

February 21, 2020



**RESPONSE TO THE WASHINGTON POST ARTICLE
TITLED: "TRUST AND CONSEQUENCES"**

The National Latinx Psychological Association opposes the use of psychotherapy notes to be used against vulnerable individuals that are unaware of how their words will be used by United States Immigration and Customs Enforcement (ICE) to justify deportation to their country of origin. Disclosures made by minors who witnessed and/or participated in criminal acts under duress, and in many cases, under the threat of death to themselves or their loved ones, cannot and should not be used as evidence to support the Administration's claim that such individuals are a threat to the community. Participating in this twisted version of therapy risks the entirety of our mental health services enterprise. People in therapy have an expectation of privacy and confidentiality with specifically defined exceptions. If behavioral health providers cannot provide a safe and confidential environment, then those people in most need will refuse our services and both the burden and cost to society will in fact be much greater.

We applaud the initial effort made by the Office of Refugee Resettlement (ORR) to provide minors under their care the opportunity to speak with counselors. These children carry significant trauma histories, and ORR is in the unique position to help them begin the healing process and meet their mission to *"help new populations maximize their potential in the United States by linking them to critical resources that assist them in becoming integrated members of American society."* Yet ORR squandered this opportunity. In 2018, they entered into a formal arrangement with ICE in which counselors are obliged to share with ICE any disclosures in session that pertain to gang and criminal activity. This memorandum of agreement is a complete abdication of their responsibilities and uses the therapy session as an undisclosed interrogation tool in which information is gathered to be used against vulnerable clients. This perverse use of a therapy session violates fundamental ethical principles across all known behavioral health professions ethical codes. Specifically, the *National Latinx Psychological Association Ethical Guidelines* clearly differentiate between legal and ethical behavior, recognizing the long history of oppressive laws that have existed in the past and present.

First, we call on all behavioral health providers to renew their commitment to an ethical practice of mental health services. Next, we call on the Trump Administration to halt any and all policies that require behavioral health professionals to disclose information discussed in a therapy session beyond what is allowed by the ethical codes of conduct of their respective disciplines. Finally, we call for a resolution to this conflict of interest by ensuring a separation of information between those contracted to do the counseling and the government's interests.