



# NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

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### Commission Calls for Changes In U.S. Visa and Immigration Policies

The National Commission on AIDS today called for a comprehensive review of U.S. visa and immigration laws relative to HIV and other communicable diseases, and an immediate end to practices that discriminate against or stigmatize those seeking visitors' visas to the United States.

"Current practices," the Commission said in a resolution released today, "are counterproductive, discriminatory and represent a waste of resources..."

Specifically, the Commission called for the Department of Justice to administratively order an end to the practice of marking passports of those with HIV infection who are granted waivers to enter the country.

The Commission also called for immediate administrative steps to end the questioning of nonimmigrants about their HIV status while applying for visas. This would eliminate the current practice of stopping travelers who are carrying AZT, which is the only licensed anti-HIV drug, and blood products such as clotting factor which is used by hemophiliacs. In some

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cases travelers have been ejected from the United States because it was revealed, by inference or by direct questioning, that the traveler had HIV infection.

Dr. June E. Osborn, Chairman of the National Commission, said, "There is no public health justification for current policies, they fly in the face of strong international opinion and practice, they lead to unconscionable infringements of human rights and dignity, and they reinforce a false impression that AIDS and HIV infection are a general threat when in fact they are sharply restricted in their mode of transmission."

A number of scientific, medical and humanitarian organizations have criticized current U.S. visa practices. Sponsors of the VIth International Conference on AIDS scheduled for San Francisco in June, 1990, and the XIXth International Congress on Hemophilia, scheduled for Washington, D.C., in August, 1990, have both said that some expected participants have announced their intention to boycott those meetings unless restrictions are changed.

For the long term, the National Commission today also called for the Department of State, the Department of Justice and the Department of Health and Human Services to "conduct a comprehensive review of immigration policies as they regard communicable diseases, particularly HIV infection, focusing on public health needs."

The review should include a study of the efficacy of the 1987 amendment that added HIV to the Public Health Service list of dangerous and contagious diseases. The list is used under the Immigration and Nationality Act (INA) to determine who can be excluded from the United States on public health grounds.

The Commission has also called for liberal application of HIV waivers to applicants for legalization, refugee status, or permanent residency.

The Commission has also said that when HIV testing is part of the immigration process, the appropriate Federal agencies must insure that standards are enforced for pre- and post-test counselling, confidentiality, and referrals for follow-up health care.

The National Commission on AIDS, an independent body created by Congress to oversee the national efforts against the HIV epidemic and to make "recommendations for a consistent national policy concerning AIDS," took office on August 3.

Five members were appointed by the U.S. Senate, five by the U.S. House of Representatives, and two by President Bush. In addition the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs are non-voting members.

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