

Lifting of travel ban a relief to HIV-positive immigrants and travelers

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OAKLAND — Rosendo Sanchez wanted to join fellow health educators from across the world gathering for the International AIDS Conference that launches this weekend in Mexico City.

But the longtime Oakland resident worried that if he attended, he might never return.

As someone living with HIV and AIDS, he faced an added hurdle in his already complicated pursuit of permanent legal residency in the United States.

Soon, the illness could be one less hurdle. On Wednesday, President Bush signed a \$48 billion global AIDS relief bill that also repealed a ban on HIV-positive immigrants and tourists entering the country.

"You don't know how happy I am," Sanchez said.

A fashion designer who regularly volunteers with a support group for HIV-positive Latinos, Sanchez would otherwise be eligible for legal permanent residence because of siblings who can sponsor him.

But the ban, which took effect in 1987 and was codified by Congress in 1993, has barred him from obtaining permanent residency because of the virus. Waivers exist, but Sanchez, who is gay, would need an opposite-sex spouse or a parent who is a legal permanent resident in order to get one.

For years, AIDS organizations and gay and lesbian advocacy groups have criticized the ban, which began when federal health officials listed HIV as dangerous and contagious and created an administrative travel restriction.

Health agencies, citing a better understanding of the way the virus is transmitted, later sought to amend the ban. But lawmakers rooted the ban into federal immigration law.

"Even then, the ban was really based in a kind of hysteria and ignorance," said Ernest Hopkins, federal affairs director for the San Francisco AIDS Foundation. "Now, there's really no rationale behind it at all."



Volunteer health educator Rosendo Sanchez, right, of Oakland and Yvonne Escarsega, a medical...

Bush's repeal does not immediately end the restrictions for those with HIV and AIDS. Attached to his bill battling the global AIDS epidemic, the language takes away the congressional ban and returns authority to federal public health officials.

A repeal of the administrative restrictions is likely to cause debate. Although Bush's AIDS measure won bipartisan support, some legislators have raised concerns about the cost of allowing people with AIDS into the country.

Shelly Sikes Diaz, spokeswoman for the national Centers for Disease Control and Prevention, said in an e-mail that the department "is reviewing what steps we will be taking to implement the new law."

U.S. Rep. Barbara Lee, D-Oakland, who last year introduced a bill to lift the ban, said in a news release this week that "it's far past time we got rid of this shameful policy. I'm glad we were able to remove the statutory ban and pass this bill less than three (days) before the International AIDS Conference in Mexico City."

Sanchez said he wanted to attend the conference to share and obtain information about the best practices for HIV/AIDS prevention in Latino communities. In the past two weeks, he said nine Latinos learned they have HIV during visits to Highland Hospital in Oakland.

Sanchez came to the United States on a student visa, then began working in the fashion industry, first as a garment worker and later by opening his own bridal shop on International Boulevard in Oakland.

Sanchez unknowingly lived with HIV, which causes AIDS, for about seven years.

Several years ago, he ate contaminated shrimp at a party, and his immune system was unable to deal with the parasite, he said. That night, he collapsed in his shower.

"I was at the top of my career when everything collapsed," Sanchez said. He said he spent a year with serious health problems, but credited family, friends and Corazones Unidos, the Highland Hospital support group, for helping him recover and "start talking again, moving again, living again."

Because of the HIV ban, his siblings do not count as qualifying sponsors who could get him out of the family immigration backlog.

The repeal, said Linda Tam, an attorney with the East Bay Community Law Center, "would make it so that the only thing he is doing is waiting for that backlog. It basically puts him on equal footing as anyone else. Before, it was a barrier."