HIV-Positive Cuban’s Asylum Request at Risk

May 28, 2009 By Oriol R. Gutierrez Jr.

Raul Hernandez--a Cuban-born, HIV-positive gay man--applied for asylum in the United States under the Cuban Adjustment Act, but was denied because of his HIV status.

He has now applied for U.S. political asylum without consideration under the Cuban Adjustment Act, a process that is not influenced by his HIV status.

The Cuban Adjustment Act is a federal law that grants permanent resident status to Cuban citizens. However, Cubans allowed in under this law are subject to U.S. immigration policies, which currently ban people with HIV.

The Bush administration removed the HIV travel ban federally, but the Department of Health and Human Services (HHS) has yet to make it final. The Obama administration has stated that removing the HHS ban is still under review.

By not addressing this issue in a timely manner, the Obama administration demonstrates yet again its willingness to try the patience of its core supporters, which include LGBT people and people with HIV. Obama should know that our patience is wearing thin.

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http://beta.docker.poz.com/blog/hiv-positive-cubans