Case 16b: Health Care for Undocumented Aliens

In 1994 California voters approved Proposition 187, legislation to restrict or eliminate access by illegal immigrants to a variety of public services, including health care. One provision of the measure requires that health providers and others report suspected illegal aliens to authorities:

If any publicly-funded health care facility in this state from whom a person seeks health care services, other than emergency medical care as required by federal law, determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following shall be followed by the facility: 1) The facility shall not provide the person with services; 2) The facility shall, in writing, notify the person of his or her apparent illegal immigration status, and that the person must either obtain legal status or leave the United States; 3) The facility shall also notify the State Director of Health Services, the Attorney General of California, and the United States Immigration and Naturalization Service of the apparent illegal status, and shall provide any additional information that may be requested by any other public entity.

After the legislation was passed, there were a number of reports that illegals were forgoing health care for fear of being deported. In some cases, according to initial reports, patient loads at some clinics declined 20 percent. Elsewhere, there were fears of increases in tuberculosis. A Hospital Council of Southern California spokesperson called Proposition 187 “a public health nightmare.”

Questions for Discussion

1. Do undocumented aliens have a right to health care? Should their care be paid for by taxes collected from legal residents of the United States?
2. Should health workers be required to turn illegal immigrants over to authorities?
3. Would it be possible to distinguish, for purposes of public policy, between communicable diseases and other medical conditions for which illegal aliens might require health care?

References

