

FOIA MARKER

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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: National AIDS Policy Office

Series/Staff Member:

Subseries:

OA/ID Number: 19435

FolderID:

Folder Title:

Vancouver-Health and Human Services-State-Immigration and Naturalization Service [1]

Stack:

S

Row:

66

Section:

6

Shelf:

10

Position:

2

Barbara Brady

690-7324

Phil Lee's asst —

Ann Arries - 1

~~Bob Neighbors~~

Deputy Counsel
Scialaba, d. 514-2895

Ann Arries - Director
- Office of Inspections

Mike ^{Michael} Cronin - Asst. Commissioner
Inspections

Anne Arries
Chief Inspector
Office of Inspections

Bob Neighbors
Asst. Chief Inspector
Office of Inspections

Lisa Jacobs 6/21

AG has signed
package - packages
on the way to INS -
will allow people
to apply for a
transit visa thing
U.S. to Vancouver
express

Will go out by
wire today or
Monday.

Kathy Stanley

647-9577

at (State)

→ Ruth Davis

+ 2 other persons

Matthew Victor

David Hopper

Cancelled out of

Donna Hamilton -
State Dept
replaced Diane Dillard

202-647-9584

Dick will be coming
with Barbara Brady

- Now not likely to
come

The problem -
right

Donna Hamilton
Deputy Asst. Secretary for
Visa Services
~~Donna Hamilton~~

is pretty much
clear on 27th/28th
27th is better

20th - bad
21st - before 3
22nd -

Talked
with
Wickham
/2/

fax # 647-0341

* Matthew Victor
Consular Officer

- Enola - (647-9584)

Tel/con 6/21 - Sophia Cox
C1 Transit
Visa

blanket waiver.
has been authorized
in connection
w/transit visa

visa 2 times

period needed
geared toward.
should be official
M + Tues.

relieved some
its advocates, who
iprense Court test
deal with issues of
ual conduct, not
nendment.
Thomasson's case
a military career

accept a related case with differ-
ent facts or another legal angle.
The Navy had no comment, but
Allan B. Moore, the Covington &
Burling lawyer representing Mr.
Thomasson, said the Supreme
Court ducked a free-speech con-
troversy with profound social
ramifications.

where the political will in the elec-
tive branches is not there to do
what we think the Constitution re-
quires," Mr. Moore said. "The
question is when it is constitu-
tional to force someone not to
speak in order to not excite the
prejudices of others."
Although homosexual-rights

the court orders sitting justices to
let his case decide the issue.
An unusual article aimed at the
justices in last week's National
Law Journal by Chai Feldblum, le-
gal counsel to the Human Rights
Campaign, a homosexual-rights
group, said the court should not
see COURT, page A18

The report warns of "conspir-
acies within nuclear armed units"
to commit nuclear blackmail.
"This has become a concern as liv-
see RUSSIA, page A18
• National missile defense fails to
become a campaign issue. A8

ctory c ion vide lead

review the tally for
Mr. Ortega told re-
linista headquar-

spoke, Sandinista
e-background be-
null! Annul! An-

speaking before a
t supporters at his
nd-balloon-fes-
gn h quarters,
ernment of inclu-
reconciliation and
al for his country
of Nicaragua are

page A18

UNITED IN TRIUMPH



Photo by Cliff Owen/The Washington Times
Marco Etcheverry of D.C. United, which won the Major League
Soccer championship Sunday, signs autographs yesterday for some
of the fans who greeted the team at National Airport. Story, B1

White House waffles on HIV asylum policy Contradicting INS, it insists ban stands

By Ruth Larson
THE WASHINGTON TIMES

The White House, faced by
mounting public opposition, is dis-
avowing its policy favoring the
granting of asylum to immigrants
infected with the AIDS virus.

"We're not changing policy at
all," said an official in the White
House Office of National AIDS
Policy, who spoke on the condition
that he not be named. "We have a
strict policy that's been enforced
since 1993 that does not allow any-
one with HIV to enter the country."

The Immigration and Natural
ization Service told The Washing-

ton Times this month that it had
added the human immunodefi-
ciency virus, which causes AIDS,
to the list of considerations for
asylum candidates because the
White House instructed it to.

"The White House has the last
say," INS spokesman Brian Jordan
said. "The INS helps all parties in-
volved reach an informed de-
cision. . . . But if the White House
desires it, naturally we assent to
what they say."

The Times reported Oct. 3 that
a New York immigration judge
had granted asylum to a 30-year-

see ASYLUM, page A9

Martinis, a little lobbying get D.C. on best-cities list

By Alan Kline
THE WASHINGTON TIMES

Could there be a cloud hanging
over this silver lining?

What do the editors of Fortune
magazine know that the rest of us
don't?

They've named Washington as
the eighth-best city to live in and
work in.

Is it the high crime, potholes,

the swift removal of snow, schools
without textbooks, and a city gov-
ernment that can't do anything
right but write parking tickets?

It may be the cheap martinis
(\$3.75, compared with Dallas'
\$6.75) that helped Washington beat
out Dallas, Boston, Atlanta and
Baltimore, among others.

"It's a somewhat surprising
choice because, when most people
think of Washington, they think of

the center city," says Geoffrey Col-
vin, editorial director at Fortune.
"But a lot of it had to do with what
surrounds the city itself."

Some of the credit for Washing-
ton's sudden appearance on the list
goes to the Greater Washington
Initiative, a 2-year-old business
group dedicated to attracting new
business to Washington and the
surrounding area.

John McLéan, managing part-

ner with the Greater Washington
Initiative, says he met with For-
tune's editors for two consecutive
years to tout the benefits of work-
ing and raising a family in the na-
tion's capital. And while his pitch
fell short last year — Washington
did not make the top 10 — he ap-
parently hit all the right themes
this time around.

see LIST, page A18

ions: 52 Pages

Metro / C1-16

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Sports / B1-6

Stocks / B10-11

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Weather / B12

World / A11-13

PROOF PAGE ONE

ASYLUM

From page A1

old computer engineer from the African country of Togo solely on the basis of his HIV status.

The Times' report was picked up by radio hosts such as Rush Limbaugh, G. Gordon Liddy and Mary Matalin and generated nationwide outrage. The INS acknowledges getting numerous telephone calls with complaints about the policy from listeners of those shows.

Questioned about its role in changing asylum standards to include those who are HIV-positive, the White House has offered three explanations:

- The Presidential Advisory Council on HIV/AIDS only recommended — not directed — the policy change.

"The White House did not make do anything," the AIDS official said. He noted that a transmittal letter accompanying the council's recommendations said, "It is the president's hope we are as responsive as possible to these recommendations."

- The INS refused to accept the council's recommendation. "The INS said the advisory council's recommendation to create a special social class would be counter to the statute," the AIDS policy official said. "The INS was very clear that it wouldn't — it couldn't — change the class for HIV. So the INS rejected this recommendation."

But the INS general counsel felt free to alert subordinate legal offices of the council's recommendation in February. "HIV shall be considered in requests for discretionary forms of relief from deportation, and claims of asylum or withholding of deportation shall be handled in accordance with the attached discussion on that subject, prepared at the request of the White House," the general counsel's memorandum said.

- Existing policy is flexible enough to handle the change. The INS council, a group of 33 private-sector experts, just didn't know that when it made the recommendation.

Under a 1993 law, those infected with communicable diseases, including AIDS, were barred from entering the United States. If they managed to reach this country, they were subject to deportation.

The Presidential Advisory Council on HIV/AIDS sought to

change that policy late last year. It recommended that the INS and other federal agencies grant asylum "based on the social group category of HIV-positive individuals."

The White House AIDS policy official acknowledged that the INS has, on occasion, granted waivers to allow HIV-positive people to enter the country.

"It has been used very, very rarely to allow waivers to individuals in cases where return to their country would mean they'd be in danger. They are not considered to be members of a special social group. The policy has not changed," he said.

"It most certainly does alter policy — radically," said Allen Kay, a spokesman for Rep. Lamar Smith, Texas Republican.

There is a fundamental difference between granting waivers for temporary visas and granting asylum, he said. A person granted asylum can become a permanent legal resident; those who receive temporary visas cannot.

"Congress has never given the president authorization to give HIV-positive individuals long-term status," Mr. Kay said.

Mr. Smith, who heads the House Judiciary subcommittee on immigration and claims, said, "The Clinton White House circumvented the will of Congress and ignored legitimate concerns raised by the INS about admitting foreigners because they have HIV."

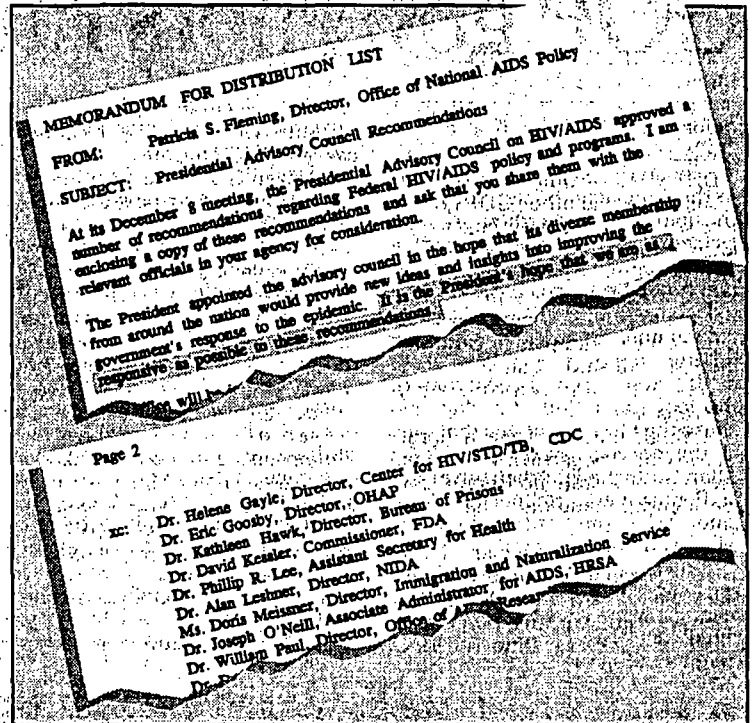
Critics say the White House is backtracking on a controversial initiative that has been exposed just before the election.

"Now the White House and the INS want to blame one another rather than be held responsible for this dangerous and misguided policy," Mr. Smith said. Shifting blame sidesteps the issue of "exposing taxpayers to the enormous costs of treating additional AIDS patients."

House Speaker Newt Gingrich said the policy could lead to a surge in illegal immigrants infected with the AIDS virus.

"Under the Clinton administration, you can come to America illegally — sneak into the country — announce that you are HIV-positive, be declared a political refugee, be eligible for \$120,000 of health benefits," he said.

In the New York asylum case, the INS argued against granting asylum, saying the man did not show that he faced persecution in his homeland. But the judge disagreed and granted him asylum.



The Washington Times

This letter accompanied the presidential panel's proposed AIDS policy changes. The original did not have a sentence highlighted.

ASYLUM POLICY

The White House denies changing the policy on admitting immigrants infected with the AIDS virus. But a comparison of policies casts doubt on that claim.

■ **Legal grounds for asylum, according to the 1980 Refugee Act:** A person from another country is "unable or unwilling to return to ... that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

■ **Excludable foreigners under the Immigration and Nationality Act, as amended in 1993:** The following describes classes of excludable aliens who are ineligible to receive visas and who shall be excluded from admission into the United States:

(1) **Health-related grounds:** In general, any alien (1) who is determined to have a communicable disease of public health significance, which shall include infection with the etiologic agent for acquired immune deficiency syndrome.

■ **Presidential Advisory Council on HIV/AIDS, December 1995:** The Administration should direct the CDC, Immigration and Naturalization Service (INS), and Department of State to monitor and coordinate the HIV testing of immigrants ... and to ensure that waivers of the HIV exclusion are granted on a priority basis when permitted by statute. Also, when permitted by statute, the INS and the Executive Office of Immigration Review (EOIR) should grant stays of deportation, suspension of deportations, extended voluntary departure, deferred action, and asylum based on the social group category of HIV-positive individuals.

■ **Presidential Advisory Council on HIV/AIDS, progress report July 8, 1996:** The Council is pleased by the Administration's clarification of INS policies regarding the granting of asylum relief from deportation to HIV-positive immigrants. This clarification allows for a more compassionate and sensible approach.

The Washington Times



U.S. Immigration and Naturalization Service
Office of Examinations
Inspections Division

425 I Street, N.W., Room 7228
Washington, D.C. 20536

FAX: (202)-514-8345
VOICE: (202)-514-3275

FACSIMILE MESSAGE

Date: 2-8-96

MESSAGE BEING SENT TO:

Office: White House Name: Office on AIDS Policy Facsimile #: _____

Office: _____ Name: La Home Romocki Facsimile #: _____

Office: _____ Name: _____ Facsimile #: _____

Office: _____ Name: _____ Facsimile #: _____

Office: _____ Name: _____ Facsimile #: _____

Office: _____ Name: _____ Facsimile #: _____

MESSAGE SENT BY: ACI Bob Neighbors

Voice Telephone Number: (202) 514- 0599

Additional Comments:

Copy of memo from INS Commissioner to
the Department of Justice with an inventory
of INS' policy with regard to
HIV and AIDS.

Total Pages Sent, Including This Cover Sheet: 6

Revised: 02/23/93

(7)

Tom Graves

HQ 212.3-C

INS HIV/AIDS Policy

OCT - 7 1994

Eleanor D. Acheson
Assistant Attorney General
for Policy Development
Department of Justice

Office of the Commissioner
Immigration and Naturalization
Service

This memorandum responds to your June 22 request for an inventory of the Immigration and Naturalization Service's (INS) policy with regard to the Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS). As you are aware, pursuant to section 212(a)(1)(A)(i) of the Immigration and Nationality Act (INA), aliens who are found to have a "communicable disease of public health significance" are ineligible to enter the United States. The relevant policy memoranda concerning waivers of this ground of inadmissibility, attached, reflect the agency's obligation to undertake, in an individual case, a careful and delicate balancing in a determination of whether the public benefits of allowing an HIV-infected alien to enter the United States for a given period are outweighed by the foreseeable risks to the public health and welfare.

Preliminarily, although exclusion based on a communicable disease of public health significance has traditionally been determined according to regulations published by the Department of Health and Human Services (HHS), the National Institutes of Health Revitalization Act of 1993, which became effective on July 10, 1993, amended INA section 212(a)(1)(A)(i) to mandate that communicable diseases of public health significance now include "infection with the etiologic agent for acquired immune deficiency syndrome." Therefore, exclusion based on HIV infection is now statutory. (The list of communicable diseases of public health significance maintained by HHS includes: (1) Chancroid; (2) Gonorrhea; (3) Granuloma inguinale; (4) HIV; (5) Leprosy, infectious; (6) Lymphogranuloma venereum; (7) Syphilis, infectious stage; and (8) Tuberculosis, active). See 42 CFR § 34.2(b). A copy of this HHS regulation is attached.

As background, prior to the Immigration Act of 1990 (IMMACT 90), waivers for HIV infection were available only to nonimmigrants. However, refugees and asylees could seek a waiver under INA sections 207(c)(3) and 209(c), Legalization applicants could seek a waiver under INA section 245A(d), and Special Agricultural Workers could seek a waiver under INA section 210(c)(2). Each of these sections of law accord the Attorney General broad discretionary authority to waive most grounds of excludability for humanitarian purposes, to ensure family unity or when

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it is otherwise in the public interest. As a result of IMMACT 90, immigrant waivers became available under INA section 212(g), as discussed below. The attached policy documents can be summarized briefly as follows:

(1) NONIMMIGRANTS.

The statutory authority for granting waivers of excludability to nonimmigrants is found at INA section 212(d)(3)(A) (aliens who lack the required visa and/or travel documentation) and INA section 212(d)(3)(B) (aliens who are in possession of the required visa and/or travel documentation or who are exempt from those requirements or who have been granted a waiver thereof). Nonimmigrants seeking a waiver pursuant to INA section 212(d)(3)(A) are required to submit the request simultaneously with the application for a nonimmigrant visa directly to the consular officer. (If the consular officer issues a favorable waiver recommendation, INS must concur before the visa can be granted.) Nonimmigrants who already have a valid visa in hand, or who are visa exempt, may apply for a waiver pursuant to INA 212(d)(3)(B) by filing Form I-192 (Advance Permission to Enter as Nonimmigrant) prior to arrival in the United States. Nonimmigrants can file the waiver application at the time of arrival at the Port-of-Entry (POE) only if they can establish they were not previously aware of the ground of inadmissibility. (See 8 CFR 212.4). Over the years, two specific waiver policies have been developed and implemented for nonimmigrants who are excludable under INA section 212(a)(1)(A)(i) due to HIV infection. These two policies are summarized below.

A. The routine HIV waiver policy. Nonimmigrants may enter the United States for brief periods (30 days or less) to attend conferences, receive medical treatment, visit close family members, or conduct business, which are considered humanitarian reasons. They may not enter simply to travel or view the United States as tourists. To receive such a waiver, an alien must demonstrate that he or she: is not currently afflicted with symptoms of the disease; is entering for a short visit (30 days or less); has insurance or assets enabling him or her to pay for medical care in the event of illness; and can demonstrate the visit will not pose a danger to public health in the United States. Requests by HIV-infected aliens coming to the United States through the process outlined in INA 212(d)(3)(A) were briefly handled through Headquarters, but are now handled through normal field procedures. (See Puleo Memorandum dated August 19, 1993).

B. The "10-day" waiver or "designated event" policy. This case-by-case policy has existed since 1990, and has been put in place only two or three times since then, most recently, and very successfully, for the Gay Games IV. To initiate the process, HHS must write a letter to the Department of State designating attendance at a specific event as being in the public interest, i.e., that a blanket waiver is warranted because the public benefits of admitting HIV-infected aliens

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for a brief period to attend the designated event outweigh the danger to the public. The Department of State then requests that the Attorney General exercise her discretionary authority to admit such aliens for the specific event. After consideration, INS cables instructions to the field that, in effect, enable consular officers to adjudicate waivers for the specific event, without seeking the concurrence from INS normally required under INA section 212(d)(3)(A).

(2) IMMIGRANTS.

A. Statutory and discretionary HIV waiver criteria. Aliens seeking immigrant status are required to undergo a medical examination that includes serologic testing for HIV. The examination procedures are governed by HHS. If applying for adjustment of status in the United States, the examination is performed by a physician who has been designated by the District Director to serve as a designated civil surgeon; INS oversees the designated civil surgeons. If the alien is applying for an immigrant visa or refugee status at a U.S. Consulate abroad, the examination is performed by a panel physician designated and overseen by HHS. Designated civil surgeons and panel physicians perform the medical examination in accordance with Technical Instructions for the Medical Examination of Aliens, a Center for Disease Control and Prevention (CDC) publication, attached.

Immigrant waivers are available under the following sections of the INA: 212(g)(1) -- the general immigrant waiver provisions for aliens excludable due to HIV infection; 207(c)(3) -- the broad waiver provisions for refugees; 209(c) -- the broad waiver provisions for asylees; 210(c)(2) -- the broad waiver provisions for Special Agricultural Workers; and 245A(d) -- the broad waiver provisions for legalization applicants. An alien who is excludable under INA section 212(a)(1)(A)(i) because of HIV infection may apply for a waiver of excludability under INA section 212(g) if he or she: (A) is the spouse or unmarried son or daughter, or the minor unmarried lawfully adopted child of a U.S. citizen or of an alien lawfully admitted for permanent residence or of an alien who has been issued an immigrant visa; or (B) has a son or daughter who is a U.S. citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa. An alien who is excludable under INA section 212(a)(1)(A)(i) may also apply for a waiver of excludability under the broad waiver provisions for refugees, asylees, Special Agricultural Workers, and legalization applicants, which allow the Attorney General to waive certain grounds of ineligibility (including HIV infection) "for humanitarian reasons, to ensure family unity, or when it is otherwise in the public interest."

In addition to meeting the statutory requirements, an alien seeking an immigrant waiver because of HIV infection must comply with the discretionary criteria developed by INS to ensure the public health, safety and welfare. These criteria are as follows: (1) the danger to the public health created by the alien's admission is minimal; (2) the possibility of the spread of the infection created by the alien's admission is minimal; and (3) no government agency at any level will incur costs without that agency's prior consent. Examples of the type of evidence that may be submitted

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to meet the statutory and discretionary HIV waiver criteria are explained in the attached DRAFT comprehensive field memorandum. We note that refugees who do not have family or other support systems in the United States are unable in many cases to meet the discretionary HIV waiver criteria established by INS, particularly the requirement that no cost be incurred by any U.S. government agency without its prior consent. In light of these difficulties, the Administration is currently reviewing HIV waiver policies for refugees and asylees.

Under current policy, decisions on all immigrant waivers involving HIV infection must be certified to the Deputy Commissioner, Attention: Associate Commissioner, Examinations, in accordance with 8 CFR § 103.4. At this time, however, INS is considering removal of the automatic certification requirement, to eliminate unnecessary levels of review and to streamline the overall waiver process.

B. Other Legal Considerations. An applicant who has been found inadmissible under INA section 212(a)(1)(A)(i) ~~due to HIV infection~~ is also potentially excludable under INA section 212(a)(4). The INA ~~section 212(a)(4)~~ provides for the exclusion of any alien who, in the opinion of the consular officer ~~at the time of application~~ for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge. Special exceptions to the public charge rule are provided to refugees, asylees, legalization applicants, and Special Agricultural Workers. These exceptions are as follows. Under ~~INA sections 207(c)(3) and 209(c)~~ pertaining to refugees and asylees, the public charge provisions of INA section 212(a)(4) do not apply at all. Special public charge rules for legalization applicants are found at INA section 245A(d)(2)(ii) and (iii), and special public charge rules are found for Special Agricultural Workers at INA section 210(c)(2)(C).

Those immigrants found excludable due to HIV infection who are not statutorily exempt from the public charge provisions of INA section 212(a)(4) are required to establish that the burden of supporting them in the United States during the course of their illness will not rest on the public. The U.S. Public Health Service has determined that HIV infection gives rise to the possibility that the applicant will develop AIDS and eventually require hospitalization or other type of medical care at some point in the future. According to recent estimates by the U.S. Public Health Service, the average cost of medical treatment for an HIV-infected person through the course of the illness is \$85,500. Of course, HIV infection does not automatically result in a finding that an alien is likely to become a public charge. In reviewing each case, the Service tries to make a reasonable calculation of the alien's future ability to pay the expected costs of the illness, in addition to meeting the cost of basic living expenses. The discussion of public charge found in the attached DRAFT field memorandum explains the public charge criteria in detail in order to ensure fair and consistent treatment of all waiver applications involving HIV infection.

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Eleanor D. Acheson

(3) BORDER PATROL AND DETENTION AND DEPORTATION.

It appears there are minimal written guidelines regarding employee contact with HIV/AIDS positive persons. All INS divisions rely on and refer to the policies of the U.S. Public Health Service (USPHS) when dealing with personal contact with HIV/AIDS positive persons.


Doris Meissner
Commissioner

Attachment

12

TELEGRAPHIC MESSAGE

NAME OF AGENCY US IMMIGRATION & NATURALIZATION SERVICE, HEADQUARTERS WASHINGTON, DC-20536		PRECEDENCE ACTION: ROUTINE INFO:	SECURITY CLASSIFICATION UNCLASSIFIED
ACCOUNTING CLASSIFICATION	DATE PREPARED	FILE HQ 235-P HQ 212.25-P	
FOR INFORMATION CALL			
NAME	PHONE NUMBER	TYPE OF MESSAGE ☐ SINGLE ☐ BOOK ☐ MULTIPLE-ADDRESS	
THIS SPACE FOR USE OF COMMUNICATION UNIT			
SOPHIA COX		202-514-5014	
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: ALL REGIONAL DIRECTORS, ALL DD'S (INCLUDING FOREIGN), ALL OIC'S (INCLUDING FOREIGN), PORT DIRECTORS, BORDER PATROL SECTOR HQ, STATE DEPARTMENT VISA OFFICE (FOR DISTRIBUTION TO ALL CONSULAR POSTS) SUBJECT: HIV-POSITIVE ALIENS SEEKING ADMISSION INTO THE UNITED STATES TO PARTICIPATE IN THE XXVI OLYMPIC GAMES AND THE X PARALYMPIC GAMES. 1. THIS CABLE AUTHORIZES SPECIAL PROCEDURES FOR HIV- POSITIVE ALIENS SEEKING SHORT-TERM ENTRY INTO THE UNITED STATES TO PARTICIPATE IN THE XXVI OLYMPICS AND THE X PARALYMPICS FROM JULY 19 TO AUGUST 4, AND FROM AUGUST 15 TO AUGUST 25, 1996, RESPECTIVELY.			
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PAGE NO. 1	NO. OF PGS. 15		

TELEGRAPHIC MESSAGE

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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: 2. ALIENS SEEKING ENTRY INTO THE UNITED STATES TO PARTICIPATE IN THE XXVI OLYMPICS AND THE X PARALYMPICS HAVE BEEN CATEGORIZED INTO FIVE (5) GROUPS, WHICH ARE AS FOLLOWS. 3. OLYMPIC FAMILY MEMBERS (OFMS). THE TERM OFM REFERS TO ACCREDITED REPRESENTATIVES OF THE XXVI OLYMPIC GAMES, INCLUDING ATHLETES AND THEIR COACHES, JUDGES, JURIES, ACCREDITED RIGHTS-HOLDING BROADCASTERS, ACCREDITED INTERNATIONAL MEDIA MEMBERS, CERTAIN DIGNITARIES OF THE INTERNATIONAL OLYMPIC COMMITTEE AND THE INTERNATIONAL FEDERATION, AS WELL AS CERTAIN OFFICIAL SPONSORS AND ORGANIZING COMMITTEES. CONSULAR OFFICERS WILL ISSUE OFFICIAL OLYMPIC IDENTITY CARDS TO OFMS, BEARING A CENTENNIAL OLYMPIC SEAL, WHICH WILL SERVE IN LIEU OF A			
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TELEGRAPHIC MESSAGE

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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: VISA. SUCH PERSONS WILL BE ELIGIBLE FOR A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS. <u>SEE</u> BELOW. (NOTE: ALL ACCREDITED REPRESENTATIVES TO THE XXVI OLYMPICS WILL BE ISSUED AN OFFICIAL OLYMPIC IDENTITY CARD, EVEN IF THEY NORMALLY WOULD NOT REQUIRE A VISA, E.G., CANADIANS, CITIZENS OF VWPP COUNTRIES). 4. OFM DEPENDENTS. FOR THE PURPOSE OF THE XXVI OLYMPIC GAMES, THE TERM OFM DEPENDENT REFERS TO THE PARENTS, SPOUSE AND MINOR CHILDREN OF AN ACCREDITED REPRESENTATIVE OF THE XXVI OLYMPIC GAMES. OFM DEPENDENTS ARE NOT ISSUED OFFICIAL OLYMPIC IDENTITY CARDS, AND ARE REQUIRED TO APPLY FOR VISAS/ADMISSION INDIVIDUALLY. SUCH PERSONS, HOWEVER, WILL BE ELIGIBLE FOR A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS. <u>SEE</u> BELOW.			
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PAGE NO. 3	NO. OF PGS. 15		

TELEGRAPHIC MESSAGE

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NAME		PHONE NUMBER	TYPE OF MESSAGE ☐ SINGLE ☐ BOOK ☐ MULTIPLE-ADDRESS
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: 5. PARALYMPIC FAMILY MEMBER (PFM). FOR THE PURPOSE OF THE X PARALYMPIC GAMES, THE TERM PFM REFERS TO PARALYMPIC ATHLETES AND THEIR COACHES, JUDGES, JURIES, AND ORGANIZERS OF OFFICIAL EVENTS SEEKING ADMISSION INTO THE UNITED STATES SOLELY TO PARTICIPATE IN THE X PARALYMPIC GAMES. PFMS ARE NOT ISSUED OFFICIAL OLYMPIC IDENTITY CARDS, AND ARE REQUIRED TO APPLY FOR VISAS/ADMISSION UNDER THE AUSPICES OF THEIR RESPECTIVE NATIONAL OLYMPIC COMMITTEE. SUCH PERSONS, HOWEVER, WILL BE ELIGIBLE FOR A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS. <u>SEE</u> BELOW. 6. PFM DEPENDENT. FOR THE PURPOSE OF THE X PARALYMPIC GAMES, THE TERM PFM DEPENDENT REFERS TO THE PARENTS, SPOUSE AND MINOR CHILDREN OF A PARALYMPIC FAMILY MEMBER. FOR PURPOSES OF THE X PARALYMPICS, THE TERM PFM DEPENDENT			
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TELEGRAPHIC MESSAGE

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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: ALSO REFERS TO PERSONS WHO PROVIDE SPECIAL ASSISTANCE OR CARE TO THE PARALYMPIC ATHLETE. PFM DEPENDENTS ARE NOT ISSUED OFFICIAL OLYMPIC IDENTITY CARDS, AND ARE REQUIRED TO APPLY FOR VISAS/ADMISSION INDIVIDUALLY. SUCH PERSONS, HOWEVER, WILL BE ELIGIBLE FOR A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS. <u>SEE</u> BELOW. 7. SPECTATORS. THE TERM SPECTATOR, FOR THE PURPOSE OF THE XXVI OLYMPICS AND X PARALYMPICS, SHALL BE USED TO DESIGNATE A PERSON SEEKING ENTRY INTO THE UNITED STATES SOLELY TO ATTEND THE XXVI OLYMPIC GAMES AND/OR THE X PARALYMPIC GAMES AS A SPECTATOR. HIV POSITIVE SPECTATORS SEEKING ADMISSION TO THE UNITED STATES SHALL BE REQUIRED TO PRESENT PASS(ES) OR TICKET(S) TO THE PARTICULAR OLYMPIC			
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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: AND/OR PARALYMPIC EVENT THEY WISH TO ATTEND, OR ESTABLISH TO THE SATISFACTION OF THE CONSULAR OFFICER OR THE DISTRICT DIRECTOR OR HIS OR HER DESIGNEE THAT THE REQUIRED PASSES AND/OR TICKETS HAVE ALREADY BEEN OBTAINED ON THE ALIEN'S BEHALF. 8. BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS FOR OFMS AND OFM DEPENDENTS: THE ATTORNEY GENERAL HAS AUTHORIZED A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS UNDER SECTION 212 (SMALL D) (3) FOR HIV-POSITIVE OFMS AND HIV-POSITIVE OFM DEPENDENTS. CONSULAR OFFICERS MAY ISSUE OFFICIAL OLYMPIC IDENTITY CARDS TO HIV-POSITIVE OFMS UNDER SECTION 212 (SMALL D) (3) (A) WITHOUT ADDITIONAL CONCURRENCE FROM THE SERVICE. CONSULAR OFFICERS MAY ALSO ISSUE B-1/B-2 VISAS TO HIV-POSITIVE OFM DEPENDENTS WITHOUT ADDITIONAL			
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FOR INFORMATION CALL			
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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: CONCURRENCE FROM THE SERVICE. PURSUANT TO THIS BLANKET WAIVER, HOWEVER, SUCH VISAS MAY ONLY BE ISSUED FOR ONE ENTRY, FROM JUNE 19 TO SEPTEMBER 4, 1996. UNDER THIS BLANKET WAIVER, SERVICE OFFICERS AT U.S. PORTS-OF-ENTRY AND FOREIGN PRE-CLEARANCE SITES MAY NOT ASK OFMS AND OFM DEPENDENTS ANY QUESTIONS RELATED TO WHETHER THEY HAVE HIV/AIDS. OTHERWISE ADMISSIBLE HIV-POSITIVE OFMS SHALL BE AUTHORIZED ADMISSION INTO THE UNITED STATES FROM JUNE 19 TO SEPTEMBER 4, 1996, IN ACCORDANCE WITH THE TERMS OF THE OLYMPIC CHARTER, WHICH PROVIDES FOR THE ADMISSION OF ACCREDITED REPRESENTATIVES TO THE XXVI GAMES UP TO ONE MONTH PRIOR TO THE COMMENCEMENT OF THE OLYMPICS AND ONE MONTH FOLLOWING THE OLYMPICS. OTHERWISE ADMISSIBLE HIV-POSITIVE OFM DEPENDENTS COVERED BY THE BLANKET POLICY SHALL ALSO BE AUTHORIZED ADMISSION INTO THE UNITED STATES			
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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: FROM JUNE 19 TO SEPTEMBER 4, 1996. 9. BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS FOR PFMS AND PFM DEPENDENTS: THE ATTORNEY GENERAL HAS AUTHORIZED A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS UNDER SECTION 212 (SMALL D) (3) FOR HIV-POSITIVE PFMS AND HIV-POSITIVE PFM DEPENDENTS. PURSUANT TO THIS BLANKET WAIVER, CONSULAR OFFICERS MAY ISSUE B-1/B-2 VISAS TO OTHERWISE ADMISSIBLE HIV-POSITIVE PFMS AND PFM DEPENDENTS WITHOUT ADDITIONAL CONCURRENCE FROM THE SERVICE. PURSUANT TO THIS BLANKET WAIVER, HOWEVER, SUCH VISAS MAY ONLY BE ISSUED FOR ONE ENTRY, FROM AUGUST 5 TO SEPTEMBER 4, 1996. UNDER THIS BLANKET WAIVER, SERVICE OFFICERS AT U.S. PORTS-OF-ENTRY AND FOREIGN PRE-CLEARANCE SITES MAY NOT ASK PFMS AND PFM			
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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: DEPENDENTS ANY QUESTIONS RELATED TO WHETHER THEY HAVE HIV/AIDS. OTHERWISE ADMISSIBLE HIV-POSITIVE PFMS WHO HAVE BEEN GRANTED A WAIVER UNDER SECTION 212 (SMALL D) (3) SHALL BE AUTHORIZED ADMISSION FOR UP TO 10 DAYS PRIOR TO THE COMMENCEMENT OF THE PARALYMPIC GAMES AND 10 DAYS FOLLOWING THE CONCLUSION OF THE PARALYMPIC GAMES, FROM AUGUST 5 TO SEPTEMBER 4, 1996. OTHERWISE ADMISSIBLE HIV-POSITIVE PFM DEPENDENTS COVERED BY THE BLANKET POLICY SHALL ALSO BE AUTHORIZED ADMISSION INTO THE UNITED STATES FROM AUGUST 5 TO SEPTEMBER 4, 1996. 10. SPECTATORS: HIV-POSITIVE PERSONS SEEKING ADMISSION INTO THE UNITED STATES SOLELY FOR THE PURPOSE OF ATTENDING THE XXVI OLYMPIC AND X PARALYMPIC GAMES AS SPECTATORS MUST			
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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: APPLY FOR WAIVERS INDIVIDUALLY. SUCH PERSONS ARE NOT COVERED BY THE BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS. HIV-POSITIVE SPECTATORS WHO DO NOT HAVE THE REQUIRED VISA OR WHO ARE NOT VISA EXEMPT MUST APPLY FOR NONIMMIGRANT WAIVERS UNDER SECTION 212 (SMALL D) (3) (A) ON AN INDIVIDUAL BASIS IN CONJUNCTION WITH THE APPLICATION FOR A NONIMMIGRANT VISA. HIV-POSITIVE SPECTATORS WHO ARE CITIZENS OF VISA WAIVER PILOT PROGRAM COUNTRIES (VWPP) ARE ALSO NOT COVERED UNDER THE BLANKET WAIVER, AND MUST APPLY ON AN INDIVIDUAL BASIS FOR A NONIMMIGRANT VISA AND A WAIVER OF EXCLUDABILITY FOR HIV/AIDS UNDER SECTION 212 (SMALL D) (3) (A). CONSULAR OFFICERS RECOMMENDING THE FAVORABLE EXERCISE OF DISCRETION UNDER 212 (SMALL D) (3) (A) FOR HIV-POSITIVE SPECTATORS MUST OBTAIN CONCURRENCE FROM			
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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: THE OVERSEAS INS DISTRICT OFFICE BEFORE ISSUING THE VISA. IF THE OVERSEAS INS DISTRICT OFFICE CONCURS WITH THE CONSULAR OFFICER'S FAVORABLE RECOMMENDATION, THE CONSULAR OFFICER MAY ISSUE A B-1/B-2 NONIMMIGRANT VISA, VALID FOR ONE ENTRY, FOR THE DURATION OF THE OLYMPIC OR PARALYMPIC EVENT TO WHICH THE SPECTATOR HOLDS PASS(ES) OR TICKET(S). WHERE THE ALIEN HAS TICKETS AND/OR PASSES FOR MORE THAN ONE OLYMPIC OR PARALYMPIC EVENT, THE PERIOD OF ADMISSION SHALL BE SUFFICIENT TO COVER ALL SUCH EVENTS. HIV-POSITIVE SPECTATORS WHO ALREADY POSSESS A VALID VISA, OR WHO ARE NOT REQUIRED TO BE IN POSSESSION OF A VISA (EXCEPT FOR CITIZENS OF VWPP COUNTRIES), MUST APPLY FOR A WAIVER UNDER SECTION 212 (SMALL D) (3) (B) BY FILING FORM I-192 IN DUPLICATE WITH THE DISTRICT OFFICE HAVING JURISDICTION			
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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: OVER THE INTENDED PORT-OF-ENTRY. IF THE WAIVER UNDER SECTION 212 (SMALL D) (3) (B) IS APPROVED, THE DISTRICT OFFICE SHALL SEND ONE COPY OF FORM I-194 TO THE PORT-OF-ENTRY. IN ALL CASES, PERSONS SEEKING ENTRY INTO THE UNITED STATES TO ATTEND AN OLYMPIC OR PARALYMPIC EVENT OR EVENTS SHALL ESTABLISH THAT THEY ARE BONAFIDE SPECTATORS BY PRESENTING PASS(ES) OR TICKET(S) TO SPECIFIC OLYMPIC AND/OR PARALYMPIC EVENTS, OR ESTABLISH TO THE SATISFACTION OF THE CONSULAR OFFICER OR THE DISTRICT DIRECTOR OR HIS OR HER DESIGNEE THAT THE REQUIRED PASSES AND/OR TICKETS HAVE ALREADY BEEN OBTAINED ON THE ALIEN'S BEHALF. HIV-POSITIVE SPECTATORS GRANTED WAIVERS UNDER SECTIONS 212(SMALL D) (3) (A) AND (B) MAY BE ADMITTED SOLELY FOR THE DURATION OF THE EVENT(S) FOR WHICH THEY HOLD PASS(ES) OR TICKET(S).			
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FOR INFORMATION CALL			
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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: 11. THE DEPARTMENT OF STATE HAS ADVISED THE SERVICE THAT HIV-POSITIVE OFM DEPENDENTS, PFMS AND PFM DEPENDENTS GRANTED A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS UNDER SECTION 212 (SMALL D) (3) (A), AND HIV-POSITIVE SPECTATORS GRANTED AN INDIVIDUAL WAIVER OF EXCLUDABILITY FOR HIV/AIDS UNDER SECTION 212 (SMALL D) (3) (A), WILL HAVE THE FOLLOWING NOTATION IN THEIR PASSPORT: 212 (SMALL D) (3) (A): 212 (SMALL A) (1) (A) (SMALL I). THE WAIVER NOTATION WILL SPECIFY THAT THE VISA IS VALID FOR ONE ENTRY, THE PERIOD OF VISA VALIDITY, AND THE EVENT. HIV-POSITIVE OFMS WHO HAVE BEEN GRANTED A BLANKET WAIVER OF EXCLUDABILITY FOR HIV/AIDS WILL NOT HAVE A WAIVER NOTATION PLACED IN THEIR PASSPORT; HOWEVER, DOS WILL PROVIDE THE WAIVER INFORMATION TO THE SERVICE AND THE SERVICE WILL			
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TELEGRAPHIC MESSAGE

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THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)			
TO: ENTER IT INTO THE LOOKOUT SYSTEM. IT IS IMPERATIVE THAT INSPECTORS CHECK EACH OFM AGAINST THE TECS SYSTEM UPON ARRIVAL, TO LEARN OF THESE WAIVERS. 12. THE OFFICE OF FIELD OPERATIONS CONCURS WITH THESE PROCEDURES. 13. IF THERE ARE ANY QUESTIONS, OR TO OBTAIN ADDITIONAL INFORMATION, PLEASE CALL HQINS, ACI ROBERT NEIGHBORS, AT 202-514-4034.  T. ALEXANDER ALEINIKOFF EXECUTIVE ASSOCIATE COMMISSIONER PROGRAMS			
		SECURITY CLASSIFICATION	
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MEMORANDUM FOR PATSY AND JEFF

Copy

FROM: LaHoma

RE: Procedures for granting waivers for individuals stopping in the US enroute to the Vancouver AIDS Conference

DATE: 19 October 1995

What I have learned to date

- For the 94 Gay Games, the Assistant Secretary for Health sent letter to State Department to urge that they in turn send a letter to INS to grant waiver for HIV infected participants. It was issued March 31, 1994.
- Talked to Dick Reisberg a couple of times. He thinks that we should follow the same procedure, and suggested that we draft a memo for Phil Lee from Patsy highlighting a) the nature of the conference b) why people will be required to transit in the US on the way to Canada c) why the waiver should be granted.
- Called the Vancouver people. In our brief conversation, they stated that their office was having a lot of problems related to travel and border crossings because of the US and promised to call me back with details next week. (They were on their way to LA for Skills-building conference)

For Action

- Talk with the Vancouver people to get details on problems so we can provide solid reasons why the waiver should be granted.
- Work with Dick Reisberg to draft a memo to Phil Lee from Patsy
- Find out who should get memo at the State Dept and INS so that the right wheels are put in motion.

Any concerns/ideas/suggestions?

MEMORANDUM FOR PATSY AND JEFF

FROM: LaHoma

RE: Conference attendees en transit to Vancouver

DATE: February 2, 1996

LR -
This is fine.
Check w/ PF - but
let's do it.

Three months ago I asked Dick Riseberg for guidance on obtaining a waiver for persons with HIV/AIDS who entered the U.S. en transit to Vancouver. Dick stated that Patsy needed to write a memo to Phil Lee explaining why HHS should ask for a blanket waiver since the conference was not being held in the United States.

I have contacted several people including folks from the Vancouver conference, Federal Aviation Administration, the U.S. Customs Service, and the Immigration and Naturalization Service to help us determine how problematic it will be for persons with HIV/AIDS to travel through the US on their way to Vancouver. This is what I found:

- There is no common en transit experience when flying into the US from overseas. Passengers will be processed differently depending on where the flight is coming from and the name of the carrier.
- Regardless of HIV status, passengers will also be treated differently based on whether they have visas when arriving at a U.S. port (and they are not from Northern Europe or Japan).
- Each airport is different in its "sterile" en transit facilities and levels of security. (Places/corridors to keep international passengers from mingling with domestic passengers). This will determine whether passengers will be given greater scrutiny by INS personnel.
- There is still the old INS policy which basically leaves the decision to grant waivers of excludability to HIV+ applicants to the INS District Directors.

What all of this means is that INS's and Customs' policies leave a great deal of discretion to individual district offices and INS officials at the airports. There could be significant disparity in handling of specific cases depending on the point of entry into the U.S. as noted above. That is the main reason for seeking a blanket waiver.

I think we should proceed as follows: 1) Jeff's suggestion that we call a meeting of the interested parties to discuss current procedures with respect to HIV-infected aliens who need to pass through the United States on their way to Vancouver. The persons to invite include Patsy, Jeff, Dick Riseburg - Chief Counsel for the Public Health Service, Nan Hunter- Deputy General Counsel, Diane Dillard-Deputy Assistant Secretary for Visa Services-Department of State, David A. Martin - General Counsel - INS and 2) Followup with a letter to Phil Lee (example attached), asking him to forward a letter to the Department of State. I think that this could be done in the next two weeks. Please advise.

(To be revised based on information gathered during our meeting with all of the officials)

MEMORANDUM FOR PHIL LEE, ASSISTANT SECRETARY FOR HEALTH

FROM Patricia S. Fleming
Director,
Office of National AIDS Policy

SUBJECT: Immigration Issues and the 1996 Vancouver Conference

I would like to urge your support in requesting the Department of State to ask the Department of Justice to develop special procedures for HIV-infected travelers who will need to transit through the United States on their way to Vancouver to attend the 11th International Conference on AIDS July 7-12, 1996.

We have been in contact with officials from the Vancouver conference to discuss issues related to immigration and customs. There are two concerns: 1) that persons will be denied non-immigrant or transit visas because of their HIV status or 2) that persons will be detained at U.S. points of entry and not permitted to continue their travel to Canada because of their HIV status.

As you know, Section 212(d)(3) of the Immigration and Naturalization Act gives the INS discretionary waiver authority to temporarily admit as non-immigrants those aliens who would otherwise be inadmissible due to HIV infection. My understanding is that the the waiver authority could be effected in connection with the Vancouver conference July 7-12, 1996 if an official recommendation were submitted to the Department of State by you. The Department of State would then make a recommendation to INS.

The Vancouver conference is one of the most important international gatherings for AIDS scientists, researchers, healthcare professionals, social service advocates, policy makers, community leaders and persons living with HIV and AIDS. We feel that the event provides an opportunity for people from both developed and developing countries to work together, exchange ideas and experiences toward understanding, managing, preventing and curing HIV/AIDS. We would like to encourage as many people who are able to participate to be at the meeting and hopefully the INS policy currently in place will not be a deterrent.

Accordingly, I recommend that the INS put in place a mechanism to permit HIV-infected persons to travel through the U.S. under procedures that will facilitate their attendance at the meeting in Vancouver. I suggest that attention be given by the INS to establishing procedures that avoids any permanent documentation in the alien's passport of the use of this special waiver authority, along the lines established by the INS in 1989 concerning persons with HIV infection.



XI International
Conference on AIDS

Vancouver
July 7-12, 1996

MEMORANDUM

DATE: January 30, 1996

TO: LaHoma Smith Romocki

FROM: Andrew Johnson, Community Liaison Coordinator

SUBJECT: Immigration Issues and the 1996 AIDS Conference

Sorry for the delay once again in getting the enclosed to you. Also enclosed is my itinerary for my visit to Washington. As soon as our Immigration update is ready to go to press I will send you a copy. This update will answer questions regarding, methadone and crossing borders, criminal records and dealing with self-identified commercial sex workers.

As I mentioned to you on the phone, our primary concern with the US is potential difficulties with PLWHAs traveling through US points of entry as part of their transit to Canada. There is a history here that we need to be concerned about.

I have asked our Immigration Desk in Ottawa to forward you a copy of the final draft training kit (draft here enclosed) as well as a copy of the training video for your information.

HIV ban eased for Olympic visitors

Rules also altered for asylum cases

By Paul Bedard
THE WASHINGTON TIMES

The Clinton administration has quietly lifted the travel ban on foreigners infected with the AIDS virus who want to attend or participate in the Summer Olympics in Atlanta, according to documents obtained by The Washington Times.

In addition, the White House has provided special waivers for participants of an international AIDS conference in Vancouver to pass through U.S. airports on their way to British Columbia for this week's meeting.

The administration's decisions are listed in the back of a new report from the President's Advisory Council on HIV/AIDS, a copy of which was provided to The Times.

The United States also is easing immigration rules regarding asylum and deportation cases of people infected with the human immunodeficiency virus, which causes AIDS. According to the report, the United States will consider applications for asylum filed by foreigners with HIV.

"This includes reviewing all applications for relief where an individual alleges that deportation may result in his or her being unable to obtain life-sustaining treatment," the report says.

The government also "will consider HIV infection as a factor" in stopping deportations, the report says.

Rep. Lamar Smith, Texas Republican and chairman of the House Judiciary subcommittee on immigration, said of the Olympic action: "It's a threat to public health. In doing this, he is going against the will of the Congress."

He also said President Clinton is circumventing immigration laws by granting so broad a waiver.

The Clinton task force called the revised rules guiding the Immigration and Naturalization Service's handling of HIV cases "compassionate and sensible."

Usually an immigrant seeking asylum has to prove that his life or freedom is threatened because he

see HIV, page A9.

IN ENGLAND, A SCHOOLYARD RAM



A woman picks up her children from a school in Wolverhampton, England, yesterday after a machete wounded three young children and four adults on the school's playground. Story,

Transportation watchdog

By Ruth Larson
THE WASHINGTON TIMES

A. Mary Schiavo resigned yesterday as the Transportation Department's inspector general after weeks of openly dissenting with the administration's top transportation officials over airline safety.

Mrs. Schiavo, 40, rankled some officials with blunt talk on safety issues ranging from the use of bogus or unapproved aircraft parts to airline inspections during her six years as the inspector general

Schiavo quits as inspector g

(IG).

She had been an outspoken critic of the Federal Aviation Administration's safety-inspection program since the May 11 ValuJet crash.

In a brief message left on a reporter's voice mail at The Washington Times, Mrs. Schiavo said: "I thought you might like to know, I just quit today. I'm going to be doing some other things."

She did not

phone calls for "She wants and probably again," said M assistant to M

Her replacement named, confirmation.

In a July 3 Mrs. Schiavo c for her resign

D's rict's water isr 't



FROM PAGE ONE

HIV

From page A1

belongs to a persecuted social group.

The administration has not publicized its waiver to let athletes, their friends and family, and spectators infected with HIV travel to Atlanta for the Olympics.

A similar waiver granted to participants and spectators at the 1994 Gay Games in New York was condemned by family groups and anti-immigration lawmakers.

Administration officials said they do not know how many HIV-positive foreigners will attend the Olympics this month. Several events occur in the Washington area.

Several amateur boxing organizations have decried the Olympics for allowing athletes to compete without taking AIDS tests.

Though many states now require AIDS testing for professional boxers, international sports officials have rejected calls for mandatory AIDS testing.

Officials from USA Boxing and the International Amateur Boxing Association said boxers participating in the Olympics are concerned about becoming infected

with HIV, which can be transmitted through blood. Boxers from African nations where the disease is common are a particular concern.

But Ann Northrop, a board member for the 1994 Gay Games and a vice presidential candidate on the AIDS Cure ticket, said there shouldn't be restrictions on athletes and their families traveling to Atlanta from other countries.

"This is absolutely a good thing, but it's tragic we have restrictions at all. Under our rules, Magic Johnson wouldn't be able to play," she said of the HIV-positive basketball star.

Ernestine Fobbs, a spokeswoman for the INS, said the administration sought the waiver "to make every effort not to disturb the games."

"In cases of AIDS, we try to treat people with respect," she said.

The same justification was used to let HIV-positive visitors travel through U.S. cities en route to Vancouver for the AIDS conference.

The administration's moves are described on the last two pages of a report from the president's AIDS task force.

"The Office of National AIDS Policy has worked closely with the relevant agencies in the federal

government to ensure waivers for those attending the Summer Olympics in Atlanta and to permit transit visas for those passing through the United States on their way to the International Conference on AIDS in Vancouver," the task force report says.

The report and executive summary are critical of Mr. Clinton's efforts to fight AIDS and make good on his 1992 campaign promises to homosexuals and AIDS activists.

The Clinton-Gore re-election campaign has targeted homosexuals for special attention because they traditionally vote Democratic.

But Mr. Clinton has angered homosexuals with his opposition to same-sex "marriages."

To win those votes back, the Democratic National Committee is distributing to homosexual leaders a "pink sheet" listing the president's "record of respect for gay and lesbian Americans."

The report card, printed on pink paper, says: "President Clinton has done more for gay and lesbian Americans than all previous presidents combined. He is the first president to be personally and publicly committed to the principles of equality and acceptance for gays and lesbians."

PENTAGON

From page A1

cial system.

"I can assure you the safety of sailors is worth more than an aircraft sale," a senior officer at the Pentagon said.

But an official who wants the deal to go through said the United Arab Emirates has tried to meet the Pentagon halfway by proposing that troops on liberty be confined to certain parts of Dubai, the capital.

"The time is running out on this deal," the official said.

Sources said Gen. J.H. Benford Peay III, commander of U.S. forces in the Gulf, and Walter Slocumbe, undersecretary of defense for policy, are adamant in opposing United Arab Emirates jurisdiction over American troops.

The United States and the United Arab Emirates' ruling Maktoum family signed a defense cooperation agreement in 1994. The Pentagon thought the pact allowed it to take custody of any service member accused of a local crime. But in recent months the Gulf nation has demanded that the agreement be "clarified" to allow

United Arab Emirates prosecutions.

The United States substantially increased its military presence in the region after the 1991 Gulf war. Each year about 110,000 sailors and Marines visit the United Arab Emirates on shore leave.

Those troops make the Maktoums uneasy, Pentagon officials said, especially after the June 25 truck bombing that killed 19 U.S. airmen in Dhahran, Saudi Arabia. United Arab Emirates rulers worry that Islamic fundamentalists will view the country as yielding to Western demands if it relents on the jurisdiction question.

U.S. officials say Defense Minister Mohammed bin Rashid al-Maktoum prefers to buy McDonnell Douglas F-15E fighters complemented by a few French Mirage 2000 fighters. The deal could be worth \$20 billion over 12 years if the Gulf nation bought the maximum 80 U.S. jets.

A glimpse of the dispute to come occurred in the spring, when United Arab Emirates authorities arrested a U.S. sailor and charged him in a fatal traffic accident.

The government refused a U.S. request to turn the sailor over to the Navy. The enlisted man was

tried, convicted and sentenced six months in jail. In late June appeals court suspended the penalty, and the sailor is back at Central Command headquarters in Bahrain.

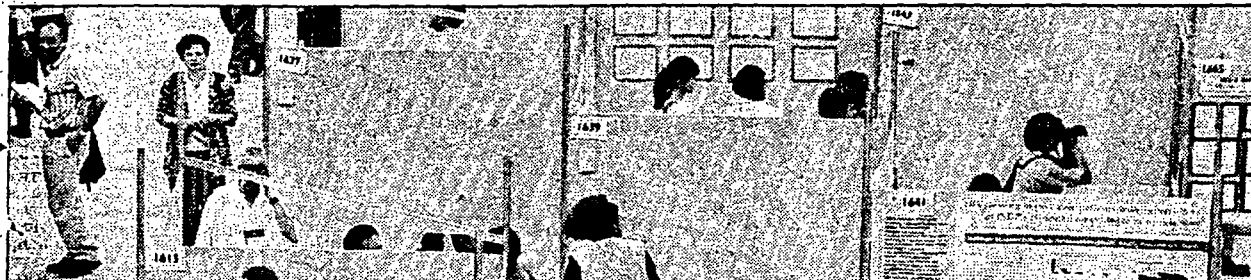
An expert on the United Arab Emirates judicial system said lacks many of the safeguards available to defendants in Western nations.

For example, the expert said is more difficult to make bail, with access to the prosecution's evidence and cross-examine witnesses. Courtroom procedures are less predictable than in the United States.

The country's criminal courts follow civil law but also rely on the Shariah, the Islamic legal code.

But penalties are not nearly as severe as in Saudi Arabia.

"The criminal penalties and procedures in the UAE are much more influenced by modern Western notions than they are in Saudi Arabia," said the expert who requested anonymity. "Physical mutilation is quite rare, such as beheading or having your hand cut off. I would find it quite unlikely a Westerner, especially any military personnel, would be subjected to any penalty that would be regarded as cruel or unusual."



TV

From page A1

"Things have changed very rapidly. The MPT is open, pro-competition and fearful of Japan lagging behind [other nations]," Ted Matsumoto, president of the consulting firm,

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MEMORANDUM FOR PATSY AND JEFF

FROM: LaHoma

RE: Procedures for granting waivers for individuals stopping in the US enroute to the Vancouver AIDS Conference

DATE: 19 October 1995

What I have learned to date

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For Action

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- Find out who should get memo at the State Dept and INS so that the right wheels are put in motion.

Any concerns/ideas/suggestions?

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Office of the General Counsel
Rockville MD 20857

October 18, 1995

NOTE TO LAHOMA ROMOCKI

Re: Individuals stopping in the U.S.
enroute to the Vancouver AIDS Conference

Responding to your request, you will find enclosed a copy of a letter dated January 18, 1994 from the Assistant Secretary for Health to an official at the State Department recommending that she in turn recommend to INS the establishment of appropriate procedures to permit HIV-infected aliens to enter the U.S. to attend the Gay Games. The letter also suggested that the procedures avoid establishment of any permanent documentation in the alien's passport reflecting HIV status.

I am also including a general summary of INS procedures that had been in place until 1993 to address this issue. In October 1993 I was informally advised that INS had delegated responsibility for granting waivers to its district directors, and it was unclear whether the pre-existing procedures were any longer in effect except to the extent individual directors chose to employ them in their districts. Perhaps for that reason the January 18 letter was drafted in general terms. You may wish to check with State and/or INS as to whether a letter modeled after the January 18 letter will serve your purposes and, if so, whether the addressee is the same.

The conference about which you are concerned, of course, is not one that will take place in the U.S., and any letter dealing with aliens entering the U.S. in connection with that conference would have to address the issue of why it is nevertheless important to grant waivers in this distinguishable context. However, to the extent a letter is developed that reasonably justifies granting these waivers, I would anticipate that Dr. Lee would probably be willing to sign the letter, although I have not spoken to him about the matter.

Please let me know if we can be of any further assistance.



Richard J. Riseberg

Attachments

cc: Dr. Lee

CR - file

November 30, 1994

MEMORANDUM FOR PATRICIA S. FLEMING

FROM: Jeff Levi

SUBJECT: Immigration

Dick Rieberg referred me to INS, where I spoke with the general counsel's office. The person you described would fall under the immigration restriction. There are two forms of waivers: (1) the designated public events and (2) a 30-day humanitarian waiver for things like family visits. Clearly, this individual would qualify for the 30-day waiver; but there is definitely an extra hoop through which she would have to go.

INS has not heard of a five-year visa. There is a multiple use visa issued, and this individual may have one of those. In that case, the issue of her infection may not arise unless she looks ill, in which case she might be subject to a "secondary inspection" at the point of entry; she would be asked about health insurance, etc. and could apply for a humanitarian waiver.

MEMORANDUM FOR PATSY

FROM: LaHoma
RE: Where we are with Vancouver
DATE: June 3, 1996

SUMMARY

- We have requested that the INS use their discretionary waiver authority to temporarily admit persons with HIV infection into the US as part of their travel to attend the Vancouver conference.
- HHS (Phil Lee) sent a letter to DOS (Mary Ryan) on 3/1/96. DOS then sent a letter to INS (Doris Meissner) requesting the blanket waiver on 3/20/96.
- We are still waiting for INS's decision.

6/4/96
PL attended WH mtg
to discuss issue. Pending-
AG final decision.
Olympics - family will
have waiver 30 days before
+ 30 days after
Vancouver - 30 day
waiver for transit
to cover people coming
thru the U.S.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

03-Jun-1996 01:20pm

TO: Laura Capps
TO: John C. Angell
TO: Wendy A. Heistad
TO: Patsy Fleming
TO: Jeremy D. Benami

FROM: Stephen R. Neuwirth
 Office of the Counsel

SUBJECT: HIV/AIDS -- Olympics

DOJ is addressing the proper way, in the context of the upcoming Olympics, to exercise its authority to grant a general waiver from provisions permitting exclusion from the United States of persons with AIDS. Because DOJ will need to take action promptly (people involved in the Olympics will start arriving within 2 weeks), we have arranged for Seth Waxman, of Jamie Gorelick's office, to come to the White House tomorrow morning (Tuesday) at 10 am to brief us on how DOJ proposes to handle this issue. Seth will be joined by a senior official from each of the State Department and HHS, both of which have been working with DOJ. Please confirm as soon as possible if you (George, John, Marsha, Patsy, Jeremy) can attend. Thanks.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

03-Jun-1996 02:51pm

TO: Stephen R. Neuwirth

FROM: Patsy Fleming
 AIDS Policy Council

CC: Laura Capps
CC: John C. Angell
CC: Wendy A. Heistad
CC: Jeremy D. Benami

SUBJECT: RE: HIV/AIDS -- Olympics

Thanks, Steve. I will attend this meeting. I would like to also raise the same issue with regard to the International AIDS Conference to be held in Vancouver beginning on July 7. Many people with HIV will want to travel through the U.S. on their way to Canada.

RECENT CHRONOLOGY OF EVENTS

- 5/31 Telcon with Sophia Cox (INS). Ms. Cox said that her office was getting very close to getting their recommendations over to the Department of Justice on this issue. She said that the delays were due to the fact that they had so many channels to go through.
- Ms. Cox said that she had spoken with Nan Hunter about this issue but that nothing was official yet.
- Ms. Cox reported that the recommendations would be sent over to the the Attorney General's office in about 10 days. **The final decision will come from the Attorney General.**
- Finally, Ms. Cox said that the Olympics recommendations had been given priority since people needed to start arriving on June 19th. She said that she recognized the need for speedy action on the Vancouver event.

Other

- 5/31 After telcon with Ms. Cox, and at JL's suggestion, I called Lisa Jacobs (DOJ) to ask for guidance.
- Lisa said that, according to her sources, the issue would be hammered out in a positive fashion and that she would call INS to check on the situation.
- She promised to call me back tomorrow 6/4 with an update.



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Health
Office of Public Health and Science
Washington D.C. 20201

MAR - 1 1996

The Honorable Mary A. Ryan
Assistant Secretary for Consular Affairs
Department of State
Room 6811
2201 C Street, N.W.
Washington, DC 20520

Re: Waiver Procedures for HIV-Infected Persons to Attend
the International AIDS Conference in Vancouver in July 1996

Dear Ms. Ryan:

This letter is for the purpose of requesting that you recommend to the Immigration and Naturalization Service (INS) the establishment of procedures to permit HIV-infected persons to enter the United States as part of their travel to attend the XI International Conference on AIDS in Vancouver, Canada.

As you know, Section 212(d)(3) of the Immigration and Naturalization Act gives the INS discretionary waiver authority to temporarily admit as non-immigrants those aliens who would otherwise be inadmissible due to HIV infection. My understanding is that the waiver authority would most expeditiously be effected in connection with the International Conference if an official recommendation were submitted to INS from you.

As its name connotes, the International Conference on AIDS is a meeting of researchers, health professionals, health care workers, and others from around the world involved in the effort to prevent and control the spread of HIV infection. These conferences are held biannually under the sponsorship of the World Health Organization, the International AIDS Society, and a number of other international organizations and are among the most important meetings of their kind in the fight against the spread of HIV. Major findings regarding the disease are announced at the conferences; they provide opportunities for individuals from all over the world to meet and exchange views and ideas; they receive significant media attention. Many of the attendees are themselves HIV-infected.

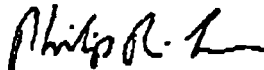
While this year's conference is not in the United States, because of Vancouver's proximity to the U.S. many of the attendees will have to travel to it through U.S. ports of entry and will be

meeting with U.S. counterparts in the U.S. as part of the overall activities of the conference. Thus, although their final destination will be just over the border, the justifications for the waiver policy that exist with respect to conferences of this type in the U.S. apply as well to the Vancouver conference.

Accordingly, I recommend that the INS put in place a mechanism permitting HIV-infected persons traveling to the Vancouver conference through the U.S. to do so under procedures that will facilitate their ability to attend the conference and related activities. I suggest that attention be given by the INS to establishing procedures that avoid any permanent documentation in the alien's passport of the use of this special waiver authority, along lines utilized in the past by the INS concerning persons with HIV infection.

Thank you for your consideration of this matter.

Sincerely yours,



Philip R. Lee, M.D.
Assistant Secretary for Health

cc: Doris M. Meissner
Donna Hamilton
Ron Acker



United States Department of State

Assistant Secretary of State
for Consular Affairs

Washington, D.C. 20520

March 20, 1996

Doris
Dear Commissioner Meissner:

Attached is a copy of a letter recently sent to the Department of State from Dr. Philip R. Lee, Assistant Secretary for Health, regarding the Eleventh International Conference on AIDS in Vancouver, Canada.

As provided for under Section 212(d)(3)(A) of the Immigration and Nationality Act, the Department of State is recommending that the Attorney General approve a blanket waiver for visa ineligibility under Section 212(a)(1)(A)(i) as it relates to HIV-infected foreign nationals seeking to attend this conference who may transit the United States. Similar blanket waiver procedures were employed in 1994 to expedite the entry of HIV-positive foreign nationals attending the Gay Games IV and Cultural Festival.

Following DOJ's concurrence with the above recommendation, the Bureau of Consular Affairs welcomes the opportunity of working with INS in developing a mutually agreeable set of waiver-related procedures for HIV-afflicted applicants who wish to transit the United States to attend the International Conference on AIDS.

The Honorable

Doris M. Meissner

Commissioner,

Immigration and Naturalization Service

Washington, D.C. 20536

Please do not hesitate to let me know if I can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary A. Ryan', with a large loop at the start and a trailing flourish.

Mary A. Ryan

Attachment:

March 1, 1996 Letter
from Dr. Philip R. Lee,
Assistant Secretary for Health

6

**OFFICE OF NATIONAL AIDS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT**

750 17th Street, N.W.
Washington, DC 20503

Phone: 202-632-1090
Fax: 202-632-1096

FACSIMILE COVER SHEET

TO: Dick Rosenberg

FAX NUMBER: 205 - 7781

FROM: Letitia S. Romack

DATE: 2/27/96

PAGES INCLUDING COVER SHEET: 3

COMMENTS:

Info on Canadian HIV policy

TRAVELLING TO And Arriving IN VANCOUVER

Vancouver

Vancouver is a city renowned for its exquisite beauty and abundance of outdoor activities. Its vibrant downtown is filled with big city amenities but accompanied by the safety and affordability of a much smaller centre. Vancouver is located on Canada's west coast, just 250 km (155 miles) north of Seattle, and a day's drive west of the Rocky Mountains. Its accessible location, combined with Canada's multi-cultural make-up have made Vancouver a uniquely cosmopolitan centre where variety is celebrated and international visitors welcomed. Plan to spend as much time as you can exploring Vancouver and its surrounding area including BC's capital city, Victoria and the rest of British Columbia. Don't forget your camera, your binoculars, your walking shoes, and your sense of adventure when visiting this picturesque part of the world.

Travelling to Vancouver

Vancouver is very accessible from many parts of the world as it is equal distance from Europe and the Pacific Rim countries. The Vancouver International Airport serves most major international airlines and is located close to the heart of the city (approximately 20 minutes by car). Provincial highway 99 and U.S. Interstate Highway 5 lead south to the American west coast, and the Trans Canada (Highway One) leads inland to the Rocky Mountains and points east. As the XI International Conference on AIDS will be the largest event of its kind held in Vancouver and will take place during peak vacation season, there will be significant competition for essential services such as hotel accommodation and air transportation. **Despite our efforts to accommodate the demand, it is critically important that you make your travel arrangements well in advance.** If possible, book air transportation immediately.

Official Travel Agent

UNIGLOBE Advance Travel (Vancouver) Ltd. has been appointed the official travel agent to the Conference. UNIGLOBE Advance has negotiated special discount airfares and car rentals for the Conference and can assist all delegates with travel plans. If you are interested, please complete the "Airline/Flight Information" section on the Registration and Accommodation Form.

Health Insurance

In order to maximize participation of people living with HIV/AIDS, Conference organisers have taken the extraordinary step of securing emergency health insurance for regular delegates and scholarship recipients during the week of the Conference (July 5 - 12, 1996). The cost of the health insurance represents approximately \$20 of your total Conference fee. We recognize that some people will already have adequate health insurance for their stay in Canada. For those people, we hope you will consider this small sum as your donation toward making this Conference as inclusive as possible of all participants.

For travellers wishing to arrive early or extend their stay in Canada, we strongly recommend that you purchase additional health insurance before you leave home to cover your entire stay.

To obtain additional health insurance for your extended stay in Canada, you can contact Cummings Insurance by fax at 604 228 9807 or by telephone at 604 228 8816. Please indicate that you are attending the XI International Conference on AIDS.

Entering Canada: Passport, Visa, and Border-crossing Information

To enter Canada a valid passport is required for citizens of all countries except the United States. Also, visas are required for residents of certain countries; please contact your local Canadian Embassy, Consulate or High Commission office for the specific requirements for your country of origin.

For citizens of the United States, a passport is the ideal identification for travelling to Canada. However, American citizens travelling directly to Canada from the US may be able to satisfy claims to US citizenship by presenting identification documents such as a birth certificate, naturalization papers or a voter's registration card, and one other identification document containing the holder's photograph, such as a driver's license. For return entry, US Immigration suggests similar identification.

Canada has no specific restrictions on entry for people living with HIV/AIDS. Canada's Minister of Citizenship and Immigration, the Honourable Sergio Marchi, has stated that "it is the policy of (the Canadian) government that a diagnosis of HIV/AIDS is not, in itself, a barrier to visiting Canada" and that Immigration Canada will do its "utmost to insure that persons living with HIV/AIDS are treated with the same respect and concern for rights as any other visitors to Canada."

It should be noted that Canada reserves the right to deny entry to some people with serious medical illnesses whose "admission would cause or might reasonably be expected to cause excessive demands on health or social services." This applies for example, to persons who are acutely ill and therefore deemed likely to require medical care such as hospitalization during their visit and who have not made provisions for their care while in Canada. (This is to protect Canada's universal health care system).

The health insurance included with your Conference Registration provides this coverage for people living with HIV/AIDS for illnesses that arise during the period July 5 to 12, 1996. Please note that with the exception of HIV/AIDS, the health insurance plan does not cover pre-existing conditions that may impact Canada's health care system.

Medication brought into Canada is governed by legislation as set out in the Food and Drugs Act and the Narcotic Control Act. Persons entering Canada with medication should ensure the medication is in its original container, clearly labeled, and in an amount appropriate for the duration of their stay. If possible, a letter from your physician stating you are under his/her care and a listing of specific medications which have been prescribed for you (including the method of ingestion) would be beneficial.

One note of caution: Canada's border crossing policies do not apply to other countries through which you may travel or transit on your way to Canada. Be sure to familiarize yourself with the rules and regulations of all countries through which you will pass where you will be required to clear Immigration.

More information on border-crossing issues will be provided in future community newsletters. Specific inquiries can also be directed to the Community Liaison Coordinator listed on page 9.

Ground Transportation:

Transport from the Airport

Airport Express

Buses depart from Vancouver International Airport every 30 minutes between 06:30 and 24:00 and stop at some downtown hotels. Ticket office personnel or customer service representatives will direct passengers to the bus. The ride downtown takes approximately 40 minutes to one hour, depending upon traffic and the hotel destination. Current cost is \$9 per passenger one way and \$15 return. The Airport Express stops at some major hotels to pick up passengers returning to the airport. Call 604 244 9888 for more information.

Taxis

Taxis are available from stands outside the customs and luggage claim area of the Airport. Approximate fare to downtown is \$27 (maximum of four people per taxi).

Airport Limousines

Limousines are available from the stands located on the Arrivals Level 24 hours per day and seat up to six people. The cost is approximately \$30 to the downtown area.

Car Rentals

Car rentals are available at the airport from a variety of suppliers on Level 2 including AVIS, Budget, Hertz, Thrifty and Tilden. Advance reservations are recommended as July is one of Vancouver's busiest months for tourists. To reserve a rental car, you can contact the Accommodation and Travel Bureau listed on page 9.

Whistler Express from Airport

Direct coaches (one per day) are available from the Vancouver International Airport to Whistler Village at a cost of \$30 each way. Seats must be booked 48 hours in advance by calling 604 261 2299 or, if you book your travel with the Accommodation and Travel Bureau, a seat on the Whistler Express can be reserved for you.

Transport From Seattle, USA

By Car

If you are coming by way of Seattle, you're only a pleasant three hour drive to Vancouver. From the Seattle airport, US Interstate 5 joins with Highway 99 at the Canadian border and will bring you directly into Vancouver.

Shuttle Bus

Buses travelling from Seattle's SeaTac airport to Vancouver operate regularly. If you are calling from *outside* the US or Canada call 206 244 3744 for departure times and reservations. For callers in Canada and the US, dial 1 800 665 2122. In Vancouver, dial 244 3744. The fare is \$35 one way and \$65 return.

Local Transportation

Vancouver is served by an excellent public transportation system made up of buses, the Sky Train (Light Rapid Transit) and the Sea Bus (between downtown and North Vancouver). In the downtown area, fares are \$1.50 and most public transportation operates from 05:00 to 02:00. Taxis are also numerous and easily hailed. For more information on local public transit, please call 604 521 0400.

Transport To and From Whistler

By Car

Whistler is approximately a two hour drive north of Vancouver on Highway 99.

Shuttle Bus from Downtown Vancouver

By bus, Whistler is a three hour trip, with five buses daily from downtown Vancouver. Fares are about \$15 one way and \$25 return (call 604 255 1171 for more information).

Limousine

Limousines can be pre-booked to transport up to six people to and from downtown Vancouver. This trip takes two hours and costs approximately \$200 each way. (Call 604 273 1331 or 604 875 9466.)

Tel/can

3/28/96

Andrew Johnson from Int'l Conference on AIDS:

called to tell you that Shawn Mellors,
Coordinator of GNP⁺, was recently refused
admission into US and treated like an
animal by US immigration officials in
Vancouver. Andrew Johnson will be writing
President Clinton about this issue and there
is a meeting today. Will keep office fully
informed. Wants office of National AIDS
Policy to help deal with transit passengers
thru U.S.

phone number: (604) 668-3237

~~Shawn Mellors~~

Tell on D. Riseberg 3/28/76
Spoke to State to INS

Have copies of letters

June - Sept. (Olympics)

families, visitors, assistants

Vancouver

Similar letter to INS

Passenger processing →
Director

John M. Gaven -
202-927-0530
Bob Jackson 202-927-1311
Commissioners

U.S. Customs Regional

Northeast Region

617-565-6210

NY region

spoke to

212-466-4500

~~Jeffrey Margalit~~
Jeffrey Margalit *
Asst. Susan Mitchell

Policy

Subject to customs examination

- Discretionary on the customs
- Level of security
- Where the flight is coming from
- Depends on the airline
-

Weight risk factor

- Don't have sterile in transit facilities
Kennedy - 5 terminals
some do / some don't
 - Must have confidence that people
Can not confidence
- ← various

Bob Neighbors

INS

Bob Hutnick (Spoke w/on 2/1/96)

Deputy Chief

VWPP

via waiver - WT
pilot program WB

Northern
~~Western~~
Europe,
Japan

97% of passengers
will be VWPP or
have visas

TwoV

transit w/ visa passengers
held by INS personnel
given to airline security to be
brought over to next flight

2 1/2 %
TwoV

en transit lounge passengers

go into special en transit
lounges

some airlines is continuing over
to Vancouver

1/2 %

**OFFICE OF NATIONAL AIDS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT**

750 17th Street, N.W.
Washington, DC 20503

Phone: 202-632-1090
Fax: 202-632-1096

FACSIMILE COVER SHEET

TO: Dick Rosenberg

FAX NUMBER: 205-7781

FROM: Lettman

DATE: Feb 9, 1996

PAGES INCLUDING COVER SHEET: 7

COMMENTS:

Please see attached

***** -JOURNAL- ***** DATE FEB-09-1996 ***** TIME 18:12 *****

DATE/TIME = FEB-09 18:07

JOURNAL NO. = 04

COMM.RESULT = OK

PAGES = 07

DURATION = 00:04'26

MODE = XMT

STATION NAME =

TELEPHONE NO. = T 92057781

RECEIVED ID =

RESOLUTION = STANDARD

-WHITE HOUSE AIDS POLICY -

***** -

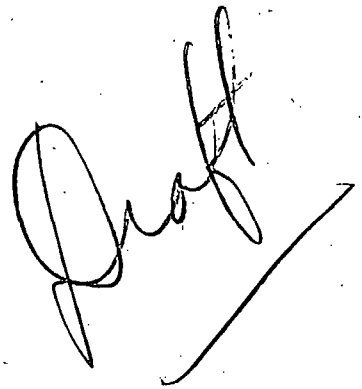
2026321096- *****

MEMORANDUM FOR PATSY AND JEFF

FROM: LaHoma

RE: Conference attendees en transit to Vancouver

DATE: February 2, 1996



Three months ago I asked Dick Riseberg for guidance on obtaining a waiver for persons with HIV/AIDS who entered the U.S. en transit to Vancouver. Dick stated that Patsy needed to write a memo to Phil Lee explaining why HHS should ask for a blanket waiver since the conference was not being held in the United States.

I have contacted several people including folks from the Vancouver conference, Federal Aviation Administration, the U.S. Customs Service, and the Immigration and Naturalization Service to help us determine how problematic it will be for persons with HIV/AIDS to travel through the US on their way to Vancouver. This is what I found:

- There is no common en transit experience when flying into the US from overseas. Passengers will be processed differently depending on where the flight is coming from and the name of the carrier.
- Regardless of HIV status, passengers will also be treated differently based on whether they have visas when arriving at a U.S. port (and they are not from Northern Europe or Japan).
- Each airport is different in its "sterile" en transit facilities and levels of security. (Places/corridors to keep international passengers from mingling with domestic passengers). This will determine whether passengers can be held by INS personnel.
- There is still the old INS policy which basically leaves the decision to grant waivers of excludability to HIV+ applicants to the INS District Directors.

INS's and Customs' policies leave a great deal of discretion to individual district offices and INS officials at the airports. There could be significant disparity in handling of specific cases depending on the point of entry into the U.S. as noted above.

I think we should proceed as follows: 1) Jeff's suggestion that we call a meeting of the interested parties to discuss current procedures with respect to HIV-infected aliens who need to pass through the United States on their way to Vancouver. The persons to invite include Patsy, Jeff, Dick Riseburg - Chief Counsel for the Public Health Service, Nan Hunter- Deputy General Counsel, Diane Dillard-Deputy Assistant Secretary for Visa Services-Department of State, David A. Martin - General Counsel - INS and 2) Followup with a letter to Phil Lee (example attached), asking him to forward a letter to the Department of State. I think that this could be done in the next two weeks. Please advise.

(To be sent after our meeting with all of the officials)

MEMORANDUM FOR PHIL LEE, ASSISTANT SECRETARY FOR HEALTH

FROM Patricia S. Fleming
Director,
Office of National AIDS Policy

SUBJECT: Immigration Issues and the 1996 Vancouver Conference

I would like to urge your support in requesting the Department of State to ask the Department of Justice to develop special procedures for HIV-infected travelers who will need to transit through the United States on their way to Vancouver to attend the 11th International Conference on AIDS July 7-12, 1996.

We have been in contact with officials from the Vancouver conference to discuss issues related to immigration and customs. There are two concerns: 1) that persons will be denied non-immigrant or transit visas because of their HIV status or 2) that persons will be detained at U.S. points of entry and not permitted to continue their travel to Canada because of their HIV status.

As you know, Section 212(d)(3) of the Immigration and Naturalization Act gives the INS discretionary waiver authority to temporarily admit as non-immigrants those aliens who would otherwise be inadmissible due to HIV infection. My understanding is that the the waiver authority could be effected in connection with the Vancouver conference July 7-12, 1996 if an official recommendation were submitted to the Department of State by you. The Department of State would then make a recommendation to INS.

The Vancouver conference is one of the most important international gatherings for AIDS scientists, researchers, healthcare professionals, social service advocates, policy makers, community leaders and persons living with HIV and AIDS. We feel that the event provides an opportunity for people from both developed and developing countries to work together, exchange ideas and experiences toward understanding, managing, preventing and curing HIV/AIDS.

We would like to encourage as many people who are able to participate to be at the meeting and hopefully the INS policy currently in place will not stand as a deterrent.

Accordingly, I recommend that the INS put in place a mechanism to permit HIV-infected persons to travel through the U.S. under procedures that will facilitate their attendance at the meeting in Vancouver. I suggest that attention be given by the INS to establishing procedures that avoids any permanent documentation in the alien's passport of the use of this special waiver authority, along the lines established by the INS in 1989 concerning persons with HIV infection.

~~Peter~~

Bob Jackson

It's an airline decision whether they
want to set up sterile corridors
(put security)

Whether

(Ann Arries

- 514-1015)

(INS)

Chin

~~Hotel Concordia~~

20-616-1971

Suggested I call
Bob Jackson

Customs

- Chicago O'Hare
- Los Angeles -
- NY Kennedy
- Washington Dulles