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Vancouver-Health and Human Services-State-Immigration and Naturalization Service [2]

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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
XVI Olympic Games and 1996 Paralympics in Atlanta

Dear Ms. Ryan:

This letter is for the purpose of requesting that you recommend to the Immigration and Naturalization Service (INS) the establishment of appropriate procedures to permit HIV-infected persons to enter the United States to attend the XVI Olympic Games and the 1996 Paralympics in Atlanta.

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 Olympic and Paralympic Games if an official recommendation were submitted to the INS from you.

In 1990, the United States Government committed to providing free access to the United States for all persons accredited to the XVI Olympic Games and 1996 Paralympics in Atlanta. In furtherance of this commitment, it will be in the national interest to provide a blanket waiver of visa ineligibility to HIV-infected persons entering the U.S. to attend the Games in Atlanta. Denial of entry to such individuals would be directly contrary to the public health policies of supporting participation by individuals with disabilities in our society, and of avoiding the stigmatization of persons with a particular disease.

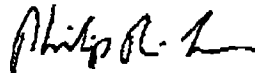
Accordingly, I recommend that the INS put in place a mechanism to permit HIV-infected persons to travel to the U.S. under procedures that will facilitate attendance by interested persons at the Olympics and Paralympics. I suggest that attention be given by the INS to establishing

Page 2 -- The Honorable Mary A. Ryan

procedures that avoid 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.

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

DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF THE GENERAL COUNSEL
PUBLIC HEALTH DIVISION
FACSIMILE TRANSMISSION RECORD
FAX: 443-2639

DATE

3/1/96

FROM

Richard Roseberg

PHONE NO.

(301) 443- 2644

NO. OF PAGES

5
(including cover sheet)

TO

La Homa Rosnicki

PHONE NO.

FAX NO.

202-632-1096

COMMENTS

Key players

Department of State

Deputy Assistant Secretary for Visa Services - Donna Hamilton
(replaced Diane Dillard)

Secretary - Enola
647-9584

Mary Ryan -
Asst. Secretary
for Consular
Affairs

Department of Justice - INS

Doris Meissner - Commissioner
Spoke to Bob Neighbors - Deputy Chief

Last time you met with Doris Meissner and
Alexander Aleinikoff, General Counsel/INS

David Martin
(replaced Alexander Aleinikoff)

* Ruth Davis

Principal Deputy Assistant Secretary for
Consular Affairs

Secretary
Kathy Stanley

* David Hopper
Director of Visa Services

647-9577

* Matthew Victor
Consular Office

THE WHITE HOUSE
WASHINGTON

Steve Neuwirth
George Steph
Seth Waxman DOJ
State

6/4/96

Olympics + Paralympics

Olympic family will
get waivers + family
members. < 200,000

Not spectators.

30 days before + after
paralympics - Olympics

Vancouver

30 days - in transit up to

29 days. Transit only. No
Indiv. waiver tourist



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.

IIIIIIIII	NN	NN	SSSSSSSS	U. S. IMMIGRATION AND
IIIIIIIII	NNNN	NN	SSSSSSSSSS	NATURALIZATION SERVICE
III	NN NN	NN	SSS	ADJUDICATIONS DIVISION
III	NN NN	NN	SSSSSSSS	425 I STREET, N.W.,
III	NN NN NN		SSS	ROOM 3214
IIIIIIIII	NN	NNNN	SSSSSSSSSS	WASHINGTON, D.C. 20536
IIIIIIIII	NN	NN	SSSSSSSS	FAX NUMBER: 202-514-0198

TELEFAX COVER

TO: La Homa Romocki

FAX NUMBER: 632 1096

DATE: 6/26/96

PAGES (INCLUDING THIS PAGE): 5

MESSAGE: Here is a copy of the wire implementing our HIV waiver recommendations for the Vancouver AIDS Conference, which have been approved by the Attorney General. Any questions, please call
Sophia Cox

FROM: Sophia Cox

TELEPHONE: 202 616 7437

CONFIRMATION OF RECEIPT REQUESTED: YES [] NO [X]

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 ROBERT W. NEIGHBORS	PHONE NUMBER 202-514-3019	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: ALL DISTRICT DIRECTORS (INCLUDING FOREIGN), ALL OICS (INCLUDING FOREIGN), ALL PORT DIRECTORS (INCLUDING FOREIGN), INART, INGLYN, ALL REGIONAL DIRECTORS, ALL ROINS, HQIAO, HOOPS, BORDER PATROL SECTOR HQ, STATE DEPARTMENT VISA OFFICE (FOR DISTRIBUTION TO ALL CONSULAR POSTS) SUBJECT: PROCEDURES FOR PERMITTING HIV-POSITIVE PERSONS TO TRANSIT THROUGH THE UNITED STATES TO CANADA TO ATTEND THE XI INTERNATIONAL CONFERENCE ON AIDS (XI AIDS CONFERENCE) IN VANCOUVER, CANADA FROM JULY 7-12, 1996.			
PAGE NO. 1		NO. OF PGS. 5	SECURITY CLASSIFICATION

TELEGRAPHIC MESSAGE

NAME OF AGENCY		PRECEDENCE ACTION: INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED	FILE	
FOR INFORMATION CALL			
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: 1. THIS CABLE AUTHORIZES SPECIAL PROCEDURES FOR HIV-POSITIVE ALIENS SEEKING TO PROCEED IN IMMEDIATE AND CONTINUOUS TRANSIT THROUGH THE UNITED STATES TO ATTEND THE XI INTERNATIONAL CONFERENCE ON AIDS (XI AIDS CONFERENCE) IN VANCOUVER, BRITISH COLUMBIA, CANADA, DURING THE WEEK OF JULY 7-12, 1996. 2. HIV-POSITIVE ALIENS SEEKING TO PROCEED IN IMMEDIATE AND CONTINUOUS TRANSIT THROUGH THE UNITED STATES TO ATTEND THE XI AIDS CONFERENCE IN VANCOUVER, CANADA SHALL APPLY FOR C-1 TRANSIT VISAS. BASED ON THE DEPARTMENT OF STATE'S RECOMMENDATION, THE ATTORNEY GENERAL HAS EXERCISED HER BLANKET WAIVER AUTHORITY UNDER SECTION 212 (SMALL D) (3) OF THE ACT FOR HIV/AIDS TO FACILITATE THE ISSUANCE OF C-1			
			SECURITY CLASSIFICATION
PAGE NO. 2		NO. OF PGS. 5	

TELEGRAPHIC MESSAGE

NAME OF AGENCY		PRECEDENCE	SECURITY CLASSIFICATION	
		ACTION:		
		INFO:		
ACCOUNTING CLASSIFICATION		DATE PREPARED	FILE	
FOR INFORMATION CALL				
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: TRANSIT VISAS TO HIV-POSITIVE CONFERENCE ATTENDEES. PURSUANT TO THIS BLANKET WAIVER, CONSULAR OFFICERS MAY ISSUE C-1 TRANSIT VISAS TO OTHERWISE ADMISSIBLE HIV-POSITIVE CONFERENCE ATTENDEES, WITHOUT ADDITIONAL CONCURRENCE FROM THE SERVICE. PURSUANT TO THIS BLANKET WAIVER, HOWEVER, SUCH VISAS MAY ONLY BE ISSUED VALID FOR TWO APPLICATIONS FOR ADMISSION. EACH PERIOD OF ADMISSION SHALL BE LIMITED TO THE PERIOD DEEMED NECESSARY TO PROCEED IN IMMEDIATE AND CONTINUOUS TRANSIT THROUGH THE UNITED STATES TO AND FROM CANADA WITHOUT UNNECESSARY STOPOVER. THE DEPARTMENT OF STATE ADVISES THAT CONSULAR OFFICERS SHALL PLACE THE WAIVER NOTATION BELOW THE C-1 TRANSIT VISA. ADMISSION PURSUANT TO THE VISA WAIVER AND TRANSIT WITHOUT VISA PROGRAMS CONTINUES TO BE UNAVAILABLE TO PERSONS WHO REQUIRE WAIVERS OF EXCLUDABILITY.				
			SECURITY CLASSIFICATION	
PAGE NO.		NO. OF PGS.		
3		5		

TELEGRAPHIC MESSAGE

NAME OF AGENCY		PRECEDENCE	SECURITY CLASSIFICATION
		ACTION	
		INFO	
ACCOUNTING CLASSIFICATION	DATE PREPARED	FILE	
FOR INFORMATION CALL			
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: 3. HIV POSITIVE PERSONS WHO WISH TO PARTICIPATE IN MEETINGS IN THE UNITED STATES, EITHER BEFORE OR AFTER THE XI AIDS CONFERENCE IN VANCOUVER, CANADA, MUST APPLY FOR THE APPROPRIATE NONIMMIGRANT CLASSIFICATION AND A WAIVER OF EXCLUDABILITY FOR HIV/AIDS ON AN INDIVIDUAL BASIS. 4. THE OFFICE OF FIELD OPERATIONS CONCURS WITH THESE PROCEDURES. 5. FOR ADDITIONAL INFORMATION, PLEASE CALL HQINS, ACI ROBERT NEIGHBORS, AT 202-514-4034. <i>T. Alexander Aleinikoff</i> T. ALEXANDER ALEINIKOFF EXECUTIVE ASSOCIATE COMMISSIONER PROGRAMS			
		SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.		
4	5		

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

Tel/con Lisa Jacobs 5/31
• issue will be
hammered out
in a positive fashion
• it would
be problematic if
concerns are not
normally raised
thru DPC
• happy to give
INS call for a date
certain.

5/31/96
• Call Lisa
before DPC
to come to
final conclusion
• Call back
Tuesday 6/5/96

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.

Tel/con

5/1/96

Andrew Johnson -

- Folks from L.A. &
possibly West Africa
will need to transit
the U.S.

Vancouver

- About ~~200~~ people
will be coming

Thru from L.A. &

50 from W. Africa
via N.Y. to

scholarship recipients
out of pool

5/28

Spoke w/ Dick
Riseberg - everything
is on track -
should hear
something soon -

**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: Lisa Jacobs

FAX NUMBER: 514-5715

FROM: Lathana S. Romo

DATE: 5/2/96

PAGES INCLUDING COVER SHEET: 17

COMMENTS: *Just a sample of paperwork on this.
Any comments/advice would be greatly
appreciated. Please pay special attention
to pages 13-16.
Thanks.*

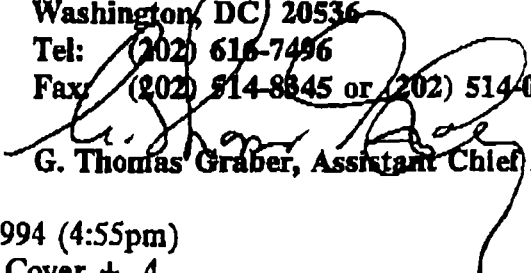
FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTED TO:

Office: Department of State
Attention: Ron Acker
Telephone No: 202-663-1229
FAX No: 202-663-3899 or 1222

TRANSMITTED FROM:

Headquarters Inspections
425 I Street, NW, Room 7228
Washington, DC 20536
Tel: (202) 616-7496
Fax: (202) 514-8845 or (202) 514-0197


G. Thomas Graber, Assistant Chief Inspector

Date Transmitted: March 31, 1994 (4:55pm)
Number of Pages Transmitted: Cover + 4

Comments: Here is the Gay Games policy memo to our field offices signed by the INS Commissioner late this afternoon. INS is sending a copy to Mary Ryan by US mail today and is sending you this advance copy by FAX. Additionally, copies are being released to HHS, CDC, The White House Aids Policy Office and the Federation of Gay Games.
cc: Dick Riseberg/Patsy Fleming - HHS 202-690-7519
Nancy Hazelton/Christine Ebby - The White House Aids Policy Office 202-690-7560
Nancy McQueen - CDC 404-639-2599
Susan Kennedy - Federation of Gay Games 415-821-6620

PLEASE DELIVER IMMEDIATELY



U.S. Department of Justice

Immigration and Naturalization Service

425 Eye Street N.W.
Washington, D.C. 20536

MAR 31 1994

The Honorable Mary A. Ryan
Assistant Secretary of State
for Consular Affairs
Department of State
Washington, D.C. 20520

Dear Ms. Ryan:

I received a letter dated January 28 from Diane Dillard, Deputy Assistant Secretary for Visa Services, recommending the Attorney General to exercise her blanket waiver authority, under section 212(d)(3)(A) of the Immigration and Nationality Act, for HIV-infected aliens wishing to enter the United States to attend the Gay Games IV in the New York City area during the period June 18-25, 1994.

The Attorney General has accepted that recommendation and we are distributing the enclosed policy implementation instructions to all Immigration and Naturalization Service field offices.

These "special procedures" were developed for the Gay Games IV and will terminate upon completion of the event. They represent a temporary extension of the 10-day HIV waiver procedures that were established and invoked for the two scientific conferences in 1990.

My staff and I look forward to working with your Bureau of Consular Affairs in developing a mutually-agreeable set of waiver-related procedures for HIV-infected aliens who wish to enter the United States for the Gay Games IV and Cultural Festival.

Sincerely,

Doris Meissner
Commissioner

Enclosure

(2)



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

MAR - 1 1996

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

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

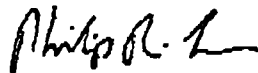
Page 2 - The Honorable Mary A. Ryan

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, stylized initial 'M'.

Mary A. Ryan

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

6



XI International
Conference on AIDS
Vancouver
July 7-12, 1996

MEMORANDUM

DATE: April 3, 1996
TO: LaHomaSmith Romocki
FROM: Andrew Johnson, Community Liaison Coordinator
SUBJECT: US IMMIGRATION & HIV

(13)

Thanks for the chat on the telephone last week. It's always a pleasure to work with someone who understands your concerns right from the start - a good beginning to what I suspect will become an ongoing relationship between the Conference and your office.

As promised, here in memo form are our concerns regarding US Immigration policy and travel to Vancouver for the International AIDS Conference.

1. We anticipate between 1000 - 1500 of our delegates will be from the global HIV/AIDS community. That is, persons living with HIV/AIDS (PLWH/As) and representatives from NGOs and community-based ASOs inclusive.
2. A large number of these individuals will be coming to Vancouver as scholarship delegates. In most cases, especially for scholarship delegates from the developing world, our Scholarship Program Unit here in Vancouver will be looking after their travel and accommodation arrangements. Naturally we will do all that we can to route flights directly to Canada. However, we know that many will need to transit through the US. This is particularly so for delegates coming from Latin America and the Caribbean.
3. We will start to finalize our list of scholarship delegates on April 15th. After that date, we will immediately begin the process of assessing travel routes and hence have a much clearer idea of how many scholarship delegates will need to transit through the US. Each of these scholarship delegates will receive a briefing document including information on how to prepare for travel to Canada (e.g. applying for visas, etc.). It would appear that we may need to include information on how to apply for a US transit visa and/or special waiver.
4. We also know that several PLWH/As and NGO representatives will come to Vancouver on their own steam. Some of them will be arriving in Vancouver July 4th to attend a two-day pre-Conference Community Forum that my department is organizing for 500 community delegates from around the world (100 each from North America;

Latin America + Caribbean, Asia Pacific, Europe
and Africa)

The following is a list of US airports through which we anticipate the bulk of our transit activity:

- Miami International Airport (MIA)
- New York - John F. Kennedy International Airport (JFK)-- some of these passengers will have to transfer to LaGuardia Airport (LGA) for connecting flights--important detail:
- Dallas F. Worth International Airport (DFW)
- Los Angeles International Airport (LAX)
- Hartsfield Atlanta International Airport (ATL)
- Seattle-Tacoma International Airport (SEA)
- Chicago O'Hare International Airport (ORD)
- Portland International Airport (PDX)

14



XI International
Conference
on AIDS

XI^e Conférence
internationale
sur le SIDA

April 3, 1996

President William Clinton
The White House
Washington, DC.
20503 USA

Vancouver
July 7-12, 1996

Vancouver
7 au 12 juillet 1996

15

RE: 'XI International Conference on AIDS

Dear President Clinton,

As you may be aware, the XI International Conference on AIDS is scheduled to take place in Vancouver, British Columbia, July 7-12, 1996. Some 15,000 delegates from all over the world (including an estimated 65% from the USA) are expected to attend the Conference. Many of these delegates will be persons living with HIV/AIDS (PLWH/As) who will find it necessary to transit through the United States in order to reach Vancouver.

The purpose of this letter is to bring to your attention our concerns regarding US Immigration policy that impacts on PLWH/As. These concerns were raised to a critical level earlier this week after an unfortunate incident took place at US Immigration & Customs at the Vancouver International Airport.

Last weekend, in Vancouver, the Conference held a three-day meeting to establish the Conference program. Some sixty program committee members from around the world were in attendance. One of these committee members was the Coordinator of the Global Network of People Living with HIV (GNP+). As one of the Conference's five Supporting Organizations, GNP+ plays a significant and highly visible role in our Conference planning.

On Monday, March 25th, the GNP+ representative was denied transit through the USA after he checked in for a flight to Los Angeles as part of his return routing to the Netherlands. He was denied transit because he is a person living with HIV. Although we understand that he was denied transit through the USA because he did not possess a waiver for transit travel through the USA as a PLWHIV, we do not accept the undignified manner in which he was treated by US Immigration officials. The behaviour of said officials was reported to us as rude and undue harassment.

Mr. President, please be advised that I have already spoken about this incident and related concerns with the staff of your Office of National AIDS Policy in Washington. For some time we have been in contact with the Office of National AIDS Policy and are working together to do all that is possible to ensure the safe and speedy transit of delegates traveling through the US to attend the Vancouver AIDS Conference. Similarly, we wish to ensure that these delegates, particularly those that are known to be PLWH/As, will be treated with respect and dignity by US Immigration officials at all US points of entry/transit.

One World. One Hope.

PO Box 48740
595 Burrard Street
Vancouver, British Columbia
Canada V7X 1T8

Tel: 604 668 3225
Fax: 604 668 3242
aids96@hivnet.ubc.ca



I cannot stress enough the gravity of the March 25th incident noted above. We are fully prepared to collaborate with US officials to develop requisite processes that will facilitate the transit of Conference delegates through the US to Vancouver without incident and/or undue harassment. Given the cited incident, your assistance in this serious matter is critical. Please do all that you can to support our collaborative efforts. I look forward to receiving your recommendations on how best to approach this critically important issue.

Your sincerely,

Andrew Johnson
Community Liaison Coordinator

cc: The Right Honourable Jean Chretien, Prime Minister of Canada
His Excellency, Raymond Chretien, Canadian Ambassador to the USA
Honourable Lloyd Axworthy, Minister of Foreign Affairs
Honourable Lucienne Robillard, Minister of Citizenship and Immigration Canada
Honourable David Dingwall, Minister of Health
Gweneth Gowanlock, Director, HIV/AIDS Policy, Coordination and Programs Division

James Walsh, US Chargé d'affaires to Canada
Donna Shalala, Secretary for Health and Human Services
Patricia Fleming, Director, Office of National AIDS Policy

Shaun Mellors, Coordinator, Global Network of People Living with HIV
Richard Burzynski, Secretary General, International Council of AIDS Service Organizations
Peter Piot, Director, Joint United Nations Programme on HIV/AIDS
David Cooper, President, International AIDS Society
Mark Wainberg, President, Canadian Association for HIV Research
Russell Armstrong, Executive Director, Canadian AIDS Society

Ron Aker
(063-1205

State

According to Dick,
3/11/96 he'll be
following it

Dan Meissner

202-514-1900

~~Twice~~

Can

Letterbox

left a message
Cancelled -
talked to
Barbara

Tel/can 10/16/5
Said that he would
get back to me
by the end of the
week.

Follow-up for Immigration law
Status

Dick Riseberg
690-8598 - CDC

or
301-443-2644 Parklawn
for info on -INS-

Nothing has changed since
- provision

①
CW-C
PL

INS
State Dept
PH Service

- Sec has delegated

Bob Neighbors

Discuss →
statutorily then
→ ineligible to

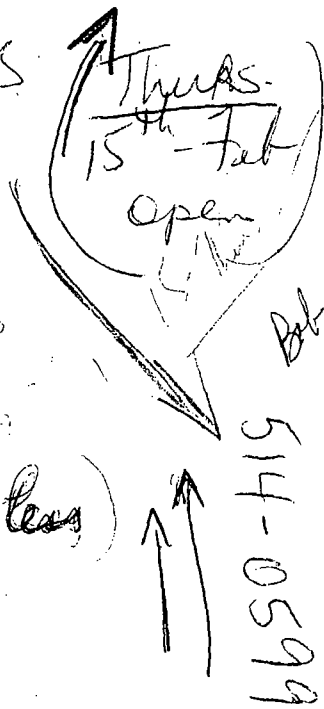
(30 days or less)

→ con process

→ week of 26th is bad - on
vacation

1st week off March

tel/con 2/8



0

- 10 day waiver or
→ designated →



|

Andrea Sickler
202-616-7993

Several strategies for military situation

- 1) Is it constitutional →
- 2) Repeal legislation → helping to get conspirators figure out
- 3) Putting together the best possible benefits package-
- 4) Getting them a ^{disability} medical discharge as opposed to an involuntary discharge

LaRoni

(1-632-1090))

- current policies ^{+ procedures} regarding entry of persons infected w/ HIV and AIDS
- blanket waiver policies

we're particularly interested in knowing if there are any admin. practices that will allow us to apply for nonimmigrant visas to enter the U.S.

Andrea Sickler 202-616-7993 left message with
at INS

Diane Dillard replaced by Donna Hamilton
202-647-9584



XI International
Conference on AIDS
Vancouver
July 7-12, 1996

MEMORANDUM

DATE: April 3, 1996

TO: LaHomaSmith Romocki

FROM: Andrew Johnson, Community Liaison Coordinator

SUBJECT: US IMMIGRATION & HIV

Thanks for the chat on the telephone last week. It's always a pleasure to work with someone who understands your concerns right from the start - a good beginning to what I suspect will become an ongoing relationship between the Conference and your office.

As promised, here in memo form are our concerns regarding US Immigration policy and travel to Vancouver for the International AIDS Conference.

1. We anticipate between 1000 - 1500 of our delegates will be from the global HIV/AIDS community. That is, persons living with HIV/AIDS (PLWH/As) and representatives from NGOs and community-based ASOs inclusive.
2. A large number of these individuals will be coming to Vancouver as scholarship delegates. In most cases, especially for scholarship delegates from the developing world, our Scholarship Program Unit here in Vancouver will be looking after their travel and accommodation arrangements. Naturally we will do all that we can to route flights directly to Canada. However, we know that many will need to transit through the US. This is particularly so for delegates coming from Latin America and the Caribbean.
3. We will start to finalize our list of scholarship delegates on April 15th. After that date, we will immediately begin the process of assessing travel routes and hence have a much clearer idea of how many scholarship delegates will need to transit through the US. Each of these scholarship delegates will receive a briefing document including information on how to prepare for travel to Canada (e.g. applying for visas, etc.). It would appear that we may need to include information on how to apply for a US transit visa and/or special waiver.
4. We also know that several PLWH/As and NGO representatives will come to Vancouver on their own steam. Some of them will be arriving in Vancouver July 4th to attend a two-day pre-Conference Community Forum that my department is organizing for 500 community delegates from around the world (100 each from North America;

Latin America & Caribbean; Asia Pacific; Europe and Africa). These delegates will not receive the scholarship briefing document but given the problems we anticipate with transit through the US we may need to send them some information on US transit visas and special waivers.

5. My primary concern with regard to transit through the US is the need for PLWH/As to apply for a special waiver. In doing so they are publicly disclosing their HIV sero-status, a disclosure that has serious long-term consequences. We know from first hand experience that HIV-positive individuals are somehow marked as such in US computers at immigration (i.e. the case of Shaun Mellors). What impact will this have on future travel to the USA by PLWH/As attending the Vancouver Conference? Furthermore, it will be impossible for us to control the negative impact a PLWH/A's sero-status disclosure (e.g. applying for a special waiver) might have in their country of origin.

Questions

A) When applying for a US transit visa, is the applicant asked about their HIV sero-status? If yes, can the applicant refuse to answer and if they do so will they be denied a transit visa?

B) If a traveler does disclose they are HIV positive - will he/she then be asked to apply for a special waiver? In other words, if you are HIV positive, do you need both a transit visa (depending on your country of origin) and a special waiver?

C) Where does one apply for the HIV waiver - at a US Embassy or Consulate? Is there a fee for this waiver and how much? What is the cost for a transit visa?

Suggestion for Consideration

Would it be possible to work with the INS to find a way to waive the waiver process for officially registered delegates to the International AIDS Conference? For example, travelers who need to transit through the US could present their official letter confirming registration as a means to avoid the waiver application process. Perhaps it would still be necessary to apply for a transit visa but this wouldn't be so bad as long as the traveler did not have to disclose their HIV status in the application process.

Any assistance your office can provide in this serious matter would be greatly appreciated. Know that I remain at your disposal to work collaboratively on this issue.

The following is a list of US airports through which we anticipate the bulk of our transit activity:

- Miami International Airport (MIA)
- New York - John F. Kennedy International Airport (JFK)-- some of these passengers will have to transfer to LaGuardia Airport (LGA) for connecting flights--important detail:
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- Los Angeles International Airport (LAX)
- Hartsfield Atlanta International Airport (ATL)
- Seattle-Tacoma International Airport (SEA)
- Chicago O'Hare International Airport (ORD)
- Portland International Airport (PDX)



XI International
Conference
on AIDS

XI^e Conférence
internationale
sur le SIDA

Vancouver
July 7-12, 1996

Vancouver
7 au 12 juillet 1996

Fax Transmittal

To Company

LaHoma Smith Romocki

Office of National AIDS Policy

Fax Number

Total Pages (Including this cover page)

(202) 632-1096

4

From

Date

Andrew Johnson

April 3, 1996

Message

URGENT

Copy of letter to President Clinton will follow.

Thanks for all your help and support.

HAPPY EASTER !!

ANDREW

One World. One Hope.



PO Box 48740
595 Burrard Street
Vancouver, British
Columbia
Canada V7X 1T8

Tel: 604 668-
3225
Fax: 604 668-
3242

DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF THE GENERAL COUNSEL
PUBLIC HEALTH DIVISION
FACSIMILE TRANSMISSION RECORD
FAX: 443-2639

DATE

4/8/96FROM  RICHARD J. RISEBERG/JINO M. MATTHEWS

PHONE NO.

(301) 443-2644

NO. OF PAGES

3

(including cover sheet)

TO

Lahoma Karnocke

PHONE NO.

202-632-1090

FAX NO.

202-632-1096

COMMENTS

We have received this from
the State Department.

Tel/con 4/30

w/ Sophia Cox

- I initiated to
get status on
request for blanket
waiver for Vancouver
Conference

→ still undergoing
consideration

- Based on circumstances
- making the recommendation
on how each group
should be handled &
going thru final
clearance.

- worked up a package
for the Olympics

- Another wk or two
to work up recommendation

Tel/con 5/1/96

Lisa Jacobs

Explained situation
& tel/con w/ Sophia
Cox. Asked her for
advice on what our
next steps should be.
Promised to follow up
w/ supporting documents -

4/12/96

Sophia Cox - INS

514-5014 (phone)

514-0198 (fax)

Send copy of
Andrew Johnson's
letter to Pres. Clinton

Mention D. Rosenberg
in cover memo or
Dick can send it

**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: Sophia Cox

FAX NUMBER: 514-0198

FROM: Lettina S. Romo

DATE: 4/30/96

PAGES INCLUDING COVER SHEET: 5

COMMENTS:

Here is the correspondence from Vancouver
Conference officials.
Thanks for your assistance in this matter.



XI International
Conference on AIDS
Vancouver
July 7-12, 1996

MEMORANDUM

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DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF THE GENERAL COUNSEL
PUBLIC HEALTH DIVISION
FACSIMILE TRANSMISSION RECORD
FAX: 443-2639

DATE 3/29/96

FROM Dick Riseberg

PHONE NO. (301) 443-2644

NO. OF PAGES 3
(including cover sheet)

TO Lattoma Romocki

PHONE NO. 202-632-1090

FAX NO. 202-632-1096

COMMENTS Please call Jino Matthews

when received

Thanks



Visa Office

Dept. of State

To: Richard Riseberg		From : Ron Acker
Fax Number : 1-301-443-2639		Company : State Department
Date : 3/29/96	Time : 09:30:26	For Information Call: 202-663-1205
Subject : Mary Ryan Ltr.		Fax Number : 202-663-3898

Dick: Hope the attached is helpful. Have a nice weekend. Ron.

FROM:KONICA FAX

TO:

MAR 29, 1996 7:47AM #188 P.01



DEPARTMENT OF STATE
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
WASHINGTON

March 22, 1996

Dear Dr. Lee:

Thank you for your March 1 letter requesting that the State Department recommend to the Immigration and Naturalization Service the establishment of special waiver procedures for foreign nationals seeking to travel to the United States for the XXVI Olympic Games and the X Paralympic Games in Atlanta.

In recognition of the significance of these two world-renowned international sporting events, I have written to INS Commissioner Meissner expressing State's support for the establishment of appropriate waiver procedures which will afford HIV-infected persons coming to Olympic-related events (as participants or spectators), to receive relief from a finding of visa ineligibility under section 212(a)(1)(A)(i) of the Immigration and Nationality Act (INA).

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

Sincerely,

Mary A. Ryan

The Honorable

Philip R. Lee, M.D.,

Assistant Secretary for Health

Department of Health and Human Services

Washington, D.C. 20201

**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 Roseberg

FAX NUMBER: 301-443-2639

FROM: Lathoma Romocki

DATE: 4/4/96

PAGES INCLUDING COVER SHEET: 4

COMMENTS:

^{2nd}
just received this memo for President Clinton
Please call me when you have an update
on the Vancouver situation or any advice as
to how we should proceed.
Thanks

#2



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Conference
on AIDS

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Fax **Transmittal**

To Company

PATRICIA FLEMING / LaHoma Smith Romocki Office of National AIDS Policy

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From Date

Andrew Johnson

April 3, 1996

Message

COPY FOR YOUR INFORMATION !

HAPPY EASTER

ANDREW

One World. One Hope.



**PO Box 48740
595 Burrard Street
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Canada V7X 1T8**

**Tel: 604 668-
3225
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TO: LaHorna Romocki

FAX

632-1096

FROM: Dick Riseberg

I have NOT shown this to D. Lee but imagine he would sign it.

If your contacts at State and INS think this would be handled as a matter of routine, it might obviate the need for a meeting.

I defer to you and Patery.

The name I have at INS is Katherine Lorr (LORR) at 514-5014, but she is out until Friday.

Check to see if this could be handled as a matter of routine

DRAFT
FEB. 13, 1996

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

Dear :

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.

Page 2 -

DRAFT

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.

cc: Doris M. Meissner

TO: La Homa Romock

FAX

632-1096

FROM: Dick Riseberg

(690-8598) COL
(301-443-2644) Parklawn

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Philip R. Lee, M.D.

cc: Doris M. Mcissner

TELEGRAPHIC MESSAGE

NAME OF AGENCY US IMMIGRATION & NATURALIZATION SERVICE, HEADQUARTERS WASHINGTON, DC 20536	PRIORITY ACTION ROUTINE INFO.	SECURITY CLASSIFICATION UNCLASSIFIED
ACCOUNTING CLASSIFICATION	DATE PREPARED	FILE HQ 235-P HQ 212.25-P
FOR INFORMATION CALL		
NAME ROBERT W. NEIGHBORS	PHONE NUMBER 202-514-3019	TYPE OF MESSAGE ☐ SINGLE ☐ BOOK ☐ MULTIPLE-ADDRESS

SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

ALL DISTRICT DIRECTORS (INCLUDING FOREIGN), ALL OICS (INCLUDING FOREIGN), ALL PORT DIRECTORS (INCLUDING FOREIGN), INART, INGLYN, ALL REGIONAL DIRECTORS, ALL ROINS, HQIAO, HQOPS, BORDER PATROL SECTOR HQ, STATE DEPARTMENT VISA OFFICE (FOR DISTRIBUTION TO ALL CONSULAR POSTS)

SUBJECT: PROCEDURES FOR PERMITTING HIV-POSITIVE PERSONS TO TRANSIT THROUGH THE UNITED STATES TO CANADA TO ATTEND THE XI INTERNATIONAL CONFERENCE ON AIDS (XI AIDS CONFERENCE) IN VANCOUVER, CANADA FROM JULY 7-12, 1996.

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

1

5

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRIORITY ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED	FILE
FOR INFORMATION CALL		
NAME	PHONE NUMBER	TYPE OF MESSAGE ☐ SINGLE ☐ BOOK ☐ MULTIPLE ADDRESS

1 SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

1. THIS CABLE AUTHORIZES SPECIAL PROCEDURES FOR HIV-POSITIVE ALIENS SEEKING TO PROCEED IN IMMEDIATE AND CONTINUOUS TRANSIT THROUGH THE UNITED STATES TO ATTEND THE XI INTERNATIONAL CONFERENCE ON AIDS (XI AIDS CONFERENCE) IN VANCOUVER, BRITISH COLUMBIA, CANADA, DURING THE WEEK OF JULY 7-12, 1996.

2. HIV-POSITIVE ALIENS SEEKING TO PROCEED IN IMMEDIATE AND CONTINUOUS TRANSIT THROUGH THE UNITED STATES TO ATTEND THE XI AIDS CONFERENCE IN VANCOUVER, CANADA SHALL APPLY FOR C-1 TRANSIT VISAS. BASED ON THE DEPARTMENT OF STATE'S RECOMMENDATION, THE ATTORNEY GENERAL HAS EXERCISED HER BLANKET WAIVER AUTHORITY UNDER SECTION 212 (SMALL D) (3) OF THE ACT FOR HIV/AIDS TO FACILITATE THE ISSUANCE OF C-1

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

2

5

TELEGRAPHIC MESSAGE

OF AGENCY	REFERENCE ACTION INFO	SECURITY CLASSIFICATION
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FOR INFORMATION CALL		
NAME	PHONE NUMBER	TYPE OF MESSAGE ☐ SINGLE ☐ BOOK ☐ MULTIPLE ADDRESS
SPACE FOR USE OF COMMUNICATION UNIT		
MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)		
TO: TRANSIT VISAS TO HIV-POSITIVE CONFERENCE ATTENDEES. PURSUANT TO THIS BLANKET WAIVER, CONSULAR OFFICERS MAY ISSUE C-1 TRANSIT VISAS TO OTHERWISE ADMISSIBLE HIV-POSITIVE CONFERENCE ATTENDEES, WITHOUT ADDITIONAL CONCURRENCE FROM THE SERVICE. PURSUANT TO THIS BLANKET WAIVER, HOWEVER, SUCH VISAS MAY ONLY BE ISSUED VALID FOR TWO APPLICATIONS FOR ADMISSION. EACH PERIOD OF ADMISSION SHALL BE LIMITED TO THE PERIOD DEEMED NECESSARY TO PROCEED IN IMMEDIATE AND CONTINUOUS TRANSIT THROUGH THE UNITED STATES TO AND FROM CANADA WITHOUT UNNECESSARY STOPOVER. THE DEPARTMENT OF STATE ADVISES THAT CONSULAR OFFICERS SHALL PLACE THE WAIVER NOTATION BELOW THE C-1 TRANSIT VISA. ADMISSION PURSUANT TO THE VISA WAIVER AND TRANSIT WITHOUT VISA PROGRAMS CONTINUES TO BE UNAVAILABLE TO PERSONS WHO REQUIRE WAIVERS OF EXCLUDABILITY.		
PAGE NO. 3 NO. OF PGS. 5		SECURITY CLASSIFICATION

TELEGRAPHIC MESSAGE

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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

3. HIV POSITIVE PERSONS WHO WISH TO PARTICIPATE IN MEETINGS IN THE UNITED STATES, EITHER BEFORE OR AFTER THE XI AIDS CONFERENCE IN VANCOUVER, CANADA, MUST APPLY FOR THE APPROPRIATE NONIMMIGRANT CLASSIFICATION AND A WAIVER OF EXCLUDABILITY FOR HIV/AIDS ON AN INDIVIDUAL BASIS.

4. THE OFFICE OF FIELD OPERATIONS CONCURS WITH THESE PROCEDURES.

5. FOR ADDITIONAL INFORMATION, PLEASE CALL HQINS, ACI. ROBERT NEIGHBORS, AT 202-514-4034.

T. Alexander Aleinikoff
T. ALEXANDER ALEINIKOFF
EXECUTIVE ASSOCIATE COMMISSIONER
PROGRAMS

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

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5



XI International
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on AIDS

XI^e Conférence
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LaHoma Smith Romocki

Office of National AIDS Policy

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for file

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PATRICIA FLEMING / LaHoma Smith Romocki Office of National AIDS Policy

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XI International
Conference
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Vancouver
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April 3, 1996

President William Clinton
The White House
Washington, DC.
20503 USA

RE: XI International Conference on AIDS

Dear President Clinton,

As you may be aware, the XI International Conference on AIDS is scheduled to take place in Vancouver, British Columbia, July 7-12, 1996. Some 15,000 delegates from all over the world (including an estimated 65% from the USA) are expected to attend the Conference. Many of these delegates will be persons living with HIV/AIDS (PLWH/As) who will find it necessary to transit through the United States in order to reach Vancouver.

The purpose of this letter is to bring to your attention our concerns regarding US Immigration policy that impacts on PLWH/As. These concerns were raised to a critical level earlier this week after an unfortunate incident took place at US Immigration & Customs at the Vancouver International Airport.

Last weekend, in Vancouver, the Conference held a three-day meeting to establish the Conference program. Some sixty program committee members from around the world were in attendance. One of these committee members was the Coordinator of the Global Network of People Living with HIV (GNP+). As one of the Conference's five Supporting Organizations, GNP+ plays a significant and highly visible role in our Conference planning.

On Monday, March 25th, the GNP+ representative was denied transit through the USA after he checked in for a flight to Los Angeles as part of his return routing to the Netherlands. He was denied transit because he is a person living with HIV. Although we understand that he was denied transit through the USA because he did not possess a waiver for transit travel through the USA as a PLWHIV, we do not accept the undignified manner in which he was treated by US Immigration officials. The behaviour of said officials was reported to us as rude and undue harassment.

Mr. President, please be advised that I have already spoken about this incident and related concerns with the staff of your Office of National AIDS Policy in Washington. For some time we have been in contact with the Office of National AIDS Policy and are working together to do all that is possible to ensure the safe and speedy transit of delegates traveling through the US to attend the Vancouver AIDS Conference. Similarly, we wish to ensure that these delegates, particularly those that are known to be PLWH/As, will be treated with respect and dignity by US Immigration officials at all US points of entry/transit.

PO Box 48740
595 Burrard Street
Vancouver, British Columbia
Canada V7X 1T8

Tel: 604 668 3225
Fax: 604 668 3242
aids96@hivnet.ubc.ca

One World. One Hope.



XI International
Conference on AIDS
Vancouver
July 7-12, 1996

Page 2

I cannot stress enough the gravity of the March 25th incident noted above. We are fully prepared to collaborate with US officials to develop requisite processes that will facilitate the transit of Conference delegates through the US to Vancouver without incident and/or undue harassment. Given the cited incident, your assistance in this serious matter is critical. Please do all that you can to support our collaborative efforts. I look forward to receiving your recommendations on how best to approach this critically important issue.

Your sincerely,

Andrew Johnson
Community Liaison Coordinator

cc: The Right Honourable Jean Chretien, Prime Minister of Canada
His Excellency, Raymond Chretien, Canadian Ambassador to the USA
Honourable Lloyd Axworthy, Minister of Foreign Affairs
Honourable Lucienne Robillard, Minister of Citizenship and Immigration Canada
Honourable David Dingwall, Minister of Health
Gweneth Gowanlock, Director, HIV/AIDS Policy, Coordination and Programs Division

James Walsh, US Chargé d'affaires to Canada
Donna Shalala, Secretary for Health and Human Services
Patricia Fleming, Director, Office of National AIDS Policy

Shaun Mellors, Coordinator, Global Network of People Living with HIV
Richard Burzynski, Secretary General, International Council of AIDS Service Organizations
Peter Piot, Director, Joint United Nations Programme on HIV/AIDS
David Cooper, President, International AIDS Society
Mark Wainberg, President, Canadian Association for HIV Research
Russell Armstrong, Executive Director, Canadian AIDS Society



XI International
Conference on AIDS
Vancouver
July 7-12, 1996

MEMORANDUM

DATE: April 3, 1996

TO: LaHomaSmith Romocki

FROM: Andrew Johnson, Community Liaison Coordinator

SUBJECT: US IMMIGRATION & HIV

Thanks for the chat on the telephone last week. It's always a pleasure to work with someone who understands your concerns right from the start - a good beginning to what I suspect will become an ongoing relationship between the Conference and your office.

As promised, here in memo form are our concerns regarding US Immigration policy and travel to Vancouver for the International AIDS Conference.

1. We anticipate between 1000 - 1500 of our delegates will be from the global HIV/AIDS community. That is, persons living with HIV/AIDS (PLWH/As) and representatives from NGOs and community-based ASOs inclusive.
2. A large number of these individuals will be coming to Vancouver as scholarship delegates. In most cases, especially for scholarship delegates from the developing world, our Scholarship Program Unit here in Vancouver will be looking after their travel and accommodation arrangements. Naturally we will do all that we can to route flights directly to Canada. However, we know that many will need to transit through the US. This is particularly so for delegates coming from Latin America and the Caribbean.
3. We will start to finalize our list of scholarship delegates on April 15th. After that date, we will immediately begin the process of assessing travel routes and hence have a much clearer idea of how many scholarship delegates will need to transit through the US. Each of these scholarship delegates will receive a briefing document including information on how to prepare for travel to Canada (e.g. applying for visas, etc.). It would appear that we may need to include information on how to apply for a US transit visa and/or special waiver.
4. We also know that several PLWH/As and NGO representatives will come to Vancouver on their own steam. Some of them will be arriving in Vancouver July 4th to attend a two-day pre-Conference Community Forum that my department is organizing for 500 community delegates from around the world (100 each from North America;

Latin America & Caribbean; Asia Pacific; Europe and Africa). These delegates will not receive the scholarship briefing document but given the problems we anticipate with transit through the US we may need to send them some information on US transit visas and special waivers.

5. My primary concern with regard to transit through the US is the need for PLWH/As to apply for a special waiver. In doing so they are publicly disclosing their HIV sero-status, a disclosure that has serious long-term consequences. We know from first hand experience that HIV-positive individuals are somehow marked as such in US computers at immigration (i.e. the case of Shaun Mellors). What impact will this have on future travel to the USA by PLWH/As attending the Vancouver Conference? Furthermore, it will be impossible for us to control the negative impact a PLWH/A's sero-status disclosure (e.g. applying for a special waiver) might have in their country of origin.

Questions

A) When applying for a US transit visa, is the applicant asked about their HIV sero-status? If yes, can the applicant refuse to answer and if they do so will they be denied a transit visa?

B) If a traveler does disclose they are HIV positive - will he/she then be asked to apply for a special waiver? In other words, if you are HIV positive, do you need both a transit visa (depending on your country of origin) and a special waiver?

C) Where does one apply for the HIV waiver - at a US Embassy or Consulate? Is there a fee for this waiver and how much? What is the cost for a transit visa?

Suggestion for Consideration

Would it be possible to work with the INS to find a way to waive the waiver process for officially registered delegates to the International AIDS Conference? For example, travelers who need to transit through the US could present their official letter confirming registration as a means to avoid the waiver application process. Perhaps it would still be necessary to apply for a transit visa but this wouldn't be so bad as long as the traveler did not have to disclose their HIV status in the application process.

Any assistance your office can provide in this serious matter would be greatly appreciated. Know that I remain at your disposal to work collaboratively on this issue.

The following is a list of US airports through which we anticipate the bulk of our transit activity:

- Miami International Airport (MIA)
- New York - John F. Kennedy International Airport (JFK)-- some of these passengers will have to transfer to LaGuardia Airport (LGA) for connecting flights--important detail:
- Dallas F. Worth International Airport (DFW)
- Los Angeles International Airport (LAX)
- Hartsfield Atlanta International Airport (ATL)
- Seattle-Tacoma International Airport (SEA)
- Chicago O'Hare International Airport (ORD)
- Portland International Airport (PDX)