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HIV Immigration Seminar

6:00 p.m. - 8:00 p.m., Wednesday, August 20, 2008

- ◆ **U. S. Policy on HIV and Immigration is Changing**
- ◆ **Travel to and from U. S. A.**
- ◆ **Permanent Residence Application**
- ◆ **Citizenship Issues**
- ◆ **Asylum Based on HIV**
- ◆ **Space Is Limited - Call to make reservations at
(713) 808-1000 or e-mailing info@lawkn.com**

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IMMIGRATION EQUALITY

Senate Moves to End HIV Travel Ban

Senator Kerry: "I am proud to have been part of eliminating this draconian ban."

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New York, NY, July 17, 2008 - Immigration Equality hails the Senate's vote to lift the HIV immigration and travel ban. The Senate voted today to repeal the language that bars people with HIV/AIDS from entering the U.S., as part of the legislation reauthorizing the President's Emergency Plan for AIDS Relief (PEPFAR). The Senate approved PEPFAR by a vote of 80 to 16.

"Congress has finally moved to end the HIV ban - a ban based on myth and misinformation," said Rachel B. Tiven, Executive Director of Immigration Equality. "For twenty years, the United States has barred HIV-positive travelers from entering the country even for one day. Today the Senate said loud and clear that AIDS exceptionalism must come to an end."

HIV is the only disease excluded by Congressional fiat; all other decisions on communicable diseases are left to the discretion of the Department of Health and Human Services (HHS). The repeal provision in the PEPFAR bill will remove the anti-HIV language from the Immigration and Nationality Act, and restore the determination of whether HIV is "communicable disease of public health significance," to the discretion of HHS.

Senators John Kerry (D-MA) and Gordon Smith (R-OR) led the effort to repeal the HIV ban. Said Senator Kerry, "Today we are one step closer to ending a discriminatory practice that stigmatizes all those living with HIV, squanders our moral authority, and sets us back in the fight against AIDS. By passing PEPFAR today the Senate not only has made a powerful statement about our commitment to eradicating HIV/AIDS but we have also voted to overturn the HIV travel and immigration ban that has no foundation in public health or common sense. There was no reason for this policy to still be on the books, and I am proud to

have been part of eliminating this draconian ban. I sincerely hope we can get this to the President as quickly as possible to finally end this misguided policy."

"When the United States finally stops discriminating against HIV-positive people we will send a powerful signal to the world that it's not acceptable to stigmatize the millions of people living with this disease," said Rachel Tiven. "With today's news, we feel that moment is almost here."

Immigration Equality, the national voice for LGBT and HIV-positive immigrants and their families, provides legal advice, representation, and advocacy for those impacted by the discriminatory impact of the HIV ban. Lesbian and gay immigrants are disproportionately affected by the ban because their families cannot qualify for a limited waiver to the HIV ban that heterosexual couples enjoy.

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About the Ban

In 1987, Senator Jesse Helms offered the ban as an amendment to a bill to fund availability of the antiretroviral drug Zidovudine (AZT). The law passed almost unanimously by Congress, in part as a political trade to obtain the funds for AZT.

In April 1989, Dutch AIDS educator Hans Verhoef was jailed for several days in St. Paul, Minnesota when he tried to enter the United States to attend the Conference on Retroviruses and Opportunistic Infections in San Francisco. This led to international outrage and a boycott of the conference by activists in 1990. No international conference on HIV/AIDS has been held in the United States since then.

In October 1992, the ban led to the quarantine of about one hundred HIV-positive Haitians at a U.S. Naval Base in Guantanamo Bay, once again sparking outrage by the international and human rights communities. In 1993, President Bill Clinton tried to issue an Executive Order to eliminate the ban and brought the issue into the political spotlight once more.

At the urging of Senator Helms the ban was codified by Congress in 1993, as a climate of fear about HIV and prejudice toward HIV-positive people continued.

The policy disproportionately affect LGBT individuals since close family relationships with U.S. citizens or lawful permanent residents are generally required to seek waivers and same-sex relationships are not recognized under current immigration law.

Immigration Equality has been a longtime national leader in the fight to lift the ban. As the only national organization fighting for the rights of LGBT and HIV-

positive immigrants, Immigration Equality worked to create a comprehensive plan to lift the ban that included advocacy, public education, and legal assistance. Leading up to the vote, Immigration Equality reached out to key supporters in the Senate and worked with other allies to ensure passage.

Immigration Equality is a national organization that works to end discrimination in U.S. immigration law, to reduce the negative impact of that law on the lives of lesbian, gay, bisexual, transgender and HIV-positive people, and to help obtain asylum for those persecuted in their home country based on their sexual orientation, transgender identity or HIV-status.

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