

February 11, 2009

The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Removal of HIV-related travel and immigration restrictions

Dear President Obama,

We write to urge you to order the Department of Health and Human Services (“HHS”) to publish a proposed rule to remove HIV from the HHS list of communicable diseases of public health significance as soon as possible.

As a former co-sponsor of the President’s Emergency Plan for AIDS Relief (“PEPFAR”), we are sure you are aware that this landmark legislation included a provision which struck the statutory language that required HIV to be designated a communicable disease of public health significance. In response to concerns about the potential increased costs to the U.S. health care system of removing HIV from the list, PEPFAR also raised future visa fees as an offset. On July 30, 2008, President Bush signed PEPFAR into law completing the first step in a two step process to end the ban.

However, as long as HIV remains on the HHS list of “communicable diseases of public health significance,” non-citizens living with HIV are barred from visiting or immigrating to the U.S. You have publicly stated your support for lifting the ban¹ and we ask you to take immediate action to do so and thus to end the stigma against people with HIV and treat it like all other routine, chronic diseases.

As HIV and immigration organizations, we call upon your Administration to carry out the will of Congress in lifting the ban. The ban on travel and immigration for non-citizens with HIV is anachronistic, discriminatory and undermines public health. As HHS recognized when it amended the definition of “communicable diseases” in October 2008, the American public needs protection from airborne, quarantinable diseases, not from viruses which cannot be casually transmitted such as HIV.

We applaud your commitment to moving this regulatory action forward expeditiously. The world is watching to see this ruling put into place. On August 3, 2008 at the International AIDS conference in Mexico City, United Nations Secretary General Ban Ki-Moon, UNAIDS executive director Peter Piot, and International AIDS Society president Pedro Cahn all welcomed the action taken by the United States government towards lifting restrictions on entry for people living with HIV. It is time for HHS to take the final step and lift the ban.

Sincerely,

ACT UP Philadelphia

¹Question 10, <http://www.aidsvote.org/obama>.

African Services Committee
Aid For AIDS International
AIDS Action Council
AIDS Community Research Initiative of America (ACRIA)
AIDS Foundation of Chicago
The AIDS Institute
AIDS Legal Council of Chicago
AIDS Legal Referral Panel
AIDS Legal Services - Law Foundation of Silicon Valley
AIDS Project Los Angeles
AIDS Treatment Activists Coalition
AIDS Vaccine Advocacy Coalition (AVAC)
Albany Damien Center, Inc.
Alliance for Microbicide Development
American Civil Liberties Union
American Friends Service Committee
American Gateways
American Immigration Lawyers Association
American Immigration Management, Inc.
API Equality- LA
API HIV/AIDS Caucus of Los Angeles County
APICHA
Asia & Pacific Islander American Health Forum
The Asia Pacific Coalition on Male Sexual Health (APCOM)
Asian Pacific AIDS Intervention Team
Asian Pacific Islander PRIDE Council
Asian Pacific American Legal Center of Southern California
AVOL (AIDS Volunteers, Inc.)
Bellevue/NYU Program for Survivors of Torture
The Benedictine Order of St. John the Beloved
Berd & Klauss, PLLC
BIENESTAR
Breakthrough: building human rights culture
Bronx AIDS Services, Inc.
Cambridge Health Alliance- Community Affairs
Casa de Esperanza
Capital Area Immigrants' Rights Coalition
Catholic Charities AIDS Services, Albany, NY
Center for Constitutional Rights
The Center for Health Policy and Innovation, Canada
The Center for HIV Law and Policy
The Center for Women Policy Studies
Cicatelli Associates Inc.
Community HIV/Hepatitis Advocates of Iowa Network (CHAIN)
CYRUS D. MEHTA & ASSOCIATES, P.L.L.C.
The Danish AIDS Foundation, Denmark

Drug Development Committee
Dutch AIDS Foundation
Dutch HIV Association
East Bay Community Law Center
Elizabeth Glaser Pediatric AIDS Foundation
Empire Justice Center
European AIDS Treatment Group
Family Care Network - Children's Hospital & Research Center Oakland
Florence Immigrant and Refugee Rights Project
Florida Immigrant Advocacy Center
Foundation for Integrative AIDS Research (FIAR)
Frey Law Office
Gay Men's Health Crisis
Georgetown Law Human Rights Action
Global AIDS Alliance
The Global Campaign for Microbicides
Global Network of People Living with HIV (GNP+)
Harlem Community Law Office
Harlem United Community AIDS Center, Inc.
Hastings College PHIVE-O (Peer HIV Education Organization)
Health GAP, NY
HIV/AIDS Services for African Americans in Alaska
HIV & AIDS Legal Services Alliance
HIV and Hepatitis.com
HIV Health and Human Services Planning Council of New York
HIV Law Project
HIV Medicine Association
HIVictorious
HIV-Sweden
Homeless Health Care Los Angeles
Housing Works, Inc.
Human Rights First
Hyacinth AIDS Foundation
Iandoli & Desai, P.C
ICW East Africa & HIV Collaborative Fund for Women & Families in Africa
Idaho Community Action Network
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
The Immigrant Legal Resource Center
Immigration Equality
International AIDS Empowerment, El Paso, TX
International Community of Women Living with HIV/AIDS
International Women's Health Coalition
JRI Health/Sidney Borum Health Center
The Kentucky Coalition for Immigrant and Refugee Rights

Kentucky Equal Justice Center
LA Gay Center
Lambda Legal
Latino Commission on AIDS
Legacy Community Health Services.
Legal Action Center
Legal Aid Service of Collier County
Legal Aid Society of Palm Beach County, Inc.
Maggio & Kattar
Marin AIDS Project
Minnesota AIDS Project
Multicultural AIDS Coalition
National Asian Pacific American Women's Forum
National Association of Social Workers
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Korean American Service & Education Consortium (NAKASEC)
National Women's Health Network
Naz Foundation International
National Center for Lesbian Rights Network of Zimbabwean Positive Women
(NZPW+)
Northern Manhattan Perinatal Partnership, Inc
Northwest Immigrant Rights Project
Ohio AIDS Coalition
Okaloosa AIDS Support and Informational Services, Inc.
Owensboro AIDS Taskforce
Partnership Project
People Living With HIV/AIDS Victoria Inc (Australia)
Physicians for Human Rights
Program for Wellness Restoration
Projecte dels NOMS-Hispanosida
Project Inform
Raks Thai Foundation
The River Fund
San Diego Human Dignity Foundation
San Diego Volunteer Lawyer Program, Inc.
San Francisco AIDS Foundation
Siskind Susser, PC
South Asian Americans Leading Together (SAALT)
Spokane AIDS Network
STI AIDS Netherlands
STOP AIDS NOW!
Strength In Numbers, Asbury Park NJ Chapter
The Sylvia Rivera Law Project

Terrence Higgins Trust
Title II Community AIDS National Network
Transgender Law Center
U.S. Positive Women's Network
United Methodist Church, General Board of Church & Society
Univeristy of Maryland School of Law's Immigration Clinic
University of Tulsa College of Law- Boesche Legal Clinic - Immigrant Rights Project
Vermont People with AIDS Coalition
Victory Programs Inc of Massachusetts
Whitman-Walker Clinic
Women Organized to Respond to Life-threatening Diseases (WORLD)
The Woodhull Freedom Foundation
World Organization for Human Rights
Wren & Gateways Law Group, LLC