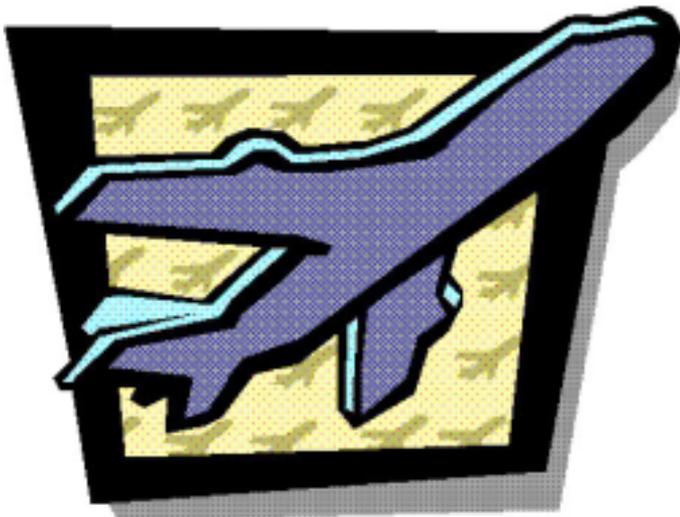


HIV & Travel: Going to the United States and Beyond



HIV & AIDS 
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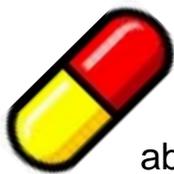
If you are known to be infected with HIV, you can legally be denied entry to United States of America. But most people living with HIV/AIDS (PHAs) will have no problems entering the USA. This pamphlet is for PHAs who have questions about travelling to the USA.

If you have been refused entry to the USA because you are HIV positive, you can apply to receive a “waiver”. If you are granted a waiver, you will be able to legally enter the USA. For more information on applying for a waiver, read on.

For information on travel restrictions to other countries for PHAs, we have included a section on “International Travel” at the end of this pamphlet.

Do I have to tell immigration that I’m HIV positive?

No. Legally, you do not have to disclose your HIV status to the United States Immigration and Naturalization Service (INS) officer you speak to at the border.



Should I disclose to the INS officer that I have medications with me?

You should not volunteer any information about your medications. However, if your medications are discovered, you will likely be asked what they are for. You might want to get a letter from your doctor listing the medications that have been prescribed for you and stating that they

are for a “chronic manageable condition”. The letter should not say “HIV” or “AIDS”.

Should I hide my medications by putting them in different containers, like vitamin containers?



No. If you hide your medications and they are discovered, it may cause you more problems. You could be accused of smuggling, which is illegal.

Should I put my medication in my checked luggage or my carry-on?

You should carry your medications in your carry-on bag. Remember that many people frequently travel with medications for all kinds of conditions.

If you are worried about the size of the containers, ask your pharmacist to repackage some of your medications into smaller, clearly labeled containers. If the drug manufacturer’s label says anything about HIV or AIDS, you should ask your pharmacist to re-label the container without reference to HIV and/or AIDS.

Never put your medications in your checked luggage because security dogs are trained to find such items. Also, if your luggage is lost, you will be without your meds.





Should I get a letter from my doctor?

A doctor's letter listing the medications that have been prescribed for you may help you avoid problems. Keep the letter with you in case you need it. But do not show it unless you are asked about your meds. Make sure the doctor's letter does not disclose your HIV status.

Is it easier to cross the border by car than by flying?

Not necessarily. You may face questions whether you are travelling by air or by car.

Should I just take a “drug holiday” while I am travelling?

You should only take a drug holiday (sometimes called a Structured Treatment Interruption) after you have discussed it with your HIV primary care physician. For more information about taking a drug holiday, see your HIV primary care physician.

Can my airline ticket be refunded if I am refused entry to the U.S.?

For most travel tickets it is your responsibility to ensure that you meet all travel requirements, including immigration requirements. Check the terms and conditions on your ticket. Ask the airline or travel agent if the ticket can be refunded. Most cancellation insurance will not cover you if you were refused entry at the border.



Can I buy my medications in the U.S.?

Yes – but only if the doctor who writes the prescription is licensed to practice in the State where you want to fill the prescription. Even if you are able to get a prescription, you will probably have to pay for your medications. If you have insurance, check the terms of your policy to see if you are covered.

Are there agencies in the U.S. that could get me medications if I need them?

It is illegal to dispense or receive prescription medications without a prescription. If you need medications while you are travelling in the USA, try contacting a local AIDS Service Organization (ASO) and ask if they know where you can get a short-term supply. If there is no ASO near by, go to a hospital or a doctor. But be warned, you will probably have to pay for medications and medical services.

What if I get sick while travelling?

If you have an Ontario Health Insurance Plan (OHIP) card, it will cover only emergency health services outside Canada. Emergency health services must be related to an acute, unexpected condition, illness, disease or injury that arises outside Canada and requires immediate treatment. OHIP will only pay what it would cost for the same service in Ontario. The cost in Ontario is often much less than the price you will be charged in the USA.

You will have to pay the rest, or have insurance to pay it. You will probably have to pay up-front.

If possible, you should always buy travel health insurance before leaving Canada. Some travel health insurance companies will offer insurance to a PHA if your doctor certifies that you have been in excellent health in the 3 months before your trip.

Depending on your insurance coverage, you may have to pay for medical care up-front and get reimbursed after your return. Be sure to keep all receipts. For more information about travel health insurance contact a private insurance company or call the Canadian Life and Health Insurance Association Inc. at 1-800-268-8099, or (416) 777-2344 in Toronto, or online at www.clhia.ca.



What if U.S. Immigration finds out I'm positive? Can I still go to the U.S.?

If you are denied entry your name will probably be permanently entered in their computer system as someone with HIV. This will make it much more difficult to enter the USA in the future. In the end, it is up to each INS agent to decide whether or not to let you enter the USA.

If you are denied entry to the USA, you may wish to contact your federal MP, the Department of Foreign Affairs and International Trade, or the USA Consulate General in Toronto and tell them what happened.

It is possible to enter the USA even if you are officially inadmissible. The INS has a Waiver Policy and a Designated Event Policy. More information about these policies is provided below.

What if I am traveling on business and I get refused entrance to the U.S.? What do I tell my work?

You do not have to disclose your HIV status to your employer. If you travel to the USA for business, and US immigration becomes aware of your HIV status, you will likely have to get a “waiver”. Another option is to ask your employer “accommodate you” by changing your job so you do not have to travel to the USA. Under Canadian law an employer is required to accommodate an employee’s disability, including HIV and AIDS, to the point of undue hardship.

If you have to move to the USA for your job, you should talk to a lawyer who specializes in Canada - USA immigration law. This type of legal advice may be expensive.



What if I am travelling to attend a conference? ... The “Designated Event” Policy

Some major conferences or events may become “designated events”. If this is the case, you may be able to enter the USA with a waiver. If you have questions about whether the event is a

'designated event', contact the conference organizers and ask about entry restrictions for PHAs.



What is the US Immigration and Naturalization Service “waiver” and how do I get one?

You should only apply for a waiver if you are sure that you are going to have a problem at the border because you are HIV positive. If you've never had any problems crossing the border, don't apply because this will “out” you to US INS as HIV positive.

The waiver is NOT for vacation travel.

You may only be granted a waiver to:

- attend conferences
- receive medical treatment
- visit close family members
- conduct business.

You must show that you:

- have sufficient insurance and/or money to cover your care if you get sick while in the USA, and
- will visit the USA for 30 days or less.

You must get a doctor's letter that states you:

- are currently not afflicted with any symptoms of the disease,
- are of sound, healthy mind, and
- will not pose a danger to US public health.



To apply for the waiver, you must fill out a form called an “Application for Advance Permission to Enter as Nonimmigrant (Pursuant to Section 212 (d)(3) of the Immigration and Nationality Act)” in duplicate. This form is commonly referred to as **Form I (“EYE”) -192**. You can get a Form I-192 from an INS office at the port of US entry, or from the INS website at www.ins.usdoj.gov. It currently costs \$195 US to have your waiver package processed.

Call the INS office ahead of time to find out the best time of day process the waiver.

INS may require you to provide fingerprints at the time of processing the Form I-192.

Fingerprinting costs an extra \$50 US. It can take up to 6 months to process your application. A list of INS offices is included at the end of this pamphlet.



Even if you have been granted a waiver by US INS, you are NOT guaranteed entry into the USA. INS always has the power to deny you entry if they believe that you are not genuinely visiting the USA, or you may try to live or work in the USA, or if you are a threat to US security. Documents which can help to show your intention to return to Canada are:

- proof of residency in Canada (like a lease)
- if you are working, your latest pay stub
- your Canadian passport, record of landing or Maple Leaf Card

US IMMIGRATION AND NATURALIZATION SERVICE (INS) OFFICES

(Please call ahead to confirm hours of operation
and advice on accessing their services)



Lester B. Pearson Int'l Airport
Toronto, ON
Tel (905) 676-2563
Fax (905) 612-3134

Lewiston Bridge (from
Queenston, ON)
Lewiston, N.Y.
Tel (716) 285-1676

Peace Bridge (from Fort Erie, ON)
Buffalo, N.Y.
Tel (716) 885-3367

Detroit Airport / Ambassador
Bridge / District Office / Tunnel
(from Windsor, ON)
Detroit, Michigan
Tel (810) 307-2160

Rainbow Bridge (from Niagara
Falls, ON)
Niagara Falls, N.Y.
Tel (716) 282-3141

Bluewater Bridge (From Sarnia,
ON)
Port Huron, Michigan
Tel (810) 982-0493

Whirlpool Bridge (from Niagara
Falls, ON)
Niagara Falls, N.Y.
Tel (716) 282-5920

Thousand Islands Bridge
Authority
Collins Landing
Alexandria Bay, N.Y.
Tel (315) 482-2472



Where do I get information about travelling to countries other than the United States?

If you are planning to travel to a country other than the US, you should find out if there are any entry restrictions for PHAs. Many countries have testing requirements for people intending to seek permanent residence, or for long visits.

Information about entry restrictions can be found through the U.S. state department website at www.travel.state.gov. Click on “Travel Publications” and then on “HIV Testing requirements for entry into Foreign Countries.” A more comprehensive listing is available at <http://www.aidsnet.ch>. Choose the language in the upper right hand corner of the page, then select “Immigration Clauses” on the left. Please note that this site will not be updated after December 2003.

You can also contact the consulate or embassy of the country you wish to visit. Look in the business pages of the phone book under “consulates”. It is recommended that you not identify yourself when contacting the consulate. You may wish to block your call by dialing “*67” before dialing.

The HIV & AIDS Legal Clinic (Ontario) is a community - based legal clinic serving the legal needs of low-income people with HIV/AIDS (PHAs) across Ontario.

HALCO provides basic legal advice and brief services, legal representation (case and financial eligibility guidelines apply), and undertakes public legal education and law reform activities.

HALCO is funded by Legal Aid Ontario, the AIDS Bureau of the Ministry of Health and Long Term Care, and The Community Partners Fund of the AIDS Committee of Toronto. HALCO has also received project funding from the AIDS Community Action Program of Health Canada, GlaxoSmithKline in partnership with Shire BioChem and the Pride and Remembrance Association

For more information about HALCO and the services we offer, please contact us:

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