

# [***Hospitals Banned From Deporting Undocumented Patients in Philadelphia***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BFN-WPY1-JBR6-916P-00000-00&context=1516831)

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**Byline:** Nick Mordowanec

**Highlight:** The law went into effect in December but hospital systems are still implementing it.

**Body**

A new law banning medical deportations in Philadelphia, the first law of its kind in the United States, is still being implemented by hospital systems.

In December, the largest city in Pennsylvania became the first in the nation to end the [*deportation*](https://www.newsweek.com/white-house-plan-reduce-ice-deportations-sparks-fury-1868026?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) of noncitizen patients by hospitals to patients' countries of origin without their consent. While the law has been in effect for just over two months, the process is fluid and requires hospital and medical systems' adherence within a 120-day period.

Medical repatriation, or the act of physically transporting an ill or injured noncitizen from the U.S. to another country, is still allowed under city law so long as a patient or their caregiver provides a hospital system permission.

Philadelphia City Council approved the medical [*deportation*](https://www.newsweek.com/can-ilhan-omar-deported-1865657?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) law, signed by former Mayor James Kenney, by a 14-1 vote margin. The bill amends the city code and was sponsored by councilmembers Jamie Gauthier, Jim Harrity, Kenyatta Johnson, Quetcy Lozada and Sharon Vaughn.

*Newsweek* reached out to Penn Medicine, Jefferson Health the Philadelphia County Medical Society via email for comment on how the law is being implemented in their respective systems.

Jennifer Lee, an associate law professor at Temple University, told *Newsweek* via phone on Friday that it's still too early to know how the law translates to medical systems in Philadelphia and their patients.

She also said that while immigration has become a hot-button issue nationally, this law is more about administering "an extra level of care" for patients than it is about illegal migrants.

"Philadelphia is a city that has long stood on the side of immigrants," Lee said. "We have various laws and policies on the books that value immigrants."

She added: "Really, what it's trying to do is to set up a protocol to stop a practice we've seen on the ground where folks who are the patients or their family members are not being informed of what's happening to them...and essentially 'dump' the patient."

Local advocacy groups helped vault the legislation into law.

"I'm just really pleased that Philadelphia took a stand on the right side of this issue for immigrants," Adrianna Torres-Garcia, deputy director of the Free Migration Project (FMP), told local news organization WHYY following the successful vote. "This is a really beautiful way to start the year."

FMP, a nonprofit organization that started in 2016 and is based in Philadelphia, calls migration "a human right" and advocates for the [*abolition of deportation*](https://www.newsweek.com/marjorie-taylor-greene-wants-doctors-deported-over-gender-affirming-surgery-1786170?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) because it believes "that deportation is not only violent and unjust, but also has no tangible benefits for society at large."

"Courts aren't involved, [U.S. Department of Homeland Security] is not involved in any of these deportations," Torres-Garcia said. "These hospitals don't have to report to anyone when this happens, why it happens."

*Newsweek* reached out to FMP via email for further comment.

A December 2012 study published by the Seton Hall University School of Law and the New York Lawyers for the Public Interest found that over 800 migrant patients had been involuntarily repatriated from hospitals in 15 different U.S. states in the U.S, assumed to be a "severe undercount given that there is no legal requirement that hospitals report medical deportations."

Claudia Martinez, an advocate against medical deportation and the niece of a Guatemalan man, praised the council's decision in December.

She told *The Philadelphia Inquirer* that she and others physically impeded a vehicle carrying the man, who suffered a serious brain injury after being hit by a motorcycle in May 2020, from Jefferson Torresdale Hospital. He was later moved to another long-term care facility in the Philadelphia area.

"This is going to be something good, not only for the community here in Philadelphia, and in the name of every immigrant here in Philadelphia, but in all the United States," Martinez said.

It's unclear why other cities and states haven't enacted similar laws, Lee said, acknowledging that such legislation requires respective ***politics*** and people willing to enact it—as well as groups like FMP organizing advocates and pushing the legislation forward.

Results may take a trial-by-error approach but won't be known for a while.

"I do think that this is a new thing and we'll see if it works," she said. "Sometimes it's hard to tell...It's kind of an interesting problem and not one of those problems where it's 100 percent obvious," she added.

*Update 03/01/24, 1:50 p.m. ET: This story was updated with comment from Jennifer Lee.*

[*Link to Image*](https://d.newsweek.com/en/full/2356351/philadelphia.jpg)

**Graphic**

Philadelphia

Michael Zorn/Getty Images

Children's Hospital of Philadelphia is pictured on August 29, 2014 in Philadelphia, United States. A new city banning medical deportations, the first in the nation, is being implemented in March 2024.

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