The United States’ HIV Immigration and Travel Ban

Presented by:
Robert Bank, Chief Operating Officer

Tuesday, August 19, 2008
Community teleconference
Co-sponsored by IRMA - International Rectal Microbicide Advocates and
Gay Men's Health Crisis
The United States HIV Bar 1987-2008

Since 1987, the United States has barred HIV+ people who are not U.S citizens or residents from entering the country without a special waiver that records their status. Such a person already living in the U.S. has been barred from most types of legal status.

In 1993, after President Clinton tried to end this policy, the bar was written into law by Congress.

On Wednesday, July 30, 2008, President Bush signed into law the reauthorization of the President’s Emergency Plan for AIDS Relief (PEPFAR II), which included language to repeal the statutory bar.
Repealing the Statutory HIV Bar via PEPFAR II

Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 or Reauthorization of President’s Emergency Plan for AIDS Relief (PEPFAR II).

Amends the Immigration and Naturalization Act by striking the provision that renders individuals with HIV inadmissible to the United States.

The Department of Health and Human Services (HHS) can now reconsider whether HIV should continue to be listed as a “communicable disease of public health significance” that renders non-citizens inadmissible to the United States.
A History of Health Related Restrictions

- **1891**: The Act of March 3, 1891 – prohibited the landing of idiots or lunatics as a medical bar to admission.

- **1917**: The Act of February 5, 1917 – further expanded the list to include idiots, imbeciles, feeble-minded persons, alcoholics, epileptics, and persons afflicted with tuberculosis or dangerous contagious disease.

- **1965**: The U.S. Immigration Law was amended to add “sexual deviation” as a medical ground of denying entry and remained in effect until 1990.

- **1987**: HIV and AIDS added to a list of “dangerous, contagious diseases” that preclude non-citizens and non-green card holders from entering the U.S.

- **1993**: HIV Bar signed into law by President Clinton.
Advocacy Efforts to Overturn the Bar

1990: International NGOs refuse to attend San Francisco Conference.
1992: 8th International AIDS Conference is moved from Boston, MA to Amsterdam.
2006: The Lift the Bar Coalition is Formed.
2007: PEPFAR II Repeals Statutory HIV Bar.
2008: The International Task Team on Travel and Immigration Restrictions is Formed.
A Global Movement

2001 - HIV+ delegates to the UN High-Level Meeting on HIV/AIDS taking place are barred from entering the U.S. without a special HIV waiver.

2007 - The International Task Team on Travel and Immigration Restrictions is formed.

2008 - Official leaders, including the UN Secretary General, and civil society call for the repeal of discriminatory, fear-based travel and immigration restrictions throughout the UN HLM.
Political Leadership

2008 – Senators Kerry and Smith enlist bipartisan support for the bill and attach the bill’s language into PEPFAR.


White House lobbies Senate to support.

U.S. Presidential Nominees:

Barack Obama - Democrat:

- Supports the repeal of the HIV travel and immigration bar

John McCain - Republican:

- Voted in 1993 to prevent people living with HIV/AIDS from permanently immigrating into the United States
- Did not respond to the AIDSVote.org Presidential Candidates Questionnaire
Next Steps

- **Celebrate:** this is a win for human rights
- Advocate to HHS
- Outreach in immigrant communities to encourage people to test without fear
- Inform services providers
- Address the needs of those in immigration limbo
- Continue to build linkages between HIV & AIDS, immigration, LGBT groups and communities
- Involve U.S. advocates and political leadership in the global movement
About Us

Founded in 1981, **Gay Men’s Health Crisis (GMHC)** is a not-for-profit, volunteer-supported and community-based organization committed to national leadership in the fight against AIDS. We provide prevention and care services to 15,000 men, women and families annually, and advocate for evidence-based public health solutions for the hundreds of thousands worldwide.

**Mission:** GMHC fights to end the AIDS epidemic and uplift the lives of all affected.
Appreciation

Partner Organizations:
All the Lift the Bar Coalition members, as well as African Services Committee, AIDS Action Council, the AIDS Institute, BIENESTAR, Immigration Equality, Human Rights Campaign, UNAIDS, and other partners.

Funders:

Our Political Leaders

GMHC Staff: Vanessa Brocato, Sean Cahill, Felix Lopez, Nathan Schaefer, and Vishal Trivedi.

Contact:
Robert E. Bank, Esq.
Chief Operating Officer
Gay Men's Health Crisis, Inc. (GMHC)
The Tisch Building, 119 West 24th Street,
New York, NY 10011-1913 United States of America
p-212-367-1310 / f-212-367-1020 / e-robertb@gmhc.org
www.gmhc.org