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Staff Office-Individual: Counsel's Office-Neuwirth, Stephen				
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The White House:
Steve Neuwirth
George Stephanopolous
Marsha Scott
John Angell
Patsy Flemming
Rahm Emanuel

DOJ:
Seth Waxman

HHS:
Eric Goosby
Richard Riseberg

State:
Ron Acker
Donna Hamilton
Donna Gigliotti

INS:
Louis D. Crocetti



DEPARTMENT OF STATE
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
WASHINGTON

March 22, 1996

cc: Steve N.
re HIV issue we discussed
RECEIVED
26 MAR 29 PM 1:09
OFFICE OF COMMISSIONER

Doris
Dear Ms. Meissner:

I am attaching for your consideration a copy of a letter I recently received from Dr. Philip R. Lee, Assistant Secretary for Health, regarding waivers for HIV-infected foreign nationals seeking to attend and/or participate in the XXVI Olympic Games and the X Paralympic Games in Atlanta.

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 special waiver procedures for HIV-infected foreign nationals seeking entry for Olympics-related activities.

In view of our special commitment to accredited Olympic Family Members (OFMS) and Paralympic Family Members (PFMS), State is desirous of obtaining a blanket waiver for these two groups. We also are hopeful that INS will be disposed to extend waiver consideration on an individual basis to foreign spectators wishing to visit Atlanta solely for the purpose of attending an Olympic or Paralympic event.

The Honorable
Doris M. Meissner
Commissioner,
Immigration and Naturalization Service
Washington, D.C. 20536

018735125316

With respect to Assistant Secretary Lee's interest in avoiding permanent waiver documentation in the passports of foreign nationals, our special procedures for issuing visas on Olympic Identity Cards to OFMS will obviate any indicia in travel documents used by this group. Should the Service institute a waiver procedure for the general spectator, however, an annotation in the passport will be made if an applicant wishes to seek relief for an HIV-related visa ineligibility under the conditions that INS determines appropriate for visitors to Olympic events. The same would hold true for those HIV-infected Paralympic Family Members seeking to benefit from any special blanket waiver procedure established by the Service, since they will be traveling to the United States on visas issued in their passports.

I sincerely appreciate your assistance in this matter on behalf of Dr. Lee and myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary A. Ryan', with a large loop at the start and a long horizontal stroke at the end.

Mary A. Ryan

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



DEPARTMENT OF HEALTH AND HUMAN SERVICES

CONFIDENTIAL
INFORMATION

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.

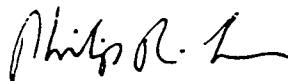
Accordingly, I recommend that the INS put in place a mechanism to permit HIV-infected persons to travel to the U.S. under procedures that will facilitate attendance by interested persons at the Olympics and Paralympics. I suggest that attention be given by the INS to establishing

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,

A handwritten signature in black ink, appearing to read "Philip R. Lee". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

cc: Doris M. Meissner
Donna Hamilton
Ron Acker

HIV-WAIVER POLICY FOR HIV-POSITIVE NONIMMIGRANTS SEEKING ENTRY INTO THE UNITED STATES TO PARTICIPATE IN THE XXVI OLYMPIC GAMES (7/19-8/4/96) AND THE X PARALYMPIC GAMES (8/15-8/25/96)

OFMs: Olympic Family Members. Persons officially accredited to the XXVI Olympic Games – 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. OFMs are issued official Olympic Identity Cards, which will be used in lieu of visas to apply for admission into the U.S. OFMs are authorized admission for a period beginning one month prior to and ending one month following the Olympic Games, i.e., June 19 - September 4, in accordance with the terms of the Olympic Charter. The parents, spouse and minor children of these persons are not considered OFMs, and must apply for visas/admission individually.

PFMs: Paralympic Family Members. Includes Paralympic athletes and their coaches, judges, juries, and official events organizers. PFMs are not issued an official Olympic Identity Card, and apply for visas/admission individually. The parents, spouse and minor children of these persons are not considered PFMs – they also must apply for visas/admission individually. PFMs are authorized admission for a period beginning 10 days prior to and 10 days following the Paralympic Games.

TYPE OF PARTICIPANT	BLANKET WAIVER?	INDIVIDUAL WAIVER?	PD. OF ADMISSION	AUTHORIZING OFFICIAL
HIV-Positive OFM	YES – Apply in conjunction with the application for an official Olympic Identity Card.	NO – Blanket HIV waiver authorized for OFMs.	6/19/96 - 9/4/96 – Per Olympic Charter.	Consular officer, based on blanket waiver authorized by INS.
HIV-Positive Dependent of an OFM (parents, spouse, and minor children).	YES – Apply in conjunction with application for a nonimmigrant visa or for admission as a nonimmigrant.	NO – Blanket HIV waiver authorized for OFM dependents.	Max. allowed – 6/19/96-9/4/96.	212(d)(3)(A) – Consular officer, based on blanket waiver authorized by INS. 212(d)(3)(B) – INS district director with jurisdiction over POE.
HIV-Positive PFM	YES – Apply in conjunction with application for a nonimmigrant visa or for admission as a nonimmigrant.	NO – Blanket HIV waiver authorized for PFMs.	8/5/96-9/4/96.	212(d)(3)(A) – Consular officer, based on blanket waiver authorized by INS. 212(d)(3)(B) – INS District Director w/jurisdiction over POE.
HIV-Positive Dependent of a PFM (parents, spouse and minor children). For Paralympic athletes parents, spouse, minor children and persons who provide special assistance or care to the Paralympic athlete.	YES – Apply for in conjunction with application for a nonimmigrant visa or for admission as a nonimmigrant.	NO – Blanket waiver authorized for PFM dependents.	Max. allowed – 8/5/96-9/4/96.	212(d)(3)(A) – Consular officer, based on blanket waiver authorized by INS. 212(d)(3)(B) – INS district director with jurisdiction over POE.
HIV-Positive Spectators Holding Tickets or Passes to an Olympic or Paralympic event.	NO – Apply for waiver in conjunction with application for a nonimmigrant visa or for admission as a nonimmigrant.	YES – Apply under INA 212(d)(3)(A) in conjunction with application for a nonimmigrant visa. Apply under INA 212(d)(3)(B) prior to arrival if alien has a valid visa or is visa exempt.	Solely for the duration of the event(s) to which the individual holds pass(es) or ticket(s).	212(d)(3)(A) – Consular officer, based on concurrence from overseas INS District Office. 212(d)(3)(B) – INS district director w/jurisdiction over POE.

THE WHITE HOUSE

WASHINGTON

June 4, 1996

MEMORANDUM FOR LEON PANETTA

FROM:

JACK QUINN *JQ*

GEORGE STEPHANOPOULOS *GS*

JOHN ANGELL *JA*

SUBJECT:

ADMITTING HIV-POSITIVE ALIENS TO THE OLYMPICS

The Immigration and Naturalization Act provides that aliens with communicable diseases can be excluded from the United States and that infection with HIV is a disease subject to these exclusion provisions. Section 212(d)(3) of the Act also gives the INS discretionary waiver authority to permit temporary, non-immigrant admission of aliens who are HIV-positive. This waiver authority has been previously exercised for events (such as the Gay Games and conferences on AIDS) and on an individual basis for persons who have demonstrated, among other things, that they will not seek to become wards of the United States.

The Department of Justice, based on recommendations from the Departments of State and Health and Human Services, is prepared to grant an HIV-positive waiver for both the Olympics and this summer's Par-Olympics. This waiver would cover approximately 50,000 people who will be participating in the Olympics and Par-Olympics, and their dependent family members (approximately 150,000 people). The waiver would begin 30 days before the Olympics and end 30 days after the Olympics -- the period of time that the Olympic Charter says participants should be permitted in the host country. While waiver authority has never previously been exercised for such a large number of people or for such a long period of time, DOJ has concluded that permitting entry of the participants is necessary to comply with President Bush's written commitment to "respect the provisions of the Olympic Charter, including free access to the host country for all accredited persons." (Letter attached.) The Justice Department also believes that admitting dependent family members is both humane and practical. Based on past experience, the Justice Department estimates that approximately 12 HIV-positive aliens would likely be temporarily admitted under the waiver. The waiver would not cover HIV-positive persons seeking to enter the U.S. to be Olympic spectators, who would need an individual waiver under generally applicable standards.

Consistent with past practice, there would be no formal public announcement of the waiver and DOJ would instead send the State Department written notification of its decision.

We recommend that the White House not object to the proposed waiver.

_____ AGREE

_____ DISAGREE

_____ DISCUSS

574-0198

THE WHITE HOUSE

WASHINGTON

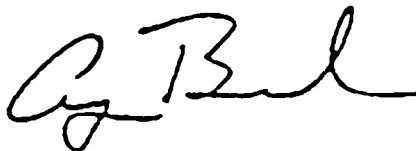
May 8, 1990

Dear President Samaranch:

The United States Government strongly supports the bid of Atlanta, Georgia, to host the 1996 Summer Olympic Games and will respect the provisions of the Olympic Charter, including free access to the host country for all accredited persons.

I wish to thank you and your colleagues for your consideration of Atlanta's bid.

Sincerely,



His Excellency
Juan Antonio Samaranch
President
International Olympic Committee
Lausanne, Switzerland

White House:

Stephen Neuwirth

George Stephanopoulos

Marsha Scott

John Angell

Patsy Fleming

DOJ:

Seth Waxman, Associate Deputy Attorney General

HHS:

50,000

athletes

trainers

teams

+ category of dependents

People from abroad

Aliens w/ communicable diseases
are excludable

HIV positive determined
by Congress to be such
a disease.

Waiver policy

Gay games

US/AID conference

NOR asked to do this for World Cup

But asked by HHS & State
for blanket authority to waive
grounds of exclusion

Never have granted such
a broad or long
waiver

DOJ view:

Olympic
charter
says
30 days
before &
after stay
in
country

(Consistent) with charter
to grant waiver for
Olympics & paralympics

For humanitarian reasons
let in dependents

Apply normal procedures
to people coming to view
Olympics. - means people
can come in on indiv. basis
if they show basic health
info, have tickets, etc.

If 200,000, probably
12 or so.

Technically, DOT gives
authority to state

The White House:
Steve Neuwirth
George Stephanopolous
Marsha Scott
John Angell
Patsy Flemming
Rahm Emanuel

DOJ:
Seth Waxman

HHS:
Eric Goosby
Richard Riseberg

State:
Ron Acker
Donna Hamilton
Donna Gigliotti

INS:
Louis D. Crocetti

30 day
waiver for
Vancouver
for transit
through US
to and from.
Need under waiver
to do business
here in US.

6/5

Jack:

As reflected on the attached note from John Angell, Leon has approved the recommendation that the White House not object to DOJ's determination to grant an HIV immigration waiver for the Olympics and Par-Olympics.

Steve Neuwirth

5-
R
P