

So You Want to Talk About Immigration Status

Best Practices for Communicating Effectively in a Complex Immigration Landscape



LEGAL KEY

PARTNERSHIP FOR
HEALTH AND JUSTICE

Immigration status frequently impacts a person's eligibility to work, ability to reside in the US, access health insurance, food, or housing supports. Immigration law is also dynamic, complex and high-stakes. Families navigating these systems can risk detention, deportation, and/or family separation. Talking about immigration status with patients and clients can be done in a way that maintains trust. Care team members can check out these tips on how to have a strengths-based conversation on this sensitive topic.

Document a Person's Immigration Status Only to the Extent Required by State or Federal Law

In Immigration Court, noncitizens have limited privacy rights and any medical document may be subpoenaed. While health and social care institutions regularly fight to protect patient and client data, there are steps that care teams can take to provide further protection. For example, documenting that a conversation *about* immigration took place is different from documenting a person's *actual status*. Also consider:

- Sometimes the only information a care team member needs to assess benefits eligibility is whether a person is a US Citizen, lawful permanent resident (LPR/green card holder), or "something else."
- If you are not sure what words to use in your notes and your organization does not have a patient-centered policy/protocol, talk to your supervisor.

When in doubt, care team members should always seek documentation guidance from their employer organizations.

Offer Context Before Asking About a Person's Immigration Status

Initiate the conversation by letting the person know:

- Why you're asking about this, e.g., the information will help you to identify potential state or federal resources they may wish to pursue.
- Who will receive the information (if anyone) and who will not receive the information, e.g. ICE (if applicable)
- That everyone you serve is asked the same questions to help assess benefits eligibility, but that care will not be withheld if they choose not to answer.

Let the person know that it is okay not to provide information they are not comfortable sharing! Offer resources and related eligibility information if the person has requested, or shown interest in, the resource information.

Immigration Law and Policy Constantly Changes

Immigration status is hard to talk about for many people and families. Immigration law and policy also change frequently, which requires care teams to continuously build trust with their patients and clients who are noncitizens. The reasonable fear of being separated from loved ones can mean that people are reluctant to share information necessary for a benefits assessment.

Be patient with families and continue building trust by listening, giving families space to make decisions about their health, and keeping the lines of communication open.

- Make sure to keep contact information updated to enable ongoing check-ins with families.
- Trust people as the experts in their own lives and never substitute your own judgment for theirs.