

Pandemic underscores need for DACA as high court considers its fate

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As the nation's doctors, nurses and other health care heroes fight a pandemic, the U.S. Supreme Court grapples with a case that could remove about 27,000 health professionals from the battlefield—including 200 medical students, residents and physicians.

The court case began well before the global pandemic struck. Even then, the stakes were high in a nation with shortages of physicians and other health professionals. The court is expected to issue its opinion by June 30 as to whether the Trump administration can lawfully terminate the Deferred Action for Childhood Arrivals (DACA) program. DACA protects about 700,000 immigrants who were brought to the United States when they were children and grew up here from deportation.

The pandemic only magnifies the health community's concerns of upending lives and careers of the physicians and other health care professionals that DACA protects, said three expert guests who participated in a recent AMA COVID-19 daily video update.

"Having this case considered in the context of a global pandemic, where the very recipients of the DACA program are among the heroes that are helping us manage through it, provides a really unique point of view," said AMA General Counsel Brian Vandenberg. "In our brief, which was filed in the fall ... we highlighted the potential of a pandemic—somewhat prophetic. We didn't know this was coming certainly, but it's pretty interesting in hindsight that that was one of the points that we made to demonstrate the significant need for 'dreamers' in society, and health care in particular."

The Litigation Center of the American Medical Association and State Medical Societies joined more than 30 other organizations in filing a brief in the case, *Department of Homeland Security v. Regents of the University of California*, to urge the court to stop the Trump administration from ending DACA.

The briefing in the case was completed months ago. But Vandenberg said that in a "somewhat

unusual move” the Supreme Court “on the heels of the pandemic ... allowed a recent filing on behalf of the 27,000 or so health care workers who are DACA recipients to highlight this unique point in time and to ask the court to block the proposed termination in view of the pandemic.”

You can stay up to speed on the AMA’s COVID-19 advocacy efforts and track the fast-moving pandemic with the AMA’s COVID-19 resource center, which offers a library of the most up-to-date resources from JAMA Network™, the Centers for Disease Control and Prevention, and the World Health Organization.

You also can find out more about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center’s case-selection criteria.

One dreamer’s experience

Brigham and Women’s Hospital resident Dalia G. Larios, MD, is a DACA recipient, and she also took part in the AMA video.

Dr. Larios said knowing the policy’s fate will be determined soon is a lot to have on her mind. She says she remains focused on patients when she’s at the hospital; it’s when she gets home that the anxiety and uncertainty for herself and others in medicine, teaching and research set in.

“The thought of not being able to continue being a doctor, to continue serving the populations that I’ve worked so hard to understand, to be able to care for is really sad,” Dr. Larios said, noting that the pandemic is disproportionately affecting communities of color and Hispanic communities. “Now more than ever, we really need a diverse medical workforce. We need doctors that are able to speak different languages and that can really care for the needs that we’re seeing.”

Vandenberg said one legal concept says that an administrative rule like DACA cannot be changed without the serious reliance on interests being adequately considered. He said individuals rely on DACA, as do health centers, hospitals and patients.

“There’s extensive reliance on DACA recipients in many facets of society, but particularly in health care where one of the fundamental tenets is ‘do no harm.’ If we strip this population of caregivers out of the system, that’s pretty significant harm. We point that out to the court and hope they consider it,” he said.