

Physicians weigh in on DACA case before Supreme Court

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Tanya Albert Henry

Contributing News Writer

In a legal brief that could be pivotal to U.S. Supreme Court deliberations, physicians and other medical stakeholders argue what's at stake if the justices rescind the Deferred Action for Childhood Arrival (DACA) program: The American health care system stands to lose almost all of the 27,000 health professionals—including 200 medical students, residents and physicians—who rely on the immigration policy to work and be eligible to practice medicine here.

The loss would have potentially “devastating effects” on a health care system that already faces physician, nurse and other health professional shortages, argue doctors and others in the health care arena in an amicus brief filed in the case, *Department of Homeland Security v. Regents of the University of California*. The Litigation Center of the American Medical Association and State Medical Societies joined the Association of American Medical Colleges (AAMC) and 31 other organizations in filing the brief urging the court to stop the government from ending DACA.

The amici tell the court that the government did not consider the impact their DACA decision would have on patients' health. The AAMC estimates that, hospitals have invested about \$5 million in DACA medical residents alone. In addition, physicians, nurses and others have spent thousands of hours training DACA students and professionals so that they can take care of a patient population that is growing, diversifying and increasingly aging and in need of more care, they tell the court.

“If those [physician] trainees and physicians retain their work eligibility, each will care for an average of between 1,533 and 4,600 patients a year. Together, over the course of their careers, they will touch the lives of 1.7 to 5.1 million U.S. patients,” the brief tells the court, noting that it takes more than a decade to educate and train a new physician.

DACA opened medical school doors

Concern over losing these much-needed health care professionals arose in September 2017 when the Department of Homeland Security rescinded DACA.

Medical school first became an option for people living here illegally who were brought to the U.S. as children when DACA was implemented in 2013. Prior to that, they were not legally allowed to work as licensed physicians. The government's formal recognition of deferred action status allowed these students to meet the technical standards for admission into most medical schools. As of the 2019 medical school application cycle, 65 schools had admissions policies that included DACA recipients.

The regents of the University of California and others sued the government over the DACA rescission, and in 2018 a federal court issued a preliminary injunction that required U.S. officials to continue renewing DACA status for those who already had it. The 9th U.S. Circuit Court of Appeals later upheld that decision. The U.S. Supreme Court has now consolidated the *Regents* case with two similar cases, *Trump v. NAACP* and *McAleenan v. Vidal*, and heard oral arguments in the case Nov. 12. The court is expected to issue an opinion by the end of its term in June 2020.

Losses on many fronts

Beyond money that has been spent, and the time and energy that DACA recipients and their teachers and mentors have invested, not allowing these individuals to practice medicine or work in health care will have a negative impact on the health of patients around the country.

The AMA Litigation Center brief tells the court that allowing the rescission of DACA would worsen the physician shortage problem, disproportionately affect underserved rural and poor neighborhoods, weaken the country's ability to fight infectious-disease outbreaks, and deprive the country of \$3.2 million of economic activity that the average DACA-recipient physician would generate.