



# IFMSA

International Federation of  
Medical Students' Associations

## IFMSA Policy Statement

### Access to Health Care for Undocumented Persons

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#### Summary

Health and access to medical care are human rights. This is affirmed in the Universal Declaration of Human Rights. As such they are the rights of every human being, regardless of the individual's legal status. Still, undocumented persons are being excluded from health care in many countries around the world. This is especially alarming as undocumented persons are often subject to serious health risks and difficult living conditions. IFMSA calls for immigration reform to ensure undocumented persons are treated with full respect for their human rights and human dignity worldwide, also preventing abusive immigration detention and providing policies that facilitate safe, orderly migration channels.

The IFMSA urges that undocumented persons should be able to access the same standard of health care as any other person, and that active measures should be taken by health professionals and governments to meet the specific health needs of this vulnerable group.

#### Introduction

The International Federation of Medical Students' Associations (IFMSA) is the most widely representative body of the world's 1.3 million medical students. IFMSA believes that every individual has the right to the best attainable standard of health. Accordingly, IFMSA actively seeks to advocate on issues that may impact health outcomes.

The Universal Declaration of Human Rights states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including [...] medical care and necessary social services". [1] this fundamental human right has been reaffirmed by the International Covenant on Economic, Social and Cultural Rights; more than 160 states around the world are party to the Covenant and thereby recognize" the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". [2] This is also outlined in the WHO Constitution. [3]

Undocumented (or irregular) persons are persons who lack legal status in the country they are living in. This may be because they have entered the country illegally, have remained after their visa expiration or have been refused asylum without further right to appeal and have yet remained in the country. [4] In 2008 there was estimated to be between 30 and 40 million undocumented persons worldwide. [5] Undocumented persons are recognized as a highly vulnerable population. The International Organization for Migration (IOM) writes that health of undocumented migrants is highly at risk due to difficult living and working conditions often characterized by uncertainty, exploitation, and dependency." [4] The fear and uncertainty associated with their situation make undocumented persons especially vulnerable to mental health problems such as depression, anxiety and sleeping problems. [6] Other major health concerns for undocumented persons include:



illness related to living and working conditions, the reproductive and sexual health of undocumented women, the health of undocumented children, and undocumented persons living with severe chronic illness such as HIV/AIDS. [6, 7]

Undocumented persons are often denied the same standard of healthcare available to citizens – a clear violation of the right to health as outlined in the Universal Declaration of Human Rights. For example, according to the report 'Migration and Health in the European Union':

*In 2010, nine of 27 EU countries restricted access to health services in such a way to make emergency care inaccessible to undocumented migrants and only five countries (the Netherlands, France, Italy, Portugal and Spain) offered undocumented migrants access to health services beyond emergency care, such as including primary care. [8]*

Although there are some regional variations, the situation is similar in the United States. Undocumented persons are being excluded from federally-funded public health insurance programs, instead only receiving emergency care. Some states have extended eligibility for public health insurance to undocumented children and pregnant women. [9]

Putting restrictions on health care access often reflects a desire by governments to discourage further immigration. [8] Using health care policy as a means to regulate migration puts physicians and health care workers in an unacceptable position, as legislation may call upon them to consider a patient's immigration status before delivering care. Such dilemmas challenge the duties of a doctor, and violate the human rights of the patients. [4]

Access to health care for undocumented persons is not just a question of whether they are legally accepted as patients. Lack of accessible information about available healthcare services further excludes undocumented persons from accessing care. Furthermore, migrants fear that health workers will report their presence to immigration authorities. For many migrants, therefore, accessing healthcare carries a fear of deportation. [7] Many undocumented persons migrate for economic reasons [10] and they are vulnerable to economic exploitation because of their unrecognized legal status. As a result they are "generally unable to pay medical fees in those countries where they are requested to do so." [7] Charging medical fees to this vulnerable group will therefore pose yet another barrier that they need to overcome in order to gain access to health care.

In addition to these ethical issues, there are wider implications for public health when health care access is restricted. When undocumented persons are excluded from preventive measures in primary care, they present to medical services with later symptoms and a poorer prognosis. This puts an increased strain on emergency care, leading to a less cost-effective use of public resources. [11] Furthermore, the systematic exclusion of this group from health services may jeopardize public health in the general population by allowing infectious diseases to go unnoticed and potentially spread in society. [11]

Governments have the right to exercise authority over their borders; however, they also have obligation under international law to protect the human rights of migrants. Many countries, from Indonesia, to Greece, from Kenya to Italy, from Russia to the US, from Belgium to Angola, are increasingly using detention as a migration management tool in an attempt to address irregular migration.

Immigration facilities are increasingly using detention as a migration management tool in an attempt to address irregular migration.



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Immigration facilities are not subject to adequate monitoring or accountability mechanisms. Conditions are often squalid, particularly during crowded peak migration seasons, and in many cases, detainees are subject to extensive use of torture and ill-treatment in detention, sexual abuse, widespread labor rights abuses, and pervasive extortion. The period of detention contributes only to exacerbate the elements of violence, dehumanization of the individuals detained in these structures where human beings are subject to extreme vulnerability and serious psychological distress, especially children. [12]

The health service in those centers tends to offer little more than emergency assistance. They are characterized by the prejudicing of the confidentiality of the doctor-patient relationship, frequent acts of self-harm, the use of linguistic, cultural mediation services for legal aid, social and psychological support, the lack of provision of information concerning internal rules and regulations, the rights and duties of detainees, and the lack of availability of sufficient interviews with people outside the centers.

## Main text

The discrimination and abuse of undocumented persons around the world cannot be allowed to go on. The IFMSA believes it is time that governments, health professionals and citizens take action and make sure that the human rights of all people are respected, regardless of their legal status. Therefore, we as the IFMSA urge the following:

- Discrimination against patients on the basis of their legal status must stop. The IFMSA calls on health care professionals, politicians and civil society all over the world to make sure that undocumented persons are guaranteed access to the same standard of care as any other person. This should include measures to make services financially accessible for undocumented persons, as well as efforts to provide undocumented persons with information about health services and their right to health.
- Professional bodies and individuals alike should ensure that the right to health outlined in the Universal Declaration of Human Rights is upheld in their national legislation. Health issues should remain completely independent from immigration policies, and The IFMSA therefore calls upon health care workers to under no circumstances report the immigration status of undocumented persons to the police or immigration authorities.
- Medical students are tomorrow's doctors and will have the responsibility of promoting health in society, as well as in hospitals and clinics. The IFMSA calls upon them to take active roles in advocating for the rights of vulnerable populations in society, and they should always do what is in their power to make sure that no patient is discriminated against. We also compel them to participate in processes to create more equitable health policy for undocumented persons.
- In a globalized world where migration is common, doctors should be aware of the specific health needs of migrants and undocumented persons, in order to conduct care that is culturally sensitive. The IFMSA urges medical schools around the world to ensure that the health of migrants and human rights are included in students' core medical curricula.



- Research institutions and funding bodies should promote research on the social determinants, which affect the health outcomes of undocumented persons, to fill the knowledge gap in this area. This will allow health professionals to deliver a high standard of evidence-based care to these vulnerable groups. Furthermore, it will provide a strong foundation for developing equitable and sensitive health policy for undocumented persons in the future.
- Governments, and other agencies, should develop migration policies that give priority to human rights. States have to provide reasonable channels for regular migration and develop a series of alternatives to detention. The IFMSA asks for the closure of detention centers and strongly recommends the adoption of measures for better management of irregular migration, characterized by respect for human rights.

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# IFMSA

International Federation of  
Medical Students' Associations

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