Chris Crossed

Alien V: HIV meets the IRS and INS

April 1, 1998 By Mark Alpert

The federal officers don't like the fact that I'm challenging them," Chris Arnesen says about the battery of U.S. paper-pushers he has put up with. "They find it very disturbing that I'm still alive." Born and raised in New Zealand, Arnesen spent most of his adult life in the United States -- until a nightmare of the IRS/INS variety forced him back to Christchurch. The problem isn't back taxes or illegal alien status; the problem is HIV.

Arnesen, now 56, arrived in San Francisco from Down-ish Under in 1966 to work as a reservations agent for Pan Am. After a few years, he stopped booking other people's voyages and took his own as a tour guide for a company that specialized in exotic expeditions. "I became an expert on Third World travel. We did ultradeluxe tours to places like Tibet, East Africa and Papua New Guinea," he says. Soon, Arnesen was traveling so much that his application for U.S. citizenship was denied because he failed to meet the minimum residency requirement of 17 days per month.

Citizen or no, he paid his taxes. "Because I was self-employed, there were no employer contributions made on my behalf to Social Security, so the yearly payments were made entirely by me," he says -- 30 years' worth of payments, until AIDS left him too weak to continue working in 1994. When Arnesen applied to the San Francisco office for his benefits, his bureaucratic woes began. "They gave me the most erroneous information, telling me that I had to go to the American embassy in New Zealand to apply," says Arnesen. "When I did, the embassy there said I had to apply at the embassy in Manila. The runaround went on for ten months."

During this wild-goose chase, Arnesen's health deteriorated. "I was constantly collapsing. I couldn't stand up, much less go back to America," he says. Then a glimmer of hope: His health improved thanks to AZT and 3TC, and (with the help of his San Francisco attorney) Arnesen finally won approval for his disability benefits. It was a modest victory -- $684 per month -- but it came with a catch: He had to return to the United States to receive the checks.

"A request was made to the American consulate for an extension of alien residency status, allowing me to return to my home of twenty-nine years and collect the benefits I had paid for," Arnesen says with a sniff. That request was denied, as was a second and a third. "The refusal to allow me to return was made on the grounds of AIDS," he says, a victim of the United States' 1993 policy denying visas to anyone -- even tourists -- with HIV, one of the harshest such restrictions in the world. This was a classic Catch-22. "Now that it was impossible to collect the approved

payments, I asked for a refund of my contributions, and was flatly denied," he says.

That didn't stop the IRS from threatening to seize Arnesen's bank account unless he handed over additional payments in connection with his 1994 income. The amount? $69.59.

Arnesen went public through radio, newspaper and TV coverage, and New Zealanders rallied behind him. A dozen members of parliament signed a letter of protest to the American ambassador. Their influence prompted Sen. Dianne Feinstein of California to look into Arnesen's situation, but the INS still refuses to bend: Arnesen remains locked out and cut off.

His U.S. lawyers -- all pro bono -- plan to keep up the pressure. Meanwhile, Arnesen has replaced AZT with Crixivan and ddI, and these numbers at least are good news: His CD4 count is around 150 and his viral load below 5,000. "I had always intended to retire in Christchurch. It just happened a bit early," says Arnesen, who lives in a beach house while waiting for his home away from home to welcome him back. He's become an accomplished gardener -- no easy feat when you have sand for soil -- an opera buff and a bodysurfer. "For a coffin-dodger with AIDS to out-surf the teenagers is a great pleasure," he says.

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