

## TEXAS MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution 304  
2020

Subject: Improving Physician Access to Immigrant Detention Facilities

Introduced by: Medical Student Section

Referred to: Reference Committee on Financial and Organizational Affairs

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- 1 Whereas, There are 31 immigration enforcement detention facilities in Texas, with 12 located along the  
2 Texas-Mexico border; and  
3
- 4 Whereas, As of 2018, the state of Texas detains the highest number of immigrants in the United States  
5 with close to 16,000 detained individuals – more than twice as many as California, which has the second  
6 highest number of immigration detainees (6,000); and  
7
- 8 Whereas, The average length of stay in immigrant detention facilities has increased from 22 days in 2016  
9 to 34 days in 2017; and  
10
- 11 Whereas, Detention facilities are unsanitary and overcrowded, lacking basic supplies such as clean water,  
12 clean clothes, and facilities for bathing and handwashing; and  
13
- 14 Whereas, Inadequate access to medical care within immigrant detention facilities has been well  
15 documented and found to be a contributing factor in several deaths in immigration detention centers; and  
16
- 17 Whereas, The U.S. Department of Homeland Security Office of the Inspector General has reported that  
18 immigration enforcement detention facilities are failing to meet their obligation to employ sufficient  
19 medical staff to perform basic exams and treatments for all detainees; and  
20
- 21 Whereas, The American Medical Association has cited substandard medical care as contributing to  
22 patient deaths, including children who have died from treatable illnesses like influenza infections; and  
23
- 24 Whereas, In 2014, U.S. Customs and Border Protection allowed Texas physicians to provide medical care  
25 within immigrant detention facilities, but starting in 2018 physicians have been denied access to those  
26 same facilities to provide medical care; and  
27
- 28 Whereas, U.S. District Judge Dolly Gee, supported by 80 physicians and lawyers, ordered the U.S.  
29 attorney general to allow physicians access to the U.S. Customs and Border Protection detention facilities  
30 in the El Paso and Rio Grande Valley regions, in response to findings that children were not receiving  
31 medical care because physicians being denied access to these facilities; and  
32
- 33 Whereas, Detention centers deny community physicians access to patient medical information from the  
34 detention center for released detainees who then seek medical care in the community upon the patient's  
35 release; and  
36
- 37 Whereas, The World Health Organization advocates for incorporating health care services for refugees  
38 and immigrants, including prompt diagnosis and treatment, into regional and local political agendas; and

1 Whereas, The U.S. House of Representatives on July 24, 2019, passed HR 3239, the Humanitarian  
2 Standards for Individuals in Customs and Border Protection Custody Act, which outlines sanitation  
3 improvements for detention facilities but does not address improvements for medical care provision  
4 within detention facilities; and

5  
6 Whereas, The American Academy of Pediatrics supports immediate access to medical care when a child  
7 enters a detention facility, and further, does not believe children should be held in immigration detention  
8 for any period due to the inability to provide appropriate health care; and

9  
10 Whereas, Our Texas Medical Association has previously called for immigrant detention facilities to  
11 provide humane, compassionate treatment and basic necessities such as clean water, clean bedding,  
12 sufficient food, educational services, and health to those in the centers; and

13  
14 Whereas, AMA has adopted new policy calling on detention center officials within U.S. Immigration  
15 Customs and Enforcement to revise medical standards governing the condition of housing facilities to  
16 meet standards set by the National Commission on Correctional Health Care; and

17  
18 Whereas, AMA resolved to “advocate for access to health care for individuals in immigration detention”  
19 through the resolution its policy Improving Medical Care in Immigrant Detention Centers D-350.983;  
20 therefore be it

21  
22 RESOLVED, That the Texas Medical Association advocate for community physician access to provide  
23 medical care in both U.S. Customs and Border Protection and U.S. Immigration and Customs  
24 Enforcement immigrant detention facilities; and be it further

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26 RESOLVED, That TMA advocate for the right of community physicians to contact health care providers  
27 working in the immigrant detention facilities, in accordance with HIPAA, to ensure continuity of care for  
28 patients transferred to other health care facilities or released from custody.

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30 **Related TMA Policy:**

31 [260.005 Community and Migrant Health Centers](#)

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33 **Related AMA Policy:**

34 [Health Care Payment for Undocumented Persons D-440.985](#)

35 [Improving Medical Care in Immigrant Detention Centers D-350.983](#)

36 [Medical Needs of Unaccompanied, Undocumented Immigrant Children D-65.992](#)

37 [Ensuring Access to Health Care, Mental Health Care, Legal and Social Services for](#)

38 [Unaccompanied Minors and Other Recently Immigrated Children and Youth D-60.968](#)

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