



Immigration Talking Points for Clinic Staff

Revised: January 29, 2018

1. *If a patient asks, "Is my information safe," how can clinic staff respond?*

- We, the clinic and providers, are required to protect patient information and in most circumstances we must obtain consent from you, the patient, before any of your information is disclosed. Unless we are required by law to release your information, we will not do so.
- In some rare circumstances we are required to disclose your patient information without first receiving your consent. Those circumstances include the following:
 - Reporting child abuse or neglect, domestic violence, or incidents of violent injuries, such as gunshot wounds or stab wounds.
 - Responding to requests from law enforcement such as a warrant, subpoena or summons issued by a court or administrative enforcement authority. In such circumstances, a health center must verify the authenticity of the request will only disclose the information expressly described in the order or request as necessary to comply with the law or request.
 - Reports to funding agencies. In these circumstances health centers will only provide a summary of information of all patients and redact personal identifiable information or protected health information.

2. *Will I be deported for seeking services at your clinic or if I enroll into Medi-Cal (or other type of public benefit programs)?*

- There have been no changes to the law that would prevent immigrants, including those who are undocumented, from seeking healthcare. We continue to encourage all individuals, regardless of immigration status, to access healthcare services as they would normally do.
- Earlier this year you may have heard about documents circulating on this issue but nothing has been signed, nothing has changed, and if something does change, we will notify people immediately.

3. *What protections has your clinic put in place to ensure my information, and myself, are safe when seeking services?*

- (ORGANIZATION) is committed to providing a safe, healing environment for our patients by taking reasonable and appropriate steps to safeguard patients.
- We have put in place policies and procedures that state that we will not disclose your information with Immigration and Customs Enforcement (ICE), or any other enforcement entity unless we are required to do so by law (e.g. judicial warrant or court order).

4. Are Immigration officials allowed to conduct raids at the clinic?

- The Department of Homeland Security (DHS), which oversees the actions ICE and Customs and Border Patrol (CBP), maintains a policy that immigration enforcement actions such as arrests, interviews, searches, and surveillance will generally not occur at sensitive locations, which includes health care facilities like clinics.
- However, there are exceptions to this policy. For instance, ICE officials may carry out enforcement actions in sensitive locations without prior approval in exigent circumstances related to national security, terrorism, or public safety, or where there is an imminent risk of destruction of evidence material to an ongoing criminal case. Absent such circumstances, ICE officials are generally required to consult with their supervisor prior to taking enforcement actions at sensitive locations.

5. What can I do to prepare myself and my family for an encounter with Immigration?

- It is very important that you and your family are aware of your rights and establish a plan in case a member of your family is arrested.
 - Please provide patients with KYR information found on CaliforniaHealth+ Advocates immigration resource page (provided in various languages), http://capca.nationbuilder.com/immigrant_resources.
 - Please provide patients with information on a preparedness plan found [here](#).
- Remember you have rights, these include:
 - The right to remain silent. If you wish to exercise that right, say so out loud.
 - The right to refuse to consent to a search of yourself, your car or your home.
 - If you are not under arrest, you have the right to calmly leave.
 - The right to a lawyer if you are arrested. Ask for one immediately and exercise your right to remain silent until your lawyer is present.
 - Regardless of your immigration or citizenship status, you have constitutional rights.
 - The right to contact your consulate or have an officer inform the consulate of your arrest.
- As part of your immigration plan, you should fill out a caregiver authorization affidavit for minor children. This will allow another relative to take a child to an appointment if the parents are unavailable to do so themselves (affidavit can be found in [English](#). More information on the affidavit process can be found [here](#)).

6. Where could I find free or low cost legal representation?

- If you are seeking legal representation you can visit the links listed below.
 - Nonprofit organizations that provide low-cost help can be found at immigrationlawhelp.org.
 - List of lawyers and organizations that provide free legal services (immigration courts): justice.gov/eoir/list-pro-bono-legal-service-providers-map.
 - Find legal services near you at: <https://www.adminrelief.org/>.
 - Immigration lawyer online directory (American Immigration Lawyers Association's), ailalawyer.com.
 - The National Immigration Project of the National Lawyers Guild online find-a-lawyer tool: <https://www.nationalimmigrationproject.org/find.html>.