February 24, 2020

Jonathan H. Hayes
Director
Office of Refugee Resettlement
U.S. Department of Health & Human Services
330 C Street, SW
Washington, DC 20201

Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20224

Dear Director Hayes and Acting Director Albence:

Recent news reports in The Washington Post and on National Public Radio have again brought attention to the use by Immigration and Customs Enforcement (ICE) of information obtained from children’s confidential therapy sessions to support deportation procedures. On behalf of the art therapy community, including credentialed and licensed practitioners, researchers, and educators, I am writing to strongly condemn this unethical practice and urge you to end it immediately.

Maintaining client-therapist confidentiality is a basic principle of ethical codes for all mental health professionals, including art therapists. For the Office of Refugee Resettlement (ORR) to allow ICE to use therapy records of traumatized immigrant minors as evidence against them in asylum hearings is a gross misuse of confidential information. Not only does it violate client-therapist trust and damage the therapeutic relationship, it can be re-traumatizing to already vulnerable youth.

Art therapy is particularly effective in assisting children and adolescents who may not be able to verbally articulate thoughts or emotions, especially after experiencing trauma, like many asylum seekers. Art therapists working with refugee children can attest to the urgent need for trauma-informed training for ORR and ICE personnel to avoid exacerbating detainees’ previous traumas or contributing to new ones. Instead, by violating the patient confidentiality of detainees, ICE is not only abusing its power when working with vulnerable children, but unacceptably neglecting their medical needs. I strongly appeal to federal officials and policy makers to champion trauma-informed practices that support a child’s right to feel safe, be protected, and live without fear and maltreatment—and end the practice of using detained children’s traumatic past experiences against them.

Sincerely,

Margaret Carlock-Russo, Ed.D., LCAT(NY), ATR-BC, ATCS
President, the American Art Therapy Association