

# KY Chapter Immigrant Child Health Task Force

August, 2020

## You want me to write what?

You are seeing in your office a 3-year-old boy for routine care. He has a complex medical history including Down syndrome, severe developmental delay, asthma and hypothyroidism. He is non-verbal and non-ambulatory, Trach-dependent and G-Tube feeding dependent. He was born in the US and his parents are originally from Guatemala. They shared with you that they are applying for a visa and their immigration lawyer recommended that their child's doctor write a letter of support to be used in their case.

What you will do? Would you write a letter of support? What would you include? What would you emphasize on? What would be the most helpful?

### DISCUSSION:

Immigrant children often live in "mixed status" families, where one or both parents could be unauthorized immigrants. Immigrant families are vulnerable of immigrant enforcement actions that can lead to family separation. In many instances, an unauthorized parent is arrested and/or deported without giving the family notice or time to prepare for the parent's removal. Family separation can lead to children's mental and emotional health problems including sleeping and eating disturbances, anxiety, depression, poor school performance, and other types of distress. Forced separations often result in families' loss of a working parent, which can affect basic needs such as housing and food. Social stressors associated with immigration climate can negatively influence the well-being of immigrant children, whether or not they themselves or family members are unauthorized immigrants (1)(2)(3)(4).

Children with special health care needs are especially vulnerable to suffer deleterious impact due to family separation. In many instances, parents are forced to take their children to their home countries where they may not have all the health care resources needed to survive or be successful in life<sup>(5)</sup>. Primary care providers taking care of immigrant children may be asked to provide letters of support (LOS) for immigrant families in immigration cases.

The AAP provides the following recommendations to write a letter of support or affidavit for immigration cases <sup>(1)</sup>:

- Write the letter specifically for your patient. Address your patient's issues and situation without exaggeration or falsehood.
- Provide an overview of the physician's education, training, expertise, and the number of years in practice. This may persuade the immigration judge to accept the physician as an expert witness.
- Provide an objective and individualized description of the child's medical diagnosis, treatment, and prognosis. The letter must be factual, unbiased and authoritative.
- Discuss the instrumental role the parent plays in seeking, supporting and maintaining treatment, e.g. taking child to treatment, administering medication or otherwise providing care.
- Discuss how the child will be harmed physically, emotionally, and psychologically if the parent is detained or deported. Provide examples of the health consequences the child would face without their parent participating in their health care. If possible, discuss how the child would not get the care they need in their

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parent's country. Overall, your written testimony should support the parent's assertion that the child will suffer extreme hardship if the parent is detained or deported.

- Always provide facts and rationale for your medical opinion.
- Provide supporting medical documents or reports. (May include AAP specific guidelines, best practices, CDC ACE guidelines (6), add references if applicable).
- When using medical terminology, clarify in lay terms if required.

GOING BACK TO THE CASE:

*What you will do? Would you write a letter of support?*

If you feel comfortable, you can write a letter of support for your patient. You can always call the family's lawyer to address what to include in the letter.

*What would you include? What would you emphasize on? What would be the most helpful?*

You can follow the AAP recommendations mentioned above. Remember that you should release or disclose HIPAA-protected information only after obtaining proper consent or authorization. You should restrict your comments to the facts you are personally familiar; be careful not to include false statements or to mislead officials. You may incur liability risks if the statements are knowingly false or markedly exaggerated.

For LOS samples please see adjunct document to this case. Please feel free to adapt any of those letters and have templates for specific diagnosis as need it.

References:

1. American Academy of Pediatrics. (2020, July 23). Immigration Status FAQs. <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/Immigrant-Child-Health-Toolkit/Pages/Immigration-Status-FAQs.aspx>
2. Dreby, J. (2012), The Burden of Deportation on Children in Mexican Immigrant Families. *Journal of Marriage and Family*, 74: 829-845. doi:[10.1111/j.1741-3737.2012.00989.x](https://doi.org/10.1111/j.1741-3737.2012.00989.x)
3. Dreby, J. (2015). U.S. immigration policy and family separation: The consequences for children's well-being. *Social Science & Medicine*, 112(May), 245-251. doi:<https://doi.org/10.1016/j.socscimed.2014.08.041>
4. Miranda J, Legha R. The Consequences of Family Separation at the Border and Beyond. *J Am Acad Child Adolesc Psychiatry*. 2019;58(1):139-140. doi:10.1016/j.jaac.2018.09.429
5. Katz, G., Márquez-Caraveo, M.E., & Lazcano-Ponce, E. (2010). Perspectives of intellectual disability in Mexico: epidemiology, policy, and services for children and adults. *Current Opinion in Psychiatry*, 23, 432–435.
6. Centers for Disease Control and Prevention. (2020, August 20). Adverse Childhood Experiences. <https://www.cdc.gov/violenceprevention/acestudy/index.html>

Prepared by:

Divya Naragajan, MD  
PGY-3 Pediatric Global Health Track  
University of Kentucky

Janeth Ceballos Osorio, MD, FAAP  
Associate Professor of Pediatrics  
University of Kentucky