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fact sheet

U.S. Travel Restrictions on Persons Living with HIV/AIDS

What is the U.S. HIV Immigration/Travel Ban?

HIV-infected foreigners wishing to enter the United States are prohibited by law from entry. This restriction applies to both tourists and those that seek to live in the United States.

While individuals who enter the United States are not routinely questioned about their HIV status, should an immigration official have reason to believe an individual is HIV-positive (such as any visual sign of illness attributed to HIV infection or caught with possession of HIV medication), once discovered they can be barred from

entry into the U.S. and forced to return home. As stated above, this restriction applies to tourists as well as persons who seek residency in the United States. On occasion the U.S. government may grant a waiver, such as for a large conference or special event (President Clinton provided one for the gay games). Persons seeking asylum in the U.S. can also be granted a waiver, but approval is by no means guaranteed.

Who is affected?

HIV-infected non-U.S. citizens wishing to gain entry into the United States for any reason are affected.



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Whoever, it is widely recognized that HIV-positive Canadians, most of whom would travel to the U.S. purely for recreational/tourist reasons, are particularly harmed by this ban considering the proximity to the U.S.

History of the Immigration/Travel Ban Policy

As part of U.S. immigration law and policy (which includes tourist travel), the United States Public Health Service (PHS), in the interest of public health, has long had responsibility for maintaining a list of dangerous and contagious diseases that prohibits persons who are infected from entry into the United States. In 1987, President Ronald Reagan added AIDS to the PHS list of such diseases that bar entry by infected individuals into the U.S.

In July 1987 Senator Jessie Helms (R-NC), a long-time homophobe and right wing conservative member of the Republic party, introduced an amendment that permanently added AIDS to the PHS list. Unlike most other diseases and conditions on the PHS list, once the Helms amendment became law, the Public Health Service no longer had the ability to remove AIDS by administrative action; it was now permanently included by statute.

To make matters worse, in 1993, as part of the reauthorization of the U.S.

National Institute of Health (U.S. government agency responsible for publicly funded scientific health research, including research into new HIV medications and an HIV vaccine), Congress added HIV to the list of “communicable diseases for excluding people into the United States.” Because of the importance of National Institutes of Health legislative reauthorization, President Clinton signed the law.

As a result, in order to eliminate the U.S. travel/immigration ban on HIV-positive individuals from entering the U.S., Congressional action would be required.

What is GNP+NA Doing About the Ban?

GNP+NA is working in coordination with a number of those U.S. and international AIDS organizations and legal advocacy groups in an attempt to raise awareness about the ban and build sustainable coalitions to work with Members of Congress, the federal government and other policy makers about overturning the ban. Successful removal of the U.S. ban will require Congressional legislation and signature of the President, either in the former of stand-alone legislation or as a rider or amendment to a larger bill.