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# From Improper Care to Inadequate Remedies: Continued Discriminatory Treatment of Migrant Women in the United States Healthcare System

By: Hannah Finch<sup>1</sup>

## Dawn Wooten's 2020 Whistleblower Complaint

The United States (U.S.) has a complex and often sordid history when it comes to the treatment of marginalized individuals, including immigrants.<sup>2</sup> Unfortunately, there are still sectors within the country where discriminatory practices against immigrants persist. One notable area where marginalized individuals, particularly migrant women, face a heightened risk of discriminatory treatment is within the U.S. healthcare system.<sup>3</sup>

As recently as September 2020, a whistleblower complaint detailed the inadequate reproductive healthcare migrant women received while being detained by Immigration and Customs Enforcement (ICE) at the Irwin County Detention Center (ICDC) in Ocilla, Georgia.<sup>4</sup> Dawn Wooten, a nurse at ICDC, claimed there were doctors performing large numbers of hysterectomies on female migrant detainees without the patients' informed consent.<sup>5</sup> Following an eighteen-month investigation, the Senate's Permanent Subcommittee on Investigations released a lengthy report on the conduct of the attending physician, Dr. Mahendra Amin, and other questionable ICDC healthcare practices.<sup>6</sup> The Subcommittee determined that many migrant women were forced to undergo "excessive, invasive, and often unnecessary gynecological procedures," a substantial number of which resulted in medically unnecessary surgeries.<sup>7</sup>

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<sup>2</sup> Robyn M. Powell, *Confronting Eugenics Means Finally Confronting Its Ableist Roots*, 27 WM. & MARY J. RACE, GENDER & SOC. JUST. 607, 609 (Spring 2021).

<sup>3</sup> Kendall Kohlmeyer, *How the U.S. Government Fails to Protect Migrant Women's Reproductive Rights in Detention Centers*, 33 HASTINGS J. GENDER & L. 59, 60 (Winter 2022).

<sup>4</sup> Sabrina Davis, *Unrepeatable Harms: Forced Sterilization at Ice Detention Centers*, 25 NO. 2 HUM. RTS. BRIEF 153, 153 (Spring 2022).

<sup>5</sup> *Id.* at 154 ("Statements from surviving women demonstrate that they never consented to the procedure, and most women did not know their uterus had been removed until they woke up after surgery.").

<sup>6</sup> *Id.* (Nurse Wooten claimed, "Dr. Mahendra Amin ... performed the majority of the forced sterilizations and was known by nurses as the 'Uterus Collector' due to his pattern of behavior.").

<sup>7</sup> Camilo Montoya-Galvez, *Investigation Finds Women Detained by ICE Underwent "Unnecessary Gynecological Procedures" at Georgia Facility*, CBS NEWS, (Nov. 15, 2022, 4:18 PM), <https://www.cbsnews.com/news/women-detained-ice-unnecessary-gynecological-procedures-georgia-facility-investigation/>. This was in reference to the medical review the Subcommittee commissioned which contained over 16,600 pages of medical records on the 94 women examined within the investigation report. Gynecologist, Dr. Peter Cherouny, who was tasked with reviewing the women's medical records found Dr. Amin's treatments were "too aggressive," and that Dr. Amin's conduct was "pretty good medicine for the 1980s, but we're not there anymore." Dr. Cherouny also stated that 40 of the 94 patients were forced to undergo surgical intervention for benign ovarian cyst removal even though these types of cysts typically resolve themselves without needing any kind of surgery. The investigation report also revealed 659 reports by detainees claiming they received "delayed or deficient medical care" while at ICDC from 2018 to 2020,

## **Challenging the Adequacy of the Federal Government’s Response**

While the Senate investigative report details many of the inhumane experiences and treatment suffered by the detained migrant women, there are lingering concerns about its accuracy and thoroughness.<sup>8</sup> The original whistleblower complaint lists fifty-seven female migrant victims of the ICDC’s forcible sterilization practices, yet the Senate report found that Dr. Amin only performed two hysterectomies at ICDC, both of which ICE deemed medically necessary.<sup>9</sup> There is no mention of the other fifty-five victims.<sup>10</sup> It is telling that the story of Maria, a woman who underwent a hysterectomy by Dr. Amin without providing her consent to the procedure, was not included.<sup>11</sup> Shortly after Nurse Wooten brought forward her whistleblower complaint, Maria was deported to El Salvador, resulting in her exclusion from the report.<sup>12</sup> Maria’s story highlights the concerns of many that the Senate’s investigative report was deficient for neglecting to include the migrant women ICE deported.<sup>13</sup>

ICE failed to protect these migrant women’s human rights in many ways.<sup>14</sup> Rather than take accountability for the inhumane treatment the migrant women suffered at ICDC, ICE appears to have avoided accountability by deporting these women.<sup>15</sup> While this issue alone is extremely concerning, ICE’s negligent vetting process when contracting for its healthcare providers illustrates yet another instance of agency oversight.<sup>16</sup> Following the whistleblower complaint, Dr. Amin’s professional history was also exposed, revealing that he was not qualified for the position in the first place.<sup>17</sup> It was confirmed that Dr. Amin was not—and still is not—a board certified physician; that he previously had several malpractice claims filed against him; that he had also been sued by officials in Georgia and the Justice Department for Medicaid fraud; and that there was at least one attorney complaint made about his care at ICDC in 2018.<sup>18</sup> Additionally, it is also concerning that ICE did not have any policies in place to secure immigrant’s consent for medical care provided in facilities not directly operated by ICE.<sup>19</sup>

## **Conclusion**

The Senate investigative report’s failure to include the complaints of deported victims like Maria and ICE’s failure to properly vet its healthcare providers evidences the systemic discrimination and human rights violations migrant women face within the United States’ healthcare system.

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and these deficiencies were not properly addressed by ICE and/or LaSalle Corrections, the private company who oversees ICDC.

<sup>8</sup> Mehrnaz Rahman, *Escaping Accountability: ICE Forcibly Sterilizes Detainees in Detention Centers*, HUM. RTS. BRIEF 147 (Spring 2022).

<sup>9</sup> Montoya-Galvez, *supra* note 7.

<sup>10</sup> *Id.*

<sup>11</sup> Tina Vásquez, *Senate Investigation of Medical Abuse at Georgia ICE Facility Confirms Women’s Stories*, PRISM (Dec. 8, 2022), <https://prismreports.org/2022/12/08/senate-investigation-georgia-ice-facility/>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*; see also Montoya-Galvez, *supra* note 7.

<sup>19</sup> Montoya-Galvez, *supra* note 7.

Though ICE appears to be making some internal policy adjustments to address these concerns in their hiring process for healthcare providers, Dr. Amin currently remains free from any accountability.<sup>20</sup> Although he no longer practices at the ICDC, Dr. Amin still maintains an active medical license in Georgia and continues to provide gynecological healthcare services.<sup>21</sup> While ICE's efforts to vet healthcare providers are a positive start, more action is needed to address long-standing complaints from detainees and implement necessary safety measures. Proper safeguards could have prevented these human rights violations, and greater accountability is required to punish those responsible and prevent future atrocities.

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<sup>20</sup> Vázquez, *supra* note 11.

<sup>21</sup> *Id.*