



"The doctor's lawyer will see you now."



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Advocating for Immigrant Families: The Peninsula Family Advocacy Program

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Peninsula Family Advocacy Program (FAP)



- Medical-Legal Partnership between the Legal Aid Society of San Mateo County and:
 - Lucile Packard Children’s Hospital Stanford
 - Stanford Health Care Emergency Department
 - Gardner Packard Children’s Health Center
 - Ravenswood Family Health Center, Pediatrics
 - San Mateo Medical Center, Prenatal Clinic
- Free, accessible legal services for patients and families
- Attorneys part of medical team
 - Referrals
 - Curbside consults
 - Provider trainings
 - Policy Collaboration
- Hospital Advisory Committee
- Medical-Legal Issues in Children’s Health, Stanford Law and Medical Schools



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FAP Legal Services: IHELP*

- Income
 - Public benefits
 - Health insurance/Medical bills
 - Employment law
- Housing/habitability
- Education
 - Special education
- **Legal Status**
 - Public charge/Immigration referrals
 - Guardianship, Family law
- Personal Safety
 - Domestic violence

Case 1

- 2 year old presenting to Neurology clinic with a new diagnosis of epilepsy
- Past Medical History:
 - Ex full term infant, born in US
 - Referred to Early Start by his primary care provider → lost to follow up
- Neurologist readdressed Regional Center for support for developmental delay and epilepsy
 - “What papers will Regional Center need to register him?”
 - Expressed concern about interacting with public services in general: doesn’t want to identify herself to any agency

Case 2

- 5 day old ex full term infant presents to Gardner Packard for Newborn well child check
- Social screening: + food insecurity
- Pediatrician recommends applying for WIC and food stamps (CalFresh)
 - Parents kindly decline, saying “We’ll be okay.”
 - Pediatrician gives local food and produce bank information and list of locations offering hot meals in their county
- Doorknob question: “We really do need all the help we can get, but not everyone in our family was born in this country.”

What is “Public Charge?”

- An immigration term describing an individual who is likely to become primarily dependent on the government for subsistence
- If immigration (“USCIS”) believes an applicant is likely to become a public charge, USCIS can deny an application for admission to the U.S. or for Lawful Permanent Resident status
- “Public Charge” does NOT apply to U Visa, VAWA, SIJS, & many other immigration cases
- “Public Charge” does not apply to applicants for citizenship
- “Public Charge” is only an issue for people actually applying for an immigration benefit & is one item in a long list of “grounds of inadmissibility”



Public Benefits & Public Charge

- **Public Charge looks to the future** – will the immigrant be dependent on the government in the future?
- **USCIS can consider receipt of cash benefits** (Welfare (CalWORKs), SSI, General Assistance/General Relief)
- **BUT** cash benefits received for one family member (e.g. a citizen child) should not make other family members inadmissible unless the benefit is the family's **sole** income
- USCIS does **NOT consider receipt of non-cash benefits** (e.g. Medical & other health insurance programs unless the person is in a long-term institution, WIC, Food Stamps, housing etc.) as evidence of public charge

Has Public Charge Changed Under the New Administration?



- Although a **draft** executive order was circulated that would expand public charge, it has not been signed
- **Rules about immigrants using public benefits have not changed**

What FAP Can Do

- Advise families about public charge and encourage them to apply for benefits to which they are entitled, like Food Stamps, that should not affect their immigration petition
- Advise families that information is generally not shared between local welfare agencies or service providers and ICE

Case 3

- 9-year-old girl with cerebral palsy presents for routine follow-up at Complex Primary Care Clinic
- Social Worker request: Provide a letter documenting his daughter's medical condition for immigration
- Social Worker concerns:
 - Whether to write the letter
 - What to include in the letter

Parents with Disabled Children

- Immigration and Naturalization Act (INA) does **NOT** provide a path to citizenship based on being the parent of a citizen child with a disability
- Immigration judges have **discretion** to grant relief to individuals in removal (i.e., deportation) proceedings if certain conditions exist.
 - If an individual meets other requirements and proves that his/her deportation will cause “exceptional and extremely unusual hardship” on a U.S. citizen spouse, child, or parent, then judge may grant relief.
- If an individual is not in deportation/removal proceedings already, pursuing immigration relief through this mechanism is **VERY RISKY – the applicant puts herself in proceedings**

What FAP Can Do

- Thoroughly screen the family to determine why the father is seeking the letter from the provider
- Advise on the risks of pursuing this form of immigration relief, including the risk of for-profit attorneys taking advantage of undocumented immigrants
- Consult with immigration attorney at Legal Aid

Case 4

- Pregnant woman (24 yo) is seen at the High Risk OB Clinic at LPCH. She does not have health insurance.
- Patient reports that she recently lost her health insurance because her DACA status expired, and she no longer has a work permit.

Deferred Action for Childhood Arrivals (DACA)



- Department of Homeland Security program that grants “deferred action” to certain undocumented individuals who came to the United States as children; many requirements to qualify
- Deferred action – discretionary, limited immigration benefit that protects individual from immigration enforcement/deportation
- Can apply for work authorization
- Residing in the United States “under color of law”
- Time-limited (two years) program
- No path from DACA to citizenship
- **Trump Administration announced the end of the DACA program on September 5, 2017.**

Deferred Action for Childhood Arrivals (DACA) – Current Status



- As of September 5, 2017, no new DACA applications accepted by USCIS
- Current/past DACA recipients were able to apply to renew their DACA status if it expired on or before March 5, 2018. All renewal applications had to be submitted by October 5, 2017.
- California and other states filed a federal lawsuit arguing that ending the DACA program violated the Constitution and federal law
- January 2018 – Federal court ordered USCIS to continue accepting renewal applications for DACA while the lawsuit is pending
- **As of today, DACA recipients (current or past) can apply to renew their DACA status**
 - New/initial DACA applications are still not allowed.

Deferred Action for Childhood Arrivals (DACA)



- Current advice:
 - Get a legal consult before applying to renew DACA status
 - Free or low-cost immigration legal advice:
www.immigrationlawhelp.org
- Future of DACA is very uncertain and advice is likely to change

What FAP Can Do

- Connect the patient to a Legal Aid immigration attorney to provide advice and assistance with a DACA renewal application
- Assist the patient in gaining health coverage

Concerns

- Decrease number of families interested in signing up for public benefits
- Families asking for letters to help them adjust immigration status, particularly if they have a disabled child
- Increase in mothers who are not accessing prenatal services
- Families scared to assert their housing rights
- Families fearful about attending hearings (even administrative hearings)

Lucile Packard Children's Hospital Stanford

- Peninsula Family Advocacy Program
 - Immigration trainings for health care providers
 - Referrals for families
- Know your rights handouts for families in waiting areas
- Immigration policy in place for administrators
- Advocacy, story bank and rapid response team
- Child Health and Immigration Summit
- From research to policy





Immigration Trainings for Health Care Providers

- 2/15/17 Morning Report LPCH 40
- 2/16/17 LPCH Community Forum 20
- 2/23/17 FAP training to Social Workers 35
- 3/3/17 LPCH Grand Rounds 100
- 3/16/17 LPCH Pediatrics Town Hall 60
- 3/29/17 Presentation to Ronald McDonald House 20
- 4/28/17 FAP training to OB/Gyn Team 11
- 5/17/17 Emergency Department Grand Rounds 50
- 5/17/17 FAP Training to Transplant Team 8
- 5/30/17 Child Health and Immigration Summit 40
- 9/14/17 LPCH Town Hall - Policy Update (Health Care and Immigration) 35



UCSF Benioff Children's Hospital Oakland



UCSF Benioff Oakland Facebook Community Page Post February 1, 2017



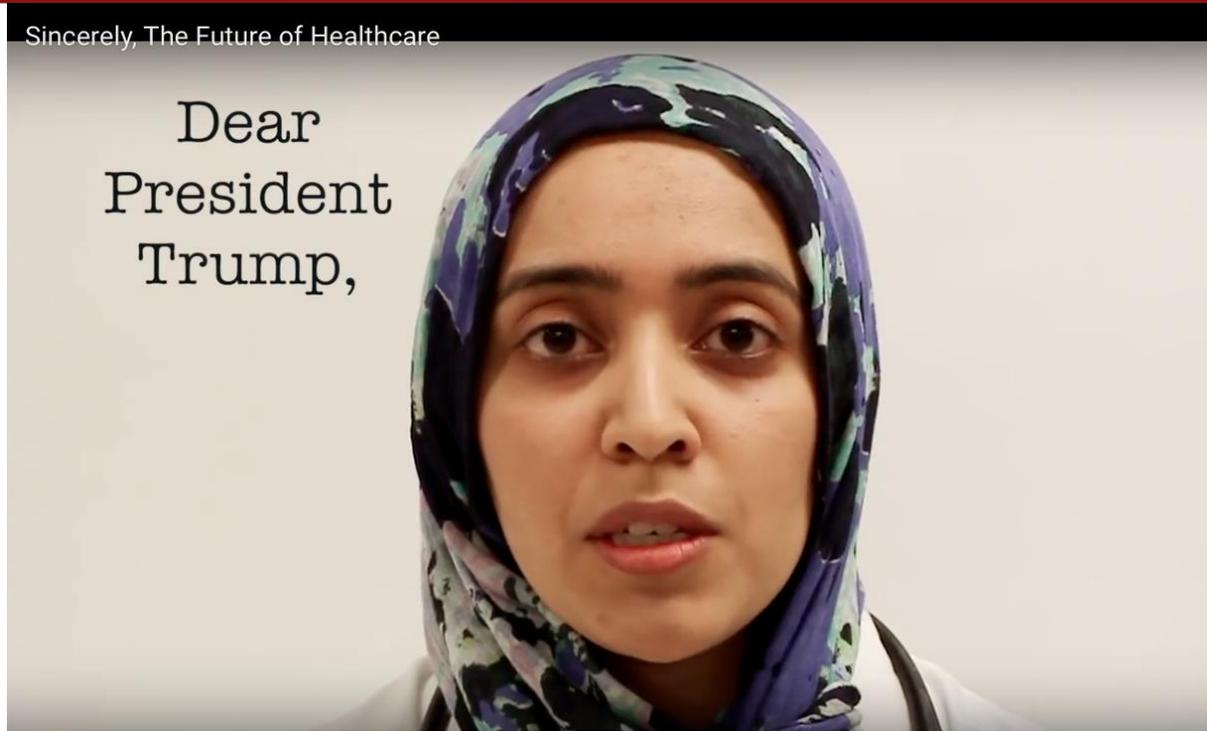
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- Primary care staff and physicians decided to address the fear and concerns that are now affecting some of our patient families.
- In order to communicate to our patients and community that they are safe with us, these staff members took this photo, which is being posted in waiting rooms to help our patients feel less scared
- To let everyone know that you are welcome and safe in our hospital and our care

UCSF Benioff Oakland Facebook Community Page Post February 1, 2017



<https://www.youtube.com/watch?v=tMuRRAXpt94>

Hiba Zafar, Giovanna De Luca, Eric Zabriskie, Madison Pomerantz and Nainita Madurai



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