



May 16, 2008

Senator Joseph Biden  
201 Russell Senate Office Bldg. SR-201  
Washington, DC 20510-1401

Dear Senator Biden:

On behalf of the HIV Health & Human Services Planning Council of New York, I write to voice my strong support for language to remove the statutory inadmissibility of people living with HIV/AIDS under U.S. immigration law within the Tom Lantos & Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (S2731). Section 305 of the bill (as introduced) would amend the Immigration and Nationality Act (“INA”), by removing “, which shall include infection with the etiologic agent for acquired immune deficiency syndrome,” and inserting a semicolon. If enacted, this section would leave the determination of whether or not HIV constitutes a “communicable disease of public health significance,” in the hands of the Department of Health and Human Services (“HHS”), the agency which is empowered to make this decision for all other medical conditions. Thank you and the other members of the Senate Foreign Relations Committee for including this language in the PEPFAR reauthorization bill.

The HIV Health & Human Services Planning Council of New York is comprised of service providers, physicians, advocates, and people living with HIV/AIDS. Planning Council members are well aware that New York is a City of immigrants and that its prominence in the national and international spotlight is in no small part due to the contribution of legions of foreign-born individuals. New York is one of the economic, social, and cultural engines of the country, and generations of immigrants have helped it achieve its prominence.

Excluding foreign-born, HIV-infected individuals from entering the country (except under very narrowly-tailored circumstances) does not make public health sense. International visitors who are here and who are infected may develop opportunistic infections but delay seeking medical assistance out of fear of being deported. By delaying treatment, they put their own health at risk and may unknowingly put their partners and families at risk of acquiring the infection. People who come here longer term to work or attend school may not get diagnosed and into treatment out of fear of being deported. Research shows that people living with HIV who are undiagnosed are more likely to spread the virus and eventually show up very sick in emergency rooms. The current policy actually undermines public health and costs our health care system more in the long run.

The United States remains one of the few countries in the world to bar short-term visitors from entering simply because they are HIV-positive. At the same time that the United States positions itself as a leader in the global fight against the AIDS pandemic, government officials and non-governmental organizations have been unable to host international AIDS conferences because of this anachronistic ban. Likewise, highly skilled workers who have full health insurance through their employers cannot seek permanent residence in the United States if they have tested positive for HIV, unless they have a very close relative who is an American citizen or lawful permanent resident. Because same-sex partners are not considered family under this policy, the HIV entry ban discriminates against gay and lesbian people. The United States, notably, does not ban individuals with other life-threatening, expensive-to-treat diseases such as cancer and does not ban persons with all communicable diseases.

The Planning Council calls on Congress to pass the Tom Lantos & Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 with section 305 intact and to remove the needless stigma which comes from the fact that our laws treat HIV differently than any other medical condition and the counterproductive public health effects of the current policy. Public health decisions should rest with HHS and this bill would restore that principle.

Thank you very much for your time and attention.

Sincerely yours,

A handwritten signature in cursive script that reads "Soraya Elcock". The signature is written in dark ink and is positioned above the typed name.

Soraya Elcock  
Community Co-Chair  
HIV Health & Human Services Planning Council of New York

Cc:

Senator Richard Lugar  
Senator Harry Reid  
Senator Mitch McConnell