



‘Illegal Migration Bill’: Take action against the proposed new powers to detain pregnant women indefinitely

For many years, pregnant women were locked up indefinitely in immigration detention in the UK. Being detained for weeks, and sometimes months on end, **risked causing huge harm to women and their unborn babies.**

Then in 2016 the Government introduced a **72-hour time limit on the detention of pregnant women.** As well as placing a much-needed maximum limit on the time pregnant women could be detained, this resulted in **the number of pregnant women in detention falling dramatically – from 99 in 2014, to just 7 in 2021.**

Now the Government is planning to take away this vital protection. Under the new ‘Illegal Migration Bill’, women fleeing persecution who arrive in the UK via ‘irregular’ means will be prevented from claiming asylum and detained indefinitely, **with no exemption for those who are pregnant.**

Women for Refugee Women, Birth Companions, Medical Justice, Maternity Action, the Royal College of Obstetricians and Gynaecologists and the Royal College of Midwives are asking you to **take action by speaking up and opposing the indefinite detention of pregnant women.** You can do this by:

1. Speaking against the proposals during **House of Commons Committee Stage on 27-28 March**
2. Voicing your opposition on social media – **a suggested tweet is provided later in this briefing**

New powers to indefinitely detain pregnant women

Under the 'Illegal Migration Bill', people fleeing persecution who arrive in the UK by 'irregular' means, such as small boat, will not be allowed to claim asylum here.

Instead, they will be locked up in immigration detention indefinitely, while the Government attempts to remove them to their country of origin or a so-called 'safe third country', such as Rwanda.¹

Women for Refugee Women's research has found that **most women seeking asylum in the UK are survivors of rape and other forms of gender-based violence**, including domestic violence, sexual exploitation, forced marriage and female genital mutilation.

There are many reasons why women fleeing such violence and persecution are forced to take irregular routes to reach safety, not least of which is the **almost complete lack of safe routes to get to the UK, in order to be able to claim asylum.**

The Government has repeatedly stated that most people arriving by boat in the UK are men. Yet, a significant number are women. Home Office statistics show that in 2022, **just over 5,000 of the 45,000 people who arrived by small boat in the UK were women.**

Some of these women will be pregnant. Under the 'Illegal Migration Bill', the **protection of the 72-hour time limit on the detention of pregnant women, introduced by the Government in 2016, will be denied to women arriving by boat or other irregular means.**

Instead, **pregnant women will be locked up indefinitely** while the Government attempts to remove them from the UK. They will not be allowed to apply for immigration bail for the first 28 days they are detained, nor to judicially review the lawfulness of their detention.

Indeed, many pregnant women are likely to languish in detention for some time since there are few 'returns agreements' in place under which they could be removed from the UK.

Why are these new powers a problem?

Being locked up and deprived of your liberty is distressing and harmful for anyone. **For women who are pregnant, however, the impact of detention can be particularly acute.**

Women seeking asylum are at high risk of poor maternal health and NICE guidance (CG110) recommends additional measures to improve access to care. Asylum-seeking women have poor overall health status, and face risks including underlying and possibly unrecognised medical conditions which have resulted in maternal deaths, including congenital cardiac disease, HIV/AIDS and TB.

¹ According to UK Government travel advice, 'there is a high risk of malaria in all areas of Rwanda, including Kigali'. Yet, the Government still appears to be proposing to remove pregnant women there, despite the clear risks to them. As Medical Justice explained in their 2013 report *Expecting Change*: 'Experts agree that travel to malarious areas should be avoided because pregnant women have an increased risk of developing severe malaria and a higher risk of fatality compared to non-pregnant women. Home Office policy outlines that women should be offered malaria prophylaxis prior to their removal. In all the cases where anti-malarials were offered, Yarl's Wood [formerly the main detention centre for women] healthcare team failed to follow the relevant medical guidance.'

The Royal College of Midwives has said: *'The detention of pregnant asylum seekers increases the likelihood of stress, which can risk the health of the unborn baby.'*

In his 2016 review of the welfare of vulnerable people in immigration detention, which was commissioned by the Government, the former Prisons and Probation Ombudsman Stephen Shaw explained: *'That detention has an incontrovertibly deleterious effect on the health of pregnant women and their unborn children ... I take to be a statement of the obvious.'*

Moreover, healthcare in immigration detention is often very poor. The **antenatal care and support provided to women who are detained has often fallen far short of the care normally available to pregnant women**, exacerbating the trauma of being locked up in the first place and increasing already significant health inequalities.

Research by Medical Justice found that in Yarl's Wood, which until 2020 was the main women's detention centre, women often missed antenatal appointments; some women had no ultrasound scans while detained; and women did not have direct access to a midwife and could not request visits.

Before the introduction of the 72-hour limit in 2016, Women for Refugee Women and Medical Justice spoke to many pregnant women who were detained indefinitely. These women talked about the damage and harm that being locked up indefinitely had inflicted on them.

One woman whom Medical Justice supported, Anna², complained for three weeks about abdominal pains, before finally being sent to hospital where she miscarried with two guards in attendance. She subsequently attempted suicide and was admitted into a psychiatric ward.

Another woman supported by Medical Justice said:

'I cried for food and cried due to pain. I was in a detention centre for seven months. I had severe morning sickness which lasted five months. I couldn't eat the food which was provided for detainees. I remained there living just on fruit, juices, biscuits, crisps and popcorn for seven months. I got weaker day by day. I lost 6kg of my actual weight – it should increase in pregnancy.'

Another woman, Priya, a trafficking survivor who was detained in Yarl's Wood when she was 20 weeks pregnant and held there for almost two months before being released, told Women for Refugee Women:

'I only had one hospital appointment while I was there, for my 20-week scan, and even then I was escorted by officers who took me 40 minutes late for my appointment. I felt frustrated that I wasn't able to speak to the midwife after my scan because there was no time. The officers just took me straight back to Yarl's Wood instead.'

It was not easy. I often felt weak and in pain; I'm anaemic and my blood pressure is very low. On one occasion I passed out in Yarl's Wood, but they just took me back to my room and left

² All names used are pseudonyms, to protect women's identity.

me there. I also had problems passing urine, but Yarl's Wood wouldn't make me another hospital appointment, even though I requested one.

I couldn't eat the food in the canteen; that made me sick. A lot of the time I could only really manage milk. It was too far for my partner to visit and, as an asylum seeker as well, he couldn't afford the travel, but we spoke on the phone every day. I've been released now but I still feel depressed, like everything is over. I don't understand why I was treated like that.'

We cannot go back to what was happening before 2016, when many pregnant women were being detained for weeks and sometimes months on end, with no idea of when they would be released.

Please take action to stop this from happening.

How you can help

1. On 27-28 March the Illegal Migration Bill will return to the House of Commons for Committee Stage, which will be Committee of the Whole House.

Please speak up against the proposals to indefinitely detain pregnant women during this debate.

2. You can also **publicly oppose the indefinite detention of pregnant women on social media**, using (if you wish) our suggested tweet:

The Illegal Migration Bill will undo the 72hr time limit on pregnant women's detention

Indefinite detention causes huge harm to women & their babies

I support @4refugeewomen Birth Companions @Medical_Justice @MaternityAction @RCObsGyn @MidwivesRCM in opposing this cruel change

For further information, please contact Gemma Lousley, Policy and Research Manager at Women for Refugee Women on **07832 398 796** or gemma@refugeewomen.co.uk