

Oversight Is Critical for Women and Girls in Immigration Detention: Restore It NOW!

Since January 2025, the Trump administration has taken unprecedented steps to decimate oversight protections for women and girls in detention. These include gutting the critical oversight bodies that ensure the federal government and its contractors comply with civil rights laws, eliminating access to detention facilities for legal service providers and even **members of Congress** seeking to monitor conditions, and withholding vital data on detained migrants including data on family separations. **As a result, immigrant detention has become a black box where bad actors can misuse Congressional funds to violate civil and human rights laws with impunity.**

This week, the House voted on a reconciliation bill that would give ICE an additional \$45 billion in detention funds, while decimating minimum safety standards and oversight even further.

Immigrant women and children are at grave risk of harm from the government's lack of oversight over immigration detention. Already conditions are deteriorating rapidly. Women have reported being **held in conditions so extreme they feared for their lives**, including being chained for hours on prison buses without access to food or water, told to urinate on the floor, and packed into tiny cells with more than 25 people with nothing to sleep on but a concrete floor. The government's own data confirms that **sexual assault and abuse are rampant** in detention facilities.

The Women's Refugee Commission (WRC) has identified some of the most dangerous reductions in oversight for detained women and girls. Congress MUST ACT to restore these vital oversight functions.

Oversight Gutted. Between January and May 2025, the tens of thousands of people locked away in immigration detention facilities in the United States **lost** effective access to nearly every avenue of oversight. The following offices have been so severely gutted that they have been effectively eliminated.

- ✘ Independent ombudsperson offices
 - *For adults in Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) detention*
 - * Department of Homeland Security (DHS) Office of the Immigration Ombudsman (OIDO)
 - *For **unaccompanied children** in Office of Refugee Resettlement (ORR) custody*
 - * **UAC Office of the Ombuds**
- ✘ Internal civil rights **watchdog**
 - DHS Office for Civil Rights and Civil Liberties (CRCL)

✘ **Legal information and support**

- *For adults in ICE detention*
 - * Legal Orientation Program (LOP)
- *For unaccompanied children in ORR custody*
 - * Counsel for Children initiative¹

Transparency Gone. People outside detention, including elected officials, US citizen family members, and human rights experts, cannot get reliable information on the noncitizens (and US citizens) DHS is arresting, detaining, and deporting.

- ✘ No DHS Office of Homeland Security Statistics **data** has been published since November 2024.
- ✘ Some noncitizens are **disappearing entirely** from government records, while hundreds of others have been deported without due process to Guantanamo Bay, **El Salvador**, and other **third countries**.
- ✘ ORR has not **published** its congressionally mandated monthly statistics on family separations at the border since October 2024, leaving the public in the dark for going on seven months about whether and how many children have been separated from their parents by border agents.
- ✘ Whistleblowers confirm that CRCL's closure has **resulted** in the probable abandonment of at least 550 open complaint investigations and hundreds of additional allegations still pending review.

Women and Girls at Risk. US immigration enforcement and detention has become a **black box** where bad actors can violate the law and misuse Congressional funds with impunity. As WRC knows thanks to many years of monitoring immigration detention facilities, women and girls in immigration detention have **unique vulnerabilities** that put them at grave risk of violence and other harms in the absence of effective oversight.

Sexual assault and sexual abuse

- » Between 2010 and 2017, migrant women filed **more than 1,224** complaints of sexual assault by ICE officials covering nearly **all states** with immigration detention facilities.
- » The National Prison Rape Elimination Commission found that immigrant women in detention are **especially vulnerable** to sexual abuse. Despite this, in April 2025, the Department of Justice (DOJ) **terminated** all funding for the National Prison Rape Elimination Act (PREA) Resource Center, which trained PREA auditors, tracked PREA investigation results, and provided resources to sexual assault victims.

¹ Restored as of April 29, 2025 through **preliminary injunction** in the Community Legal Services in East Palo Alto v. United States Department of Health and Human Services litigation.

- » Whistleblowers revealed that CRCL's closure resulted in the abandonment of at least **25 sexual abuse complaints**.
- » **The now-gutted CRCL and OIDO are responsible for ensuring that laws like the PREA are enforced in immigration detention.**

Medical and reproductive health needs

- » Detained women and girls, including those who are **pregnant**, postpartum, or lactating, have long **suffered** insufficient or nonexistent **access** to critical medical care and hygiene, whether being denied sanitary pads, **shackled** while giving birth, or coerced into **invasive gynecological interventions** without informed consent.
- » ICE is rapidly expanding its detention network, in part by **lowering** detention standards, failing to ensure evidence-based healthcare standards for women in carceral settings.
- » CBP has **rescinded** critical policies meant to protect the basic health and safety of detained women and children, including infants and pregnant and postpartum women, as well as medically at-risk individuals.
- » **Without CRCL, OIDO, or legal access programs, women and girls are left without reliable recourse for their health and bodily integrity.**

Family separation and family detention

- » WRC **documented** family separation even before the Zero Tolerance policy was implemented in 2017, **memorializing** the chaos and **trauma** caused by tearing children away from their parents.
- » WRC reports **Locking Up Family Values** and **Locking Up Family Values, Again** documented the trauma and immense harm of family detention. ICE's own advisory committee **recognized** there is no safe or humane way to detain families.
- » The administration **has terminated the Legal Access Services for Reunified Families (LASRF) program**, required by the **Ms. L Settlement Agreement**, placing thousands of families at risk for renewed and permanent separations.
- » **CRCL played a key role in investigating family separation and family detention complaints; its decimation threatens the unity and well-being of families caught up in immigration enforcement and detention.**

Inhumane conditions for women and girls seeking protection

- » WRC's monitoring has **shown** that **poor conditions** and limited or nonexistent access to legal and other supports in detention can prevent women and girls from effectively making their claims for asylum or victim protections from the Violence Against Women Act (VAWA) or U or T visas.
- » This denies justice and safety to women and girls seeking protection and can drive them back into the very harms they fled in their home countries.

- » In addition to responding to detention issues along with OIDO, CRCL **oversees** aspects of the government’s compliance with VAWA like confidentiality protections for immigrant victims.

Recommendations for Congress

- » Protect and increase funding for CRCL, OIDO, the USCIS Ombudsman, and the UAC Office of the Ombuds.
- » Restore and expand funding for legal access programs like the Legal Orientation Program, the Counsel for Children initiative, and the **Legal Access Services for Reunified Families** program.
- » Protect monitoring access for external, independent, nongovernmental organizations like WRC.
- » Engage in **robust** Congressional oversight, including **Member detention facility visits**.
- » Oppose damaging provisions of the **House reconciliation bill**, including provisions that dramatically expand ICE’s detention capabilities, reduce oversight even further, and eliminate critical legal protections for immigrant children to become law.
- » Pass legislation like the **Stop Shackling and Detaining Pregnant Women Act** and others that codify fundamental human rights protections for detained migrants.

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Women’s Refugee Commission

The Women’s Refugee Commission (WRC) improves the lives and protects the rights of women, children, youth, and other people who are often overlooked, undervalued, and underserved in humanitarian responses to crises and displacement. We work in partnership with displaced communities to research their needs, identify solutions, and advocate for gender-transformative and sustained improvement in humanitarian, development, and displacement policy and practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. womensrefugeecommission.org.

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May 2025