Policy Statement and Required Actions Regarding Pregnant, Postpartum, Nursing Individuals, and Infants in Custody*, U.S. CUSTOMS AND BORDER PROTECT., Nov. 23, 2021, available at [https://www.cbp.gov/sites/default/files/assets/documents/2022-Jul/2022-Policy%20Statement-%20and-Required-Action-Pregnant-Postpartum-Nursing-Individuals-and-Infants-%20%28signed%29\\_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2022-Jul/2022-Policy%20Statement-%20and-Required-Action-Pregnant-Postpartum-Nursing-Individuals-and-Infants-%20%28signed%29_0.pdf); U. S. Gov’t Account. Off., *Southwest Border: CBP Should Improve Oversight of Medical Care for Individuals in Custody*, GAO-26-107425, at 16, Jan. 14, 2026, available at <https://www.gao.gov/products/gao-26-107425> (hereinafter “CBP GAO Report”).

<sup>8</sup> See generally, CBP GAO Report, *supra* n. 7.

3. Any and all records including communications such as grievances and requests received by DHS from or on behalf of persons in DHS detention, either ICE or CBP, relating to pregnancy, postpartum, and lactation including medical and custody concerns related to pregnancy, postpartum, and lactating individuals, including UAC.
4. Any and all records relating to or embodying any amendments, modifications, additions, deletions, or other changes to the 2021 Pregnancy Directive.
5. Any updates, amendments, and attachments to the ICE Health Service Corps (“IHSC”) Policy No. 04-02 “Women’s Medical Care,” and any and all other IHSC policies regarding the provision of medical care to women and UAC in ICE custody. This includes all versions of such policy that were in effect during the request period.
6. Any updates, amendments, and attachments to ICE Policy No. 11020.1: “Use of GPS Monitoring Devices on Persons who are Pregnant or Diagnosed with a Severe Medical Condition (Sept. 14, 2009).
7. Any and all records relating to or embodying any updates, amendments, modifications, additions, deletions, or other changes to the CBP policies on medical care for individuals in custody, especially related to immigrants, including UAC, who are pregnant, postpartum, or nursing.
8. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, guidance document or other documents sent to, received by, or exchanged with any DHS employee (temporary or permanent), official, appointee, or contractor regarding compliance with the aforementioned policy and guidance documents listed in records requests 4 through 7 above.
9. From Fiscal Year 2025 to the date this request is fulfilled, any databases, spreadsheets, lists, and other data compilations reflecting the following:
  - a. The total number of individuals, including UAC, that DHS has identified as pregnant while in DHS detention, either ICE or CBP, broken down by month and detention facility;
    - i. Including specifically the Richwood Correctional Center and the Dilley Immigration Processing Center.
  - b. The total number of requests submitted by individuals, including UAC, in DHS detention, either ICE or CBP, seeking medical attention or assistance and the number of requests that were adequately completed by providing medical attention or assistance, broken down by detention facility;
    - i. Including specifically the Richwood Correctional Center and the Dilley Immigration Processing Center.
  - c. The total number of incidents of miscarriages and live births in DHS detention, either ICE or CBP, broken down by detention facility;



14. Any and all contracts between DHS, including ICE and CBP, and Acentra Health, LLC, including its parent companies, subsidiaries, and/or sister companies, as applicable, regarding third party administrator support for health-related claims processing and payment services.
15. Any and all contracts between DHS, including ICE and CBP, and Ardent Group, LLC, including its parent companies, subsidiaries, and/or sister companies, as applicable, regarding third party administrator support for pharmaceutical benefit manager services.

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If DHS uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including DHS, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Center requests that DHS use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Center is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail, and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”<sup>3</sup> Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”<sup>4</sup> Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”<sup>5</sup>

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

### **Waiver or Limitation of Fees**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or

activities of the government and is not primarily in the commercial interest of the requester.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of the state of pregnant, postpartum, or nursing people currently in DHS custody as well as the policies applicable to these immigrants.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release of the information requested is not in the organization’s financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

## **Conclusion**

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Manasi Raveendran  
c/o Julia Long  
Center for Reproductive Rights  
1600 K Street, NW  
Washington, DC 20006  
Phone: (202) 524-5536  
Email: MRaveendran@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Manasi Raveendran at (202) 524-5536 if you have any questions. Thank you for your assistance.

Sincerely,

Manasi Raveendran  
Federal Policy & Advocacy Counsel  
Center for Reproductive Rights