Welcome to the U.S., Do You Have HIV?

September 30, 2008 By David Weiss

The Department of Homeland Security (DHS), which implements visa regulations for incoming travelers, has published it's interpretation of the PEPFAR amendment that removed the travel ban for HIV positive visitors to the U.S. But the news is mixed.

The new Department of Homeland Security rule still requires anyone with HIV to declare it when they apply for a visa. The actual implementation of the rule will have a government worker looking at your past. The rule is published in the official section of U.S. law (the "C.F.R."), but the government's description of it is troubling.

The government is properly protecting it's citizens when it requires travelers to declare that they have readily communicable dangerous diseases, but retaining HIV, which is NOT casually communicable, as a condition that must be declared on every visa application, isn't in the spirit of the PEPFAR amendment and, to put it bluntly. stinks.

Write your representatives. Email them. Call their in-laws. They will be preoccupied with the economy, but the fact is that the language of the rule perpetuates the stigma, and must be changed. No man, woman or child should have to report to the United States Government that they are HIV positive.

Postscript: As of October 20, 2008, the State Department's web site reads as follows:

(a) Classes of Aliens Ineligible for Visas or Admission.-Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) Health-related grounds.-

(A) In general.-Any alien-

(i) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance, which shall include infection with the etiologic agent for acquired immune deficiency syndrome (emphasis added)

http://travel.state.gov/visa/frvi/ineligibilities/ineligibilities_1364.html

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