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HIV and Immigrants

A manual for AIDS service providers
1997 edition

Why should you care?

Imagine this scene:

A client who has tested HIV positive comes to see you. Besides worrying about testing HIV positive, she also fears what will happen to her because she is not a US citizen. You may wonder whether her immigration status will change the kind of services she can get. She may ask:

- Will I be deported?
- Will I lose my immigration status?
- Can I work or get public benefits to help me if I need them?
- Will getting benefits make it hard to get another immigration status?
- If I can't work or get benefits, is there anything I can do to get another immigration status that will help me?

This manual is for anyone who works with HIV positive clients who may not be US citizens. This includes case managers, HIV test counselors, paralegals, social workers, health care workers, nurses, doctors, interpreters, and discharge planners in hospitals. We hope you will learn that many noncitizens with HIV, regardless of their status, may have some immigration options and may be able to work or get some benefits.

You will not be an immigration law expert after reading this, but you should be able to help your clients think about their choices. Immigration law is complicated, and Congress passed two laws in 1996 which will

cause great suffering in all immigrant communities: the "welfare reform" bill and the "illegal immigration reform" bill. Nevertheless, with a little creative advocacy you may help your clients find a way to stay in the United States and get the assistance or work they need.

The manual begins with some *Basic Rules* and *Questions your clients may ask*. *Learning the System* at the end explains the vocabulary of immigration law. Part One will help you understand your client's immigration status. Part Two explains the choices your client faces if she or he wants to get a different immigration status. Part Three describes how the new laws affect non-citizens needing public assistance. Part Four will use some examples of possible clients to show how to use the first three parts. Boxes throughout the manual provide detail on specific issues. The table of contents lists where to find different topics in the manual.

This manual is dedicated to the memory of Tomás Fábregas, AIDS activist and immigrant, who dedicated himself to challenging the exclusion and mistreatment of people with HIV.

Gail Pendleton, Coordinator of the National Immigration Project of the National Lawyers Guild, wrote this manual. Ignatius Bau of the Asian and Pacific Islander American Health Forum, Ron Ceretta of Gay Men's Health Crisis, Paul Di Donato, Fred Dillon and Ken Shigematsu of the San Francisco AIDS Foundation, Gary Rose of the AIDS Action Council and Charles Wheeler of Catholic Legal Immigration Network provided valuable advice and editorial assistance for the 1997 edition. The San Francisco AIDS Foundation funded the manual. For copies of the manual, contact the San Francisco AIDS Foundation at PO Box 426182, San Francisco, CA 94142; (415) 487-3080 (phone); (415) 487-3089 (fax). Copyright © 1997 by the National Immigration Project of the National Lawyers Guild and the San Francisco AIDS Foundation. Typesetting and layout by David Henry, printing by the Massachusetts Teachers Association.