

## **Transit through the US for people living with HIV/AIDS – New Information**

The US Department of State has granted a blanket waiver for people living with HIV/AIDS to transit through the US to attend the International AIDS Conference in Toronto. The blanket waiver is only effective August 6 through August 25.

The blanket waiver can be obtained by submitting a visa application at your nearest US consular office. The visa will be issued on a separate form to avoid a permanent record in the applicant's passport. However, disclosure of HIV status is part of the visa application process to obtain the waiver.

All HIV-positive travelers need to be aware of the potential impact upon future travel into the US, associated with declaring your HIV status to immigration officials when applying for the blanket waiver. Please read this document <[http://www.unaids.org/unaid\\_resources/UNGASS/20060508\\_HLM\\_Waiver\\_en.pdf](http://www.unaids.org/unaid_resources/UNGASS/20060508_HLM_Waiver_en.pdf)> prepared by Gay Men's Health Crisis <<http://www.gmhc.org/>> for more information. If you have concerns, you may wish to consider arranging your travel by another route, if that is an option.

The United States Department of State issued the following cable on April 27, 2006 to its diplomatic and consular posts that a blanket waiver has been granted for HIV-positive people to attend the International AIDS Conference in Toronto.

The cable was issued with the statement that "The United States considers the participation of people living with HIV/AIDS a critical element in the international response to the disease, and welcomes their involvement in these events...."

*FM SECSTATE WASHDC  
TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE IMMEDIATE  
UNCLAS STATE 066504*

*SUBJECT: XVI INTERNATIONAL AIDS CONFERENCE: BLANKET WAIVER*

- 1. The XVI International AIDS Conference and related activities will take place on August 13-18, 2006, in Toronto, Canada.*
- 2. The Department of Homeland Security has exercised discretionary authority under section 212(d)(3) of the Immigration and Nationality Act to grant a blanket waiver for HIV infected visa applicants seeking to transit the United States to attend this event. Consular officers are authorized to grant waivers of inadmissibility under section 212(d)(3)(A) without seeking the concurrence normally required by DHS (Department of Homeland Security). In order to qualify for the waiver, applicants need to demonstrate that they are transiting the United States to attend this event.*

*3. Applicants are required to answer question 38 of the DS-156 visa form as it relates to HIV/AIDS infection. The consular officer will process the visa application in accordance with the special blanket waiver procedures listed below if the alien is otherwise admissible to the United States.*

*4. A two-entry, C-1 visa should be issued to qualified applicants who are ineligible under 212(a)(1)(A)(1) as a consequence of HIV/AIDS infection. The event will take place between August 13-18, and travel is authorized during the period August 6 through August 25. Consular officers should advise HIV/AIDS infected applicants that the visa may be issued on form OF-232 to avoid a permanent record in the applicant's passport. The notation "212(d)(3)(a)" should appear in the annotation field to alert CBP inspectors at ports of entry that the individual is transiting to attend a designated event and falls within the ambit of the special blanket waiver procedures. Upon arrival at the port of entry, the alien must submit evidence that they seek to transit the United States to attend a designated event.*

*5. Department has not/not received a list of attendees.  
Any questions about this event should be directed to CA/VO/F/P George Lynn.  
RICE*