

# Undocumented immigrants detained during COVID-19: How to help

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**Timothy M. Smith**

Senior News Writer

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Since testing for SARS-CoV-2 began in February, more than 5,300 people held in U.S. Immigration and Customs Enforcement (ICE) custody have tested positive for the virus, and over 800 were still in isolation or under monitoring at the end of August. This comes on top of longstanding concerns about the camps' overcrowding and unsanitary conditions.

During a recent "Ethics Talk" videocast from the *AMA Journal of Ethics*<sup>®</sup> (@JournalofEthics), Holly Cooper, JD, co-director of the Immigration Law Clinic at the University of California Davis School of Law, highlighted the harsh conditions facing detained undocumented immigrants and laid out what physicians can do to protect the health and safety of everyone in detention centers.

## Children remain most vulnerable

The U.N. Convention on the Rights of the Child, signed in 1989, was intended to establish civil and other rights of children, yet the U.S. never ratified it.

Nevertheless, a landmark legal case, *Reno v. Flores*, resulted in the Flores Settlement Agreement, which established regulations and standards for the detention and treatment of minors by federal agencies. These include that children must be held in the least restrictive environment. It also specified that the maximum time they can be held in a prison-like condition is 20 days.

But there is no ruling requiring ICE to then release those kids' parents along with them, Cooper noted.

"When you take apart that parental unit, you're creating inordinate trauma on the child's development," she said. "And so a lot of children were having mental health breakdowns, and they were therefore

being sent off to psychiatric centers and administered very dangerous psychotropic medication when there was no parental oversight to that.”

The AMA has been, and continues to be, deeply committed to ensuring the health and safety of all individuals regardless of immigration status. Learn more with the AMA about conditions at immigrant detention centers at the Southern border.

## 3 ways to make a difference

Physicians ought to play a central role in shaping public policy on detention, Cooper said, adding that there are several essential actions they can take to promote the health and safety of detainees.

**Make sure children give consent.** “One of the things people assume is that the federal government can provide consent on behalf of the child to care for them. That’s up for legal debate right now,” Cooper said, adding that doctors should instead make sure they are in compliance with the informed consent laws in their states.

**If you see something, say something.** “If someone sees that something isn’t right, they can always inform our medical monitor,” Paul Wise, MD, MPH, at Stanford University, who inspects facilities for medical compliance and makes recommendations to the court, Cooper said. “And then we can follow it up with an investigation without ever having to reveal [your] identity.” Email Dr. Wise.

**Volunteer as an expert witness.** Having documentation of the trauma of detention is one of the biggest reasons Cooper and her colleagues have been able to win cases.

“Even during the pandemic, we’ve gotten a release of many detainees because of medical experts who talk about the health and safety in congregate care,” she said.

## Listen and claim CME credit

This episode of “Ethics Talk” is CME activity designated for 0.5 *AMA PRA Category 1 Credit™*. Check out previous episodes of the “Ethics Talk” podcast or subscribe to the series in iTunes or other services.

The AMA and the Centers for Disease Control and Prevention are closely monitoring the COVID-19 pandemic. Learn more at the AMA COVID-19 resource center. Also check out pandemic resources available from the *AMA Code of Medical Ethics*, *JAMA Network™* and *AMA Journal of Ethics*, and consult the AMA’s physician guide to COVID-19.