

## Communicating Effectively in the New Immigration Landscape

### Best Practices for Health and Human Services Teams



#### Background

Hospitals and health care centers have historically been considered “sensitive locations,” which means that Immigration and Customs Enforcement (ICE) officers are not supposed to enter without a warrant. But even though arrest might not be a risk, health care visits still can carry immigration risks for patients.

Immigration officials sometimes can begin a court process to force providers to give them a patient’s routine medical records and assessments. They can use this information to prove their case for deportation once a person has been picked up by ICE. Because of this possibility, the way that care teams record observations about a person’s immigration status is important. These practices could impact a person’s ability to stay in the country.

MLPB understands that in the course of treatment, you sometimes need to discuss immigration matters with individuals and families. You may even need to record information in your notes for medical reasons. We have curated best practices for approaching these conversations and related documentation in medical records in ways that maximize people’s privacy and safety.

**1**

**Only document a person’s immigration status to the extent doing so is required by state or federal law. If you have questions about whether you are required to collect this information from patients/clients, contact your organization’s legal counsel and/or risk management team.**

- HIPAA does not protect medical records in all situations
- Documenting that a discussion about immigration happened is different from documenting a person’s actual status
- If you must ask the person about immigration status, clearly explain why you are seeking the information

**2**

**Proceed with caution when discussing immigration status with people.**

- Immigration status impacts access to insurance as well as many other benefits and services
- In the current climate, initiating conversations about immigration status may decrease rapport and increase withdrawal from care
- Reassure people that they remain welcome in your clinic/program, and that you are invested in their health and wellbeing

**3**

**Inevitably, some people will withdraw from care or miss appointments.**

- Keep updated contact information so you can reach out
- Remember that people may be facing stressors and situations beyond their control

*Federal law and public policy regarding immigration is rapidly evolving. Information contained in this document is for educational purposes only and does not constitute legal advice or establish an attorney-client relationship.*

*If patients or caregivers have specific questions, they should contact a lawyer or advocate.*

*If providers or staff have questions, they should contact their organizations’ legal counsel.*