

Getting into the US with HIV

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For more than 20 years, the United States has prohibited entry to visitors with HIV – a policy they have shared with nations such as Oman, Qatar, Russia, Saudi Arabia, South Korea, Sudan and Yemen.

Waivers have been difficult to obtain and usually expensive. In essence, the policy has forced people with HIV who have needed to visit the States to not declare their status on their immigration form. This necessity has conflicted many people over the years, none more so than Paul Thorn, a UK activist and expert on HIV and TB.

Paul was scheduled to speak at the Pacific Health Summit in Seattle in June this year. He had visited the country before and always lied on his form. But this time he didn't. Paul admitted his HIV status on his visa entry form and was stopped from entering the country and speaking at the conference. Instead, he wrote an impassioned letter which was read in his place, saying the policy was founded in fear, and the US had no right to call itself a world leader in the fight against the disease.

"If the US wants to hold events like the Pacific Health Summit, and the International AIDS Society (IAS) wants to hold its conference in Washington DC in 2012, you need people from the HIV community there," he said.

Paul's letter was picked up by Congressman Jim McDermott who wrote to the Obama administration's health secretary calling on them to push through the process of repealing the law.

Earlier this year, another incident occurred involving several HIVpositive Canadian citizens who had been invited to participate in the North American Housing and HIV/AIDS Research Summit in Washington, DC. They were made to pay an exorbitant fee and sign an affidavit limiting their stay in order to enter the US and attend the conference.

Following these embarrassing international incidents, the Obama administration has finally begun to implement the provision that removes HIV from the List of Communicable Diseases of Public Significance and will effectively allow HIV positive tourists and immigrants to enter the U.S.

The US Senate voted to overturn the rule in July when the US President's Emergency Plan for AIDS Relief (PEPFAR) became law . . . at least in theory.

Meanwhile, HIV still remains on the List which is used by the Bureau of US Citizenship and Immigration Services (formerly Immigration and Naturalization Services) to determine who can and cannot enter the United States. HIV is the only medical condition on the list that is a ground for inadmissibility.

The administration's Office of Management and Budget posted a notice entitled Medical Examination of Aliens: Removal of HIV Infection as a Communicable Disease of Public Health Significance in July, tasking the DHHS with complying with the law.

While PEPFAR grants broad authority to overturn the ban completely, the exact changes to be made in current regulations will be determined by the Department of Health and Human Services. While it remains unclear when the change will take effect, it is finally in the works. And it's about time.

But until the law is finally enforced and those who control the borders adopt it, visitors who choose to declare their HIV status will inevitably encounter a 'runaround' – at the very least.

- [Travel and immigration](#)