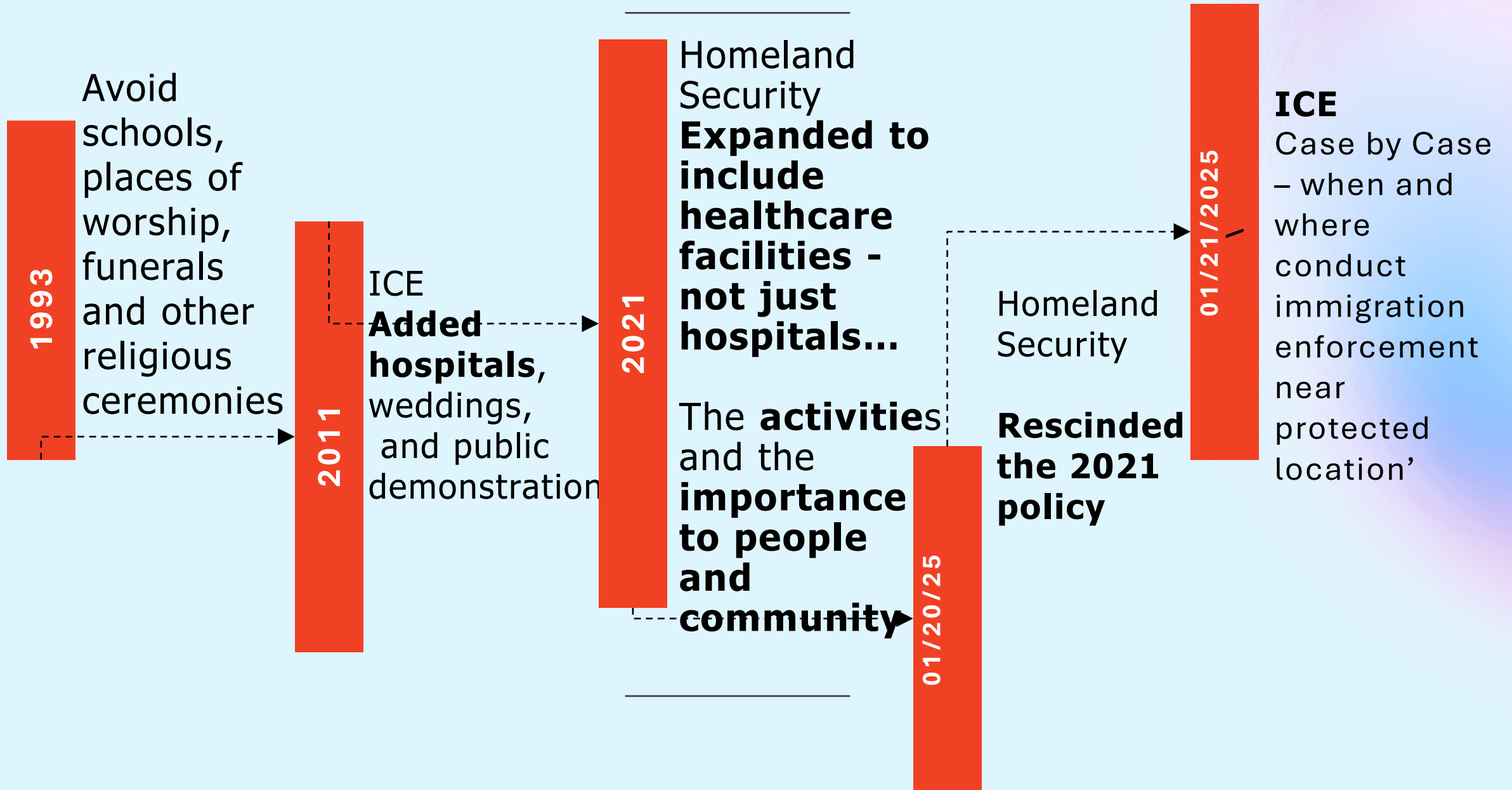


When ICE Knocks at the Hospital Door: Florida's Hospitals Between Immigration Policy and the Duty to Care

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Cathy L. . Purvis Lively, JD, MS, DBe



Timeline



E.O. 14159 Protecting the American People Against Invasion Section 17: Evaluate and undertake any lawful actions:

... “sanctuary” jurisdictions, which **seek to interfere** with **Federal law enforcement operations, do not receive** access to **Federal funds**; and **other lawful actions, criminal or civil...**

DOJ Memorandum “Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement Section II: Faithful Execution of the Immigration Law

The **Supremacy Clause and other authorities**

require state and local actors **to comply** with the Executive Branch’s immigration enforcement initiatives.

prohibit state and local actors from **resisting, obstructing, or failing to comply** with **comply** with immigration-related commands and requests

Potential prosecution, including obstructing federal functions



Florida and Texas

Model of aggressive state-led immigration enforcement

2023 Florida Statute § 395.3027

2024 Texas: Executive Order GA-46

Hospitals accepting Medicaid must ask about immigration status

Monitor the number of undocumented patients and the cost of providing care

Hospitals report quarterly to the healthcare agency and the agency annual report to administration

Makes undocumented patients “**legible**” and more vulnerable to enforcement.

Immigration Enforcement Without warrant :

Surveillance

Site Inspections 8 CFR § 287.8 (f)

Interrogation: Interviews & Questioning 8 CFR § 287.8 (b)(1)

ICE Surveillance

Not just physically on premises

Geofencing

Monitors a location to determine who was present at a specific time

Video – security recordings

Biometrics, facial recognition, GPS tracking, and data mining



Partnerships with Data brokers - Private companies collect, analyze, and sell detailed personal profiles, and sell datasets...

Febres and Karim, 2024); (Ruz, 2024); (Knutson, 2021); (Guerrero, 2024); (Lee and Chin-Rothman, 2022); (Chin, 2023); Fernandez, 2025); (Ayoub and Goiten, 2024); (Epic, 2025)

Palantir.. “Data Broker Loop-Hole”....Data-Sharing



4th Amendment

-  Protects against unreasonable searches & seizures
-  Requires Warrant, Probable Cause (PC) or consent
- When there is a "***reasonable expectation of privacy***".



Public spaces → *No warrant*

Lobby, waiting room, entry, grounds,
parking, sidewalks

Public View



Private spaces → *Warrant / PC / Consent*

Exam rooms, patient rooms, marked
private, restricted access

Reasonable expectation of privacy

Anti-immigrant rhetoric, laws, and policies:

Undermine trust, especially if HCP is seen as an arm of ICE

Create a culture of fear - a chilling effect

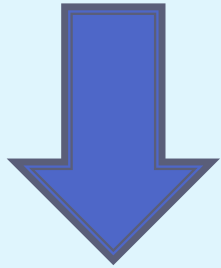
NEJM 2026 - Health Consequences of Immigration Enforcement in U.S. Communities Meliss Belli, MD suggests recognizing immigration enforcement as a SDoH implicated in a public health crisis

Responses to enforcement or the threat of enforcement - mirror response outlined in trauma

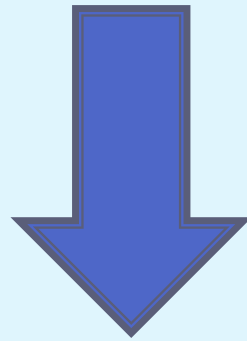
Structural analyses show how barriers to care, discrimination, and fear shape help-seeking behavior among immigrant communities

Immigration enforcement in the healthcare setting creates & reinforces barriers

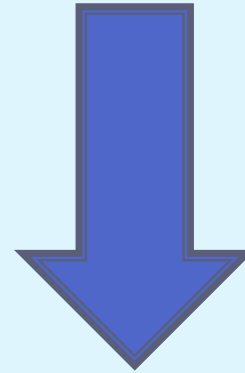
Three levels of barriers to undocumented immigrants'
access to healthcare



Policy



Healthcare system



Individual

(Hacker et al., 2015)

The threat of immigration enforcement discourages immigrants from seeking healthcare leads to worse health outcomes

Megan Wade, MD, OB-GYN., described conducting an ultrasound and having to tell her patient, an undocumented immigrant, there was no heartbeat, and the reaction of patient 36 weeks, who sobbed, “What if I’d gone to the clinic?”

The patient was high-risk and recommended for twice-weekly fetal monitoring. She **attended those appointments faithfully — until reports of ICE activity in her hometown**

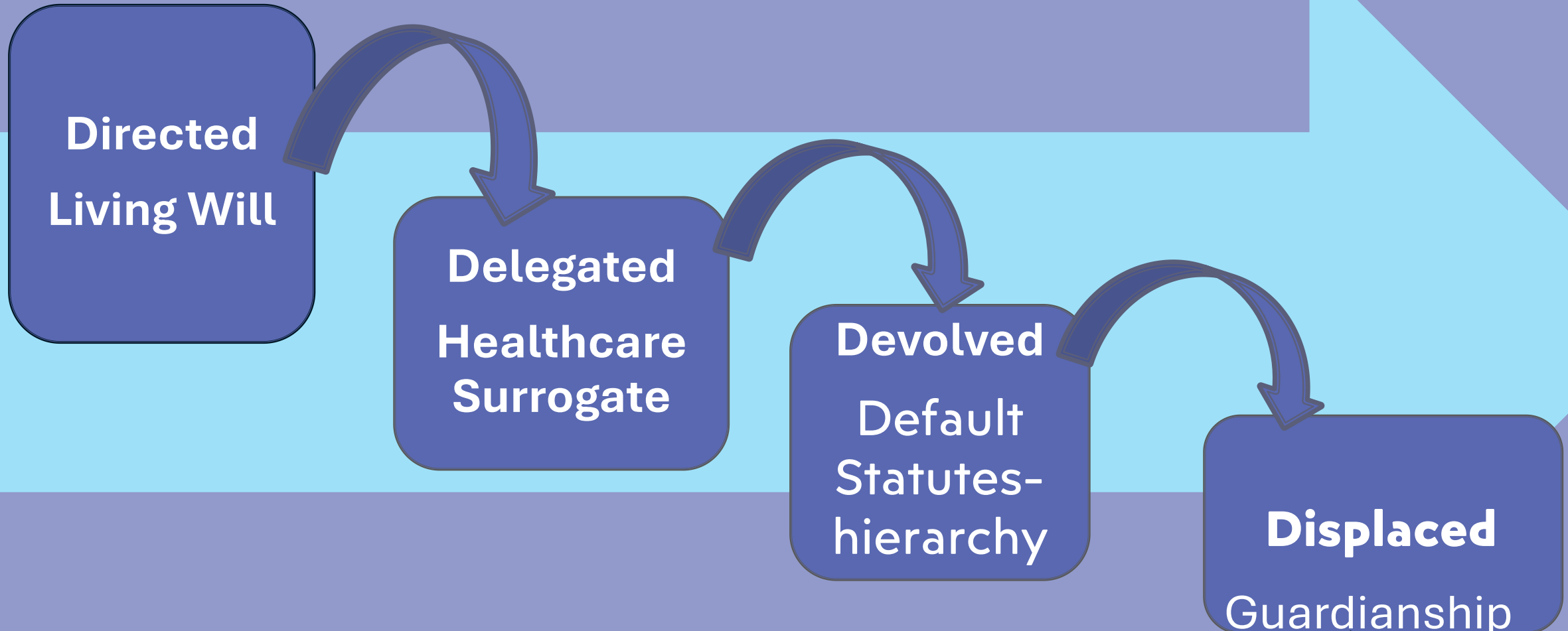
Out of fear for her family’s safety, she also stopped coming to her obstetric appointments.

February 2026 BabyCenter poll of **more than 500 expectant mothers 20% of pregnant women say recent ICE activity has kept them from getting prenatal care,**

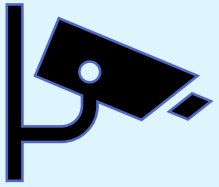
(Wade, 2026; www.babycenter.com)

Undocumented patients at risk of becoming unrepresented- Chilling effect - Advance Care Planning –

ABA Four D'S Medical Decision-making



(Karp & Wood, 2003)



FAMILY/VISITORS

At High Risk

In public areas

Not protected

Security cameras

ID and Photo when entering

Data Sharing

Result in restricting visitation

Hinders discharge planning

- (Correia et al.,2020); (Marmo and Hirsch, 2023)

HCPS: ETHICAL/LEGAL CHALLENGES

HCPS must walk a tightrope when upholding their ethical obligations risks violating law, and upholding the law risks violating their ethical obligations

Attempting to maintain this balance can result
In moral distress and burn-out

Prioritize patients



Comply with law

“We are not agents of law enforcement. We should do everything possible to prevent the erosion of trust and the patient-clinician therapeutic alliance.”

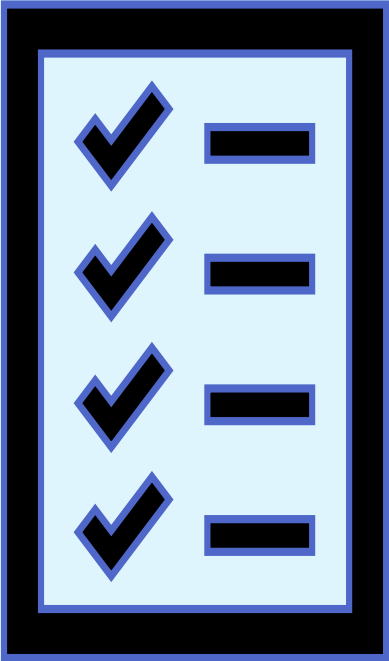
Altaf Saadi, MD

Physicians for Human Rights

(Short, 2025)



Preparing and Action

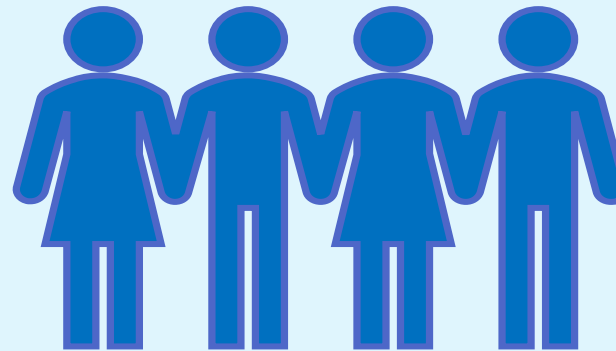


Preparing \neq obstructing

**Duty to protect patients, staff,
and the institution**

Individual Level: Community Outreach

- Reduce fear and misunderstandings.
- Providing information and opportunity
 - Trusted spaces
 - Fully leveraged trusted community agencies
 - Healthcare providers and lawyers from the immigrant community
 - Working with Medical-Legal Partnerships (MLPs) can address health-related legal needs
- Patient education and referral to resources



(Nouri et al., 2023)



**Health
System
Level:
The Hospital**

Policies and procedures:

Legal and ethical compliance

Countering implicit and explicit bias and discriminatory practices

Special Focus: Emergency Department (ED)

Alert system for ICE presence

Designate Authorized Staff to interact with ICE:

Educate healthcare providers, employees and volunteers

- Immigration issues impacting patient care
- Legal *and* ethical compliance
- Balancing conflicting legal and ethical responsibilities.

Policy Level: Advocacy

An ethical responsibility

AMA Principles of Medical Ethics

Code of Ethics for Nurses

Code of Ethics and Professional Responsibilities for HealthCare Ethics Consultants

Starting point is advocating without resistance

- Promote policies that benefit patients and change policies that harm the patients
- Writing papers, articles, Op-eds, speaking, and educating community

Wynia - various levels of advocacy

Advocacy follows a spectrum from advocating without resistance to professional disobedience

The need for caution and justification increases as the level of advocacy becomes more extreme... must carefully consider risk to the HCP, patients, institution, and community

AMA statement on immigration enforcement at hospitals -1/26/26

David H. Aizuss, MD, Chair, AMA Board of Trustees

“The American Medical Association is deeply concerned by reports of immigration enforcement activity in and around hospitals and emergency rooms—a tactic fueling fear among patients and hospital staff alike. When people are afraid to seek medical attention for themselves or their families, it threatens their health, impedes the ability of physicians to render care, and ultimately undermines basic trust in our health care institutions. To fulfill our oath and best serve our patients, physicians must be able to work in spaces that create a sense of safety for all, not fear for our most vulnerable.”

[AMA statement on immigration enforcement at hospitals | American Medical Association](#)

Conclusion

The threat of immigration enforcement in the healthcare setting will have a profound impact

Must prioritize preserving healthcare facilities as spaces essential for individual health, the integrity of the healthcare system and profession and societal well-being.

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Rosa Maria



Brandon



Sara

