How Many Immigrants Fleeing HIV Persecution Are Allowed in the U.S.?

Advocates say the government hasn't provided data on HIV-positive refugees. Here's why they want those numbers.

March 18, 2019 By Trent Straube

Ever since the HIV travel ban was lifted in 2010, people with HIV have been allowed to enter the United States as visitors and immigrants. This includes asylum seekers living with HIV who are persecuted and in danger because of their status. But when these refugees flee their home countries and apply for asylum in the United States, how are they and their claims being treated? Is it possible they're being met with further discrimination?

Groups such as Immigration Equality and the Center for American Progress have been raising these questions. The answers are hard to come by, reports Gothamist, because the U.S. government has never provided data on how many HIV-positive asylum seekers and refugees are admitted into the country. It's also a challenge to determine how these immigrants are being treated while in detention centers.

Asylum can be granted on grounds of HIV-related persecution.

"I think we've had a lot of success in [explaining to asylum officers and judges] why HIV is related to an asylum claim," Aaron Morris, executive director of Immigration Equality, told Gothamist. "It's hard to know what prejudice or stigma those adjudicators have without harder numbers to track the trends of their adjudications."

A recent case that landed in the national spotlight underscores these issues. A headline in The New York Times succinctly explained: "A Mother and Daughter Both Have HIV. The U.S. Lets in Only One."

In that case, the teenage daughter and her mother were escaping persecution in Honduras. The mother was allowed in, but her daughter was quickly deported.

The attorney who tried to help the daughter has wondered whether HIV played a role in the daughter's deportation because it happened so fast. The U.S. officials "didn't want her here," the attorney, Elizabeth Caballaro, told Gothamist. "They're just as ignorant as the people who discriminate against her over there, in her home country."

In related POZ news, read “Justice Prevails for Deported HIV-Positive Gay Mexican! [VIDEO]” and the opinion piece “A Call to Support Immigrants Targeted by Hateful Policies and Rhetoric.”

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