

NOTICE: This document is archived for historical purposes and is no longer being maintained or updated. The information is accurate only as of the date printed.

REMOVAL OF HIV ENTRY BAN FROM IMMIGRATION MEDICAL SCREENING

**U.S. Department of Health and Human Services
Centers for Disease Control and Prevention
National Center for Emerging and Zoonotic Infectious Diseases**

Division of Global Migration and Quarantine

November 2009

NOTICE: This document is archived for historical purposes and is no longer being maintained or updated. The information is accurate only as of the date printed.



Removal of HIV Entry Ban from Immigration Medical Screening

On November 2, 2009, the Department of Health and Human Services (HHS) and Centers for Disease Control and Prevention (CDC) published a final rule that removed HIV (human immunodeficiency virus) infection from the list of diseases that can keep people who are not U.S. citizens from entering the United States. The final rule will go into effect on January 4, 2010, after a 60-day waiting period required by government guidelines.

Medical examination of immigrants and refugees

Federal regulations require that most immigrants and refugees have a medical examination to screen for certain diseases. Each illness is known as a *communicable disease of public health significance* and a threat to the public's health. Immigrants and refugees infected with one of these diseases may not enter the U.S. without a special waiver.

Until January 4, 2010, HIV is listed as a *communicable disease of public health significance*. Thus, until this time, HIV testing will remain part of the medical exam for immigrants and refugees until that time. On that date, HIV testing will no longer be included in the medical exam.

Communicable disease of public health significance

Federal regulations define the following as a *communicable disease of public health significance*:

- Active tuberculosis, infectious syphilis, gonorrhea, infectious leprosy, chancroid, lymphogranuloma venereum, granuloma inguinale, HIV infection (HIV now on list but removed effective January 4, 2010.)
- Any quarantinable, communicable disease specified by Executive Order. The current diseases are pandemic influenza, severe acute respiratory syndrome (SARS), viral hemorrhagic fevers, cholera, diphtheria, infectious tuberculosis, plague, smallpox, and yellow fever.
- Any communicable disease that is a public health emergency of international concern reported to the World Health Organization (under revised International Health Regulations of 2005)

Removing HIV as a *communicable disease of public health significance*

CDC removed HIV infection as a *communicable disease of public health significance* due to current scientific knowledge of the disease. Since HIV was added to the regulations in 1987, much more is known about HIV and how it is spread. Most notably, public health science has proven that:

- Immigrants and refugees with HIV infection do not pose a risk to the public's health by entering the United States because HIV is preventable and is not spread through casual contact.
- Any risk posed by HIV-infected people is not a result of their nationality, but is based on specific behaviors such as unprotected sex or needle sharing with someone infected with HIV.
- HIV is not a new virus to the United States. Currently, it is estimated that more than 1 million Americans are living with HIV.

The new final rule means that a person's HIV status would not prevent them from entering the United States. As a result:

- Testing for HIV is no longer required as part of the U.S. immigration medical screening process, and
- People with HIV infection no longer require a waiver for entry into the United States.

For more information-

To learn more about:

- This change in federal regulations, visit:
http://wwwdev.cdc.gov/ncidod/dq/laws_regs/fed_reg/remove-hiv/final-rule-hiv.htm
- HIV and how it is spread, visit:
www.cdc.gov/hiv