What changed?
The law* that prevented people with HIV from entering or remaining in the United States (U.S.) has changed. Under the new law, HIV testing is not part of the medical exam required for immigrant applicants and no one will be banned from entering or remaining in the country solely because of positive HIV status.

When did this change go into effect?

What does it mean for HIV-positive people who want to enter or remain in the U.S. as permanent residents (with a “green card”)?
A person who qualifies for a “green card,” and is applying for permanent residence in the U.S., does not have to take an HIV test as part of the application process. Positive HIV status by itself is no longer a reason for denying a green card or immigrant visa.

What does it mean for HIV-positive people who want to enter the U.S. temporarily for business, employment, medical treatment, tourism, or school?
People entering the U.S. for a temporary stay do not have to take an HIV test, but will still have to answer a standard question about “communicable diseases of public health significance.” HIV is no longer considered a communicable disease of public health significance and HIV-positive status will not in itself be a bar to admission.

What does it mean for HIV-positive people who are in the U.S. without legal status (without permission)?
The lifting of the travel ban does not have any effect on individual non-citizens who live in the U.S. without legal immigration documents (undocumented individuals). With consent, a person may be tested and treated for HIV as part of their medical care, and no information is shared with immigration authorities. Questions about immigration status should be directed to an experienced immigration attorney.

Does this mean that all people with HIV may now enter or remain in the U.S.?
Although people with HIV will no longer be banned from entering the U.S. based solely on their HIV status, anyone with HIV who wants to enter or remain in the U.S. must still meet all other eligibility and admissibility requirements or qualify for a waiver. To become a permanent resident of the U.S. (have a “green card”), you must first be eligible for an immigrant visa, which in most cases is dependent on family sponsorship, employer sponsorship, or refugee/asylee status.

In order to be “admissible,” an individual must not: (1) have a communicable disease of public health significance (does not include HIV); (2) have a criminal history; (3) be a security risk; (4) become a “public charge” (depend on the government for support); or (5) fall into another category of inadmissibility.

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Can non-U.S. citizens with HIV get medical care?
Yes. For information on sites that offer medical care, call the AIDS Hotline at 1-800-235-2331.
Access to medication for HIV is available through the Massachusetts HIV Drug Assistance Program (HDAP). For information, call 1-800-228-2714.

Is more information available?
Yes. Several online resources are available to help people understand more about this and other immigration issues:

MDPH Refugee and Immigrant Health Program: www.mass.gov/dph/refugee or call 617-983-6590
Immigration Equality: www.immigrationequality.org
National Immigration Project: www.nationalimmigrationproject.org
National Immigration Forum: www.immigrationforum.org
National Immigration Law Center: www.nilc.org
U.S. Citizenship and Immigration Services: www.uscis.gov

*Since 1987, people who wanted to enter or remain in the United States as permanent residents had to take an HIV test. Anyone who received a positive HIV test result was banned from entering or remaining in the country without a special waiver. See 42 C.F.R. pt. 34; 74 Fed. Reg. 56,547 (Nov. 2, 2009); section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. § 1182).