

Mapping of restrictions on the entry, stay and residence of people living with HIV



This document was commissioned by the
International Task Team on HIV-related Travel Restrictions.
For information about the Task Team and to access its report,
see www.unaids.org.

Cover photos: UNAIDS / P. Viroc / G. Diez / L. Alyanak / J. Maillard

This document, which maps restrictions on the entry, stay and residence of people living with HIV, was commissioned by the International Task Team on HIV-related Travel Restrictions. It is the product of collaborative work between the German AIDS Federation, the European AIDS Treatment Group and the International AIDS Society. Earlier versions were presented to the Task Team at its Second and Third Meetings (Geneva, 31 March–2April 2008; Madrid, 24–26 June 2008), at which time the Task Team provided input and comments.

On 7 July 2008, through the Chair of the UNAIDS Programme Coordinating Board, countries were provided with an opportunity to validate the information contained herein; a second call to validate the information was made on 13 November 2008. However, the information has not otherwise been independently verified and its accuracy is not guaranteed. Any corrections to the information presented in this document are most welcome and can be sent to info@hivtravel.org.

This document does not necessarily represent the views of all members of the Task Team nor the stated positions, decisions or policies of the UNAIDS Secretariat or any of the UNAIDS Cosponsors.

UNAIDS/09.20E / JC1727E (English original, June 2009)

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WHO Library Cataloguing-in-Publication Data

Mapping of restrictions on the entry, stay and residence of people living with HIV.

"UNAIDS/09.20E / JC1727E".

1.HIV infections – transmission. 2.Travel. 3.Acquired immunodeficiency syndrome – transmission. 4.Communicable diseases control – legislation. I.UNAIDS

ISBN 978 92 9 173794 9

(NLM classification: WC 503.3)

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May 2009

Introduction

1. Restrictions on the entry, stay and residence of HIV-positive people have been implemented by States since the beginning of the HIV epidemic. For those governments that have such restrictions, they represent the governments' attempts to prevent the spread of HIV and to avoid possible costs of treatment and care related to HIV. Over time, such restrictions have come to be referred in shorthand as "HIV-related travel restrictions", even though they are applied to the full range of mobility, entry and stay involving short-term travel and stay (e.g. tourism, family visits, business trips, attending conferences) and long-term residence (e.g. immigration, labour migration, study, refugee asylum and resettlement, family reunification, consular and international postings). In this document, such restrictions are referred to as "HIV-related restrictions on entry, stay and residence".
2. Some 108 countries, territories and areas do *not* have HIV specific restrictions on entry, residence and stay based on positive HIV status. Some 59 countries, territories and areas do have such restrictions.¹
3. There is growing international momentum to rescind HIV-related restrictions on entry, stay and residence given the recognition by public health and human rights experts that there is no public health rationale for them, HIV-specific restrictions on entry, stay or residence are discriminatory and such restrictions could well impede effective HIV responses, including fuelling national and international stigma against people living with HIV.²
4. In order to refocus attention on HIV-related restrictions on entry, stay and residence and hasten their elimination, UNAIDS established the *International Task Team on HIV-related Travel Restrictions* (Task Team) in January 2008. The Task Team was comprised of governments, intergovernmental organizations and civil society, including networks of people living with HIV. Co-chaired by UNAIDS and the Government of Norway, its role was to call for and support efforts toward the removal of HIV-related restrictions on entry, stay and residence. The principles of non-discrimination and the greater involvement of people living with HIV/AIDS Principle provided the context in which its efforts were set.
5. In its work, the Task Team considered HIV-specific restrictions on entry, stay and residence that are based on HIV-positive status alone. Such restrictions are complex and differ widely in their form, content and application from country to country. In its Report, the Task

¹**DISCLAIMER:** Although UNAIDS, through the Chair of the UNAIDS Programme Coordinating Board, has provided countries with an opportunity to validate the information contained herein, the information has not otherwise been independently verified and its accuracy is not guaranteed. Any corrections to the information presented in this document are welcome and will be reflected in the Global Database on HIV-related Travel Restrictions, as well as any updates of this document. Such information can be sent to: info@hivtravel.org and travel-restrictions@unids.org. Also note that the designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the United Nations, the UNAIDS Secretariat or any of the UNAIDS Cosponsors concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

² See the Report of the International Task Team on HIV-related Travel Restrictions: Findings and Recommendations, available at www.unaids.org.

Team described the difficulties in obtaining comprehensive information on the existence and impact of HIV-related restrictions on entry, stay and residence. It also found that too few people were aware of the nature, extent and impact of such restrictions.³

6. In light of these concerns, the Task Team worked to support the production of a document *based on existing information* that would help to “map” HIV-related restrictions on entry, stay and residence in countries, territories and other areas, i.e. better explain which countries⁴ have them, what forms they take, and how they are implemented. This document is the result.⁵ Its contents are largely based on the information found in the *Global Database on HIV-related Travel Restrictions (Global Database)*.⁶ Because that data had not been independently confirmed, the Task Team Co-chairs, through the UNAIDS Secretariat and the Bureau of the UNAIDS Programme Coordinating Board (PCB), requested that all governments have the opportunity to review this document in draft form. Towards this end, on 7 July 2008, the PCB Chair sent out to all Permanent Missions of the United Nations Member States a request that they validate the information in the draft document. A second call to validate the information was sent on 13 November 2008. Relevant information contained in the responses received has subsequently been incorporated into this document.
7. This document attempts to synthesize available information and highlight key characteristics of various types of HIV-related restrictions on entry, stay and residence. It does not seek to be comprehensive in setting forth the complexities and extent of HIV-related restrictions on entry, stay and residence, but rather to give a “snapshot” that indicates the scope and variety of such restrictions. It is hoped that it will inform policy-makers and advocates and help them to establish key messages, priorities and strategies for the removal of such restrictions.

³ *Ibid*

⁴ Any time the word “country” is used in this document it refers to *countries, territories and areas*.

⁵ This document was commissioned by the International Task Team on HIV-related Travel Restrictions and is the product of collaborative work between the German AIDS Federation, the European AIDS Treatment Group and the International AIDS Society.

⁶ *The Global Database on HIV-related Travel Restrictions (Global Database)* is an initiative of the German AIDS Federation (DAH), the European AIDS Treatment Group (EATG) and the International AIDS Society. For details on the Global Database, see www.hivtravel.org. The Global Database web site is maintained by the International AIDS Society, in collaboration with its partners DAH and EATG, and builds on efforts by the DAH, which since 1999 has sought information through questionnaires sent to all German embassies abroad and all foreign embassies in Germany, representing 196 countries. In response to a 2007/2008 questionnaire, replies were received from 130 countries. For the 66 countries for which no responses were received, existing data from the original survey conducted in 1999, plus updates based on available information, were used. It is recognized that obtaining information on national laws and regulations through this means limits the scope and possibly the accuracy of the data. None of the information has been independently checked against the actual text of the laws and regulations in question nor has the data been the object of research in terms of the application and implementation of these regulations. Because of this, the authors of the document cannot guarantee its accuracy.

Types of HIV-related restrictions on entry, stay and residence considered in this document

8. Firstly, this document considers only countries with *HIV-specific* restrictions on entry, stay and residence; that is, where the law or regulation of the country *explicitly* refers to HIV or AIDS. Some countries might have laws that refer to “contagious” or “transmissible” diseases. If they explicitly include HIV in their definition of these diseases, such a law is considered here. The survey also found that in some countries the authorities apply general law or regulations to HIV-positive people in a way that negatively impacts their entry, stay and residence. However, countries that make no specific reference to HIV anywhere in the law or regulations, but in practice interpret these to apply to HIV, are not covered here.
9. Secondly, this document considers restrictions that appear to come into force due to *positive HIV status alone*. That is, it is the *HIV status* of the person that triggers the application of the regulation, not something else, such as the person’s behaviour, general state of health or ability to support him or herself.
10. In this context, this document maps the *countries, territories and areas*⁷ that apply the following broad types of restrictions on entry, stay and residence for people living with HIV:
 - ▶ Countries, territories and areas that have some form of HIV-related restriction on entry, stay or residence.
 - ▶ Countries, territories and areas that require declaration of HIV status for entry or stay, resulting, for HIV-positive people, in either a bar to entry/stay or the need for discretionary approval, including through granting waivers.
 - ▶ Countries, territories and areas that deny applications for entry and for stays beginning as short as 10 days, up to 90 days.⁸
 - ▶ Countries, territories and areas that deport foreigners based on HIV status alone.
 - ▶ Countries, territories and areas that deny employment visas and/or work permits based on HIV status.
 - ▶ Examples of countries, territories and areas that require HIV tests for entry or stay and/or regular or periodic tests to maintain residence permits.
 - ▶ Examples of countries, territories and areas with practices that may impinge on confidentiality of HIV status.
 - ▶ Examples of countries, territories and areas that apply HIV-related regulations to particular professions or forms of employment.
 - ▶ Examples of countries, territories and areas that deny applications by HIV-positive students to study abroad.
 - ▶ Examples of countries, territories and areas that apply HIV-related restrictions to those coming from regions with high HIV prevalence.
 - ▶ Countries, territories and areas with contradictory information on HIV-related travel restrictions.
 - ▶ Countries, territories and areas for which there is no information on HIV-related restrictions on entry, work or residence.
 - ▶ Countries, territories and areas which have *no* HIV-related restrictions on entry, work or residence.

⁷ As noted above, any time the word “country” is used in this document it refers to *countries, territories and areas*.

⁸ These have sometimes been referred as “short-term restrictions”, a misleading term since these restrictions are actually applied to visa requests for very short stays and continue indefinitely.

Countries, territories and areas that have some form of HIV-related restriction on entry, stay or residence

11. It appears that 59 countries, territories and areas have some form of HIV-specific restriction on entry, stay and residence that is based on positive HIV status. These include those that completely ban entry of HIV-positive people for any reason or length of stay and/or are applied to visa applications for very short stays (e.g. tourist visas) and/or are applied to visa applications for longer stays (visas for residency, immigration, labour migration, asylum or resettlement, study, international employment, and consular service):

| | | |
|---|-------------------------|------------------------------|
| 1. Andorra | 21. Israel | 41. Russian Federation |
| 2. Armenia ⁹ | 22. Jordan | 42. Samoa |
| 3. Aruba | 23. Kuwait | 43. Saudi Arabia |
| 4. Australia | 24. Lebanon | 44. Singapore |
| 5. Bahrain | 25. Lithuania | 45. Slovakia |
| 6. Bangladesh | 26. Malaysia | 46. Solomon Islands |
| 7. Belarus | 27. Marshall Islands | 47. Sudan |
| 8. Belize | 28. Micronesia | 48. Syrian Arab Republic |
| 9. Brunei Darussalam | 29. Mongolia | 49. Taiwan, China |
| 10. China | 30. Namibia | 50. Tajikistan |
| 11. Comoros | 31. New Zealand | 51. Tonga |
| 12. Cuba | 32. Nicaragua | 52. Tunisia |
| 13. Cyprus | 33. Oman | 53. Turkmenistan |
| 14. Democratic People's Republic of Korea | 34. Panama | 54. Turks and Caicos Islands |
| 15. Dominican Republic | 35. Papua New Guinea | 55. Ukraine |
| 16. Ecuador | 36. Paraguay | 56. United Arab Emirates |
| 17. Egypt | 37. Poland | 57. United States of America |
| 18. Fiji | 38. Qatar | 58. Uzbekistan |
| 19. Georgia | 39. Republic of Korea | 59. Yemen |
| 20. Iraq | 40. Republic of Moldova | |

⁹ The *Amendments of Law on Preventing the Disease Caused by the Human Immunodeficiency Virus* (adopted 19 March 2009, ratified 6 April 2009) repeals earlier provisions restricting stay and residence of people living with HIV. However, according to the Law on Foreigners (Article 8/d), which is still in force, the entry, stay and residence of people with an infectious disease that threatens public health is prohibited, and HIV is included on a list of seven "infectious diseases" (Government Decree N49, 25 January 2008). Efforts are under way to review the list, with a view to ensuring conformity with the more recent HIV law.

Countries, territories and areas that require declaration of HIV status for entry or stay, resulting, for HIV-positive people, in either a bar to entry/stay or the need for discretionary approval, including through granting waivers

12. It appears that the following seven countries, territories and areas require declaration of HIV status for entry or for any length of stay and either bar HIV-positive people from entering or apply discretion concerning their entry:

Brunei Darussalam, China, Oman, Sudan, United Arab Emirates, United States of America, Yemen

- ▶ **Brunei Darussalam:** People infected with HIV are not allowed to enter or remain in Brunei Darussalam.
- ▶ **China:** Information on HIV infection is required for visitors travelling to China. The visa application form has a section that contains questions on the health status of the traveller. Among these questions, the applicant has to declare their HIV status. The visa form explicitly mentions that none of the conditions included in the health section would automatically lead to the refusal of a visa. However, the authorizing office may refuse a visa based on this information.
- ▶ Until early this year travellers were also required to declare their HIV status on a “Health Clearance Form” at the port of entry when entering China. The Health Clearance Form has been discontinued since early 2008 and may only be reinstated in the event of an emergency public health crisis.
- ▶ The Government of China has stated it is committed to discontinuing/eliminating the existing travel restrictions related to people living with HIV, and a change of the law/regulations is in process.¹⁰ It has clarified, however, that the law that includes the restrictions related to HIV addresses topics broader than HIV, and the process to revisit all topics covered by the law through all levels and sectors requires more time. It is hoped that the new law will come into effect in 2009.
- ▶ **Sudan:** People living with HIV are not allowed to enter the country.
- ▶ **United Arab Emirates:** The available information is contradictory. Although no health checks are carried out on entry, it appears that the entry and stay of people living with HIV is in principle not allowed, nor is the importation of antiretroviral medications allowed. Those asking for a residence permit are required to undergo an HIV test, and if positive are denied the permit. Further information is being sought.
- ▶ **United States of America:** On 30 July 2008, United States President George W. Bush signed *The Tom Lantos and Henry J. Hyde United States Global Leadership against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act*¹¹ of 2008. Section 305 of this Act amended

¹⁰ This commitment to remove HIV-specific restrictions on entry, stay and residence has been stated publicly on a number of occasions. See, for example, “China to ease travel restrictions on HIV-carriers”. *Reuters*, 8 November 2007. Available on-line at <http://www.alertnet.org/thenews/newsdesk/PEK29739.htm> See also coverage of the International AIDS Conference in Mexico City: “China to lift HIV/AIDS travel ban – official”. *China Daily*, 6 August 2008. Available on-line at http://www.chinadaily.com.cn/china/2008-08/06/content_6906688.htm.

the *Immigration and Nationality Act* to eliminate the statutory language that specified HIV infection as a public health ground for inadmissibility. The Centers for Disease Control and Prevention of the US Department of Health and Human Services has announced that it is preparing a regulation that would remove HIV infection from the list of communicable diseases of public health significance, thus ending any HIV-specific entry restrictions.¹² Pending finalization of that rule-making process, all HIV-positive applicants are still required to obtain an authorization for temporary entry prior to visa issuance. For the interim period, the US Department of Homeland Security issued an HIV Visa Waiver Final Rule¹³, which provides a streamlined process for non-immigrant visitors to enter the United States of America as temporary visitors, and visas issued under this final rule will not publicly identify any traveller as HIV positive.¹⁴

- ▶ **Yemen:** HIV-positive people are not allowed to enter, independent of purpose or length of stay.

Countries, territories and areas that deny applications for entry by HIV positive people for stays beginning as short as 10 days, up to 90 days

13. Many countries, territories and areas allow the *entry* of non-nationals for short periods without a visa. The purposes of such short stays may include personal, business or professional reasons such as tourism, visiting family and/or friends, meetings, conferences or educational events. In this context, many countries, territories and areas also allow HIV-positive people to enter for short periods without enquiring about their status.
14. However, in six countries, territories and areas, when the period of stay surpasses a particular duration, proof of HIV-negative status is required, either through an HIV test or declaration of HIV-negative status. It appears that the following countries, territories and areas deny HIV-positive people their applications for visas for stays beginning as short as 10 days, up to 90 days (and subsequently for longer-term stays and residence):

Egypt, Iraq, Qatar, Singapore, Tunisia, Turks and Caicos Islands

- ▶ **Egypt:** Evidence of an HIV-negative test result is required for everyone staying over 30 days for the purpose of studying or working in Egypt. Tests have to be taken at the central laboratory of the Ministry of Health. Tests taken externally will not be accepted. A person will be expelled if their HIV-positive status is detected.

¹¹ This Act is sometimes referred to as the "United States President's Emergency Plan for AIDS Relief (PEPFAR) reauthorization bill".

¹² The Director of the US Centers for Disease Control Julie Gerberding underlined that the Department of Health and Human Services "has clearly stated our intent to remove HIV infection as an inadmissible condition for entering the United States. We are already preparing the revised rule." (See "Removing the HIV Barrier", Washington Post, 6 October 2008; available on-line at <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/05/AR2008100501854.html>.)

¹³ The Final Rule states in part the following: "Although Public Law 110-293 eliminates the requirement that HIV be included in the list of communicable diseases of public health significance (as defined by CFR 34.2), HIV remains on that list until HHS amends its regulation. See 42 CFR 34.2 HHS has indicated its intention to do so by rulemaking; pending such action, any alien who is HIV-positive is still inadmissible to the United States." The full text of the final rule can be found at http://www.dhs.gov/xlibrary/assets/hiv_waiver_finalrule.pdf.

¹⁴ The US Department of Homeland Security rule that streamlines the process of processing waivers for HIV-positive people is described in "Fact Sheet: Streamlined Process Announced for Otherwise Eligible HIV-Positive Individuals to Enter the United States" (September 2008); available on-line at http://www.dhs.gov/xnews/releases/pr_1222704743103.shtm.

- ▶ **Iraq:** All foreigners have to undergo HIV tests at a State-owned laboratory within 10 days of arrival.
- ▶ **Qatar:** Visitors who intend to stay for more than one month are required to undergo a physical examination that includes HIV testing. Applicants for work or residence permits must undergo an HIV test at a designated governmental facility within one month. Those testing HIV positive will be denied work visas and will be deported.
- ▶ **Singapore:** HIV testing is carried out as part of the health examination for prospective migrants applying for a work permit and who have obtained in-principle approval for employment. Those who are HIV positive are not granted employment passes and those who are identified as HIV positive in Singapore are repatriated.
- ▶ **Tunisia:** An HIV test result must be provided for stays longer than 30 days.
- ▶ **Turks and Caicos Islands:** An HIV test is mandatory for residence and work permits for anyone staying longer than 30 days. Tests taken abroad will not be accepted and tests must be repeated whenever the visa permit is extended.

Countries, territories and areas that deport foreigners based on their positive HIV status alone

15. It appears that 26 countries, territories and areas deport people once their HIV-positive status becomes known:

| | | |
|--|-------------------------|------------------------------|
| 1. Armenia ¹⁵ | 10. Kuwait | 19. Singapore |
| 2. Bahrain | 11. Malaysia | 20. Sudan |
| 3. Bangladesh | 12. Republic of Moldova | 21. Syrian Arab Republic |
| 4. Brunei Darussalam | 13. Mongolia | 22. Taiwan, China |
| 5. China | 14. Oman | 23. United Arab Emirates |
| 6. Democratic People's Republic of Korea | 15. Qatar ¹⁶ | 24. United States of America |
| 7. Egypt | 16. Republic of Korea | 25. Uzbekistan |
| 8. Iraq | 17. Russian Federation | 26. Yemen |
| 9. Jordan | 18. Saudi Arabia | |

¹⁵ See footnote 9 above.

¹⁶ Non-nationals who acquire HIV while resident in Qatar will not be deported. They are entitled to receive HIV prevention, treatment, care and support services, on equal basis with Qatari citizens.

Countries, territories and areas that deny employment visas and/or work permits based on HIV status

16. It appears that there are 39 countries, territories and areas that have HIV-specific restrictions that are applicable to employment or labour.

| | | |
|---|------------------------|--------------------------------------|
| 1. Andorra | 14. Israel | 27. Saudi Arabia |
| 2. Angola | 15. Kuwait | 28. Seychelles |
| 3. Bahrain | 16. Lebanon | 20. Singapore |
| 4. Belize | 17. Lithuania | 30. Slovakia |
| 5. Benin | 18. Malaysia | 31. Saint Kitts and Nevis |
| 6. Brunei Darussalam | 19. Mongolia | 32. Saint Vincent and the Grenadines |
| 7. Central African Republic | 20. Montserrat | 33. Syrian Arab Republic |
| 8. China | 21. New Zealand | 34. Taiwan, China |
| 9. Comoros | 22. Oman | 35. Tunisia |
| 10. Cyprus | 23. Papua New Guinea | 36. Turks and Caicos Islands |
| 11. Democratic People's Republic of Korea | 24. Qatar | 37. United Arab Emirates |
| 12. Dominican Republic | 25. Russian Federation | 38. United States of America |
| 13. Egypt | 26. Samoa | 39. Yemen |

17. In some countries, territories and areas, HIV-related restrictions on entry, stay and residence are applied to certain professions or forms of employment.¹⁷ For example, in **Bahrain** restrictions are applied to health professionals, household help, entertainment industry staff, hotel staff and restaurant workers. In **Cyprus**, HIV tests are enforced for construction workers, bar staff, household help and people working in the tourism industry. Exceptions are made for employees of international enterprises and the United Nations. The **Republic of Korea** requires HIV tests for foreign workers, especially for people working in the entertainment industry and in sports. **Qatar** applies HIV-related restrictions to all people seeking work permits. The **Syrian Arab Republic** makes exceptions for personnel of the United Nations and some nongovernmental organizations.

18. In some countries, territories and areas, employers in countries of origin and destination apply their own HIV-related restrictions. These may or may not align with national policies and laws on HIV and employment, including those that prohibit HIV testing for recruitment or retention. For example, in **Malaysia**, enforcement of the required HIV test for employees depends largely on employers. When a test is performed, work permits will only be granted if there is an HIV-negative result. In **Slovakia**, an application for a work permit includes tests for HIV, hepatitis, syphilis and other sexual transmitted infections.

¹⁷ In Hungary, for example, according to Regulation 18/1998, people with HIV or other blood-borne infections are prohibited from performing invasive surgical interventions and working in maternity wards. Such provisions apply to both nationals and non-nationals. In Greece, obligatory HIV tests are required for male and female sex workers, both nationals and non-nationals. Work is not permitted if HIV-positive status is detected, although free HIV treatment is offered.

Examples of countries, territories and areas that require HIV tests for entry or stay and/or regular or periodic tests to maintain residence permits

19. In **Germany**, HIV tests are required in certain states for the entry of immigrants (including Bavaria, Saxony and New Brandenburg). **Nicaragua** requires an HIV-negative test result for the extension of a three month visa. **Brunei Darussalam** requires a health check after entry, including an HIV test, to acquire any residency status or work permit. In **Lebanon**, HIV tests are a prerequisite for applicants seeking longer-term stays and work permits. Tests performed abroad will not always be accepted and might need to be repeated. **Egypt** also does not accept results from HIV tests done outside the country and requires that HIV tests be done in the central laboratory of the Ministry of Health. In **Malaysia**, enforcement of HIV restrictions may include on-the-spot HIV tests, if requested, by the immigration officer, and refusal to be tested may result in denial of entry. Mandatory testing related to HIV travel restrictions may also include testing of refugees, pregnant women and their babies—as is the case in **Poland**. **Bahrain** requires HIV testing of all foreigners and their families as part of health checks for employment permit applications. In **Belize**, HIV test results cannot be older than two months; tests have to be presented within three months of arrival. There are countries that implement HIV controls on a regular basis for foreigners already in the country. Some countries require an HIV test to be taken annually, or whenever the work or residence permits need to get extended. The *Global Database on HIV-related Travel Restrictions* indicates that six countries have mandatory HIV testing that must be repeated on a regular basis; however, other countries may have such a requirement. These include **Belarus, Cuba, Malaysia, the Republic of Moldova, Mongolia, and the Turks and Caicos Islands**.

Examples of countries, territories and areas with practices that may impinge on confidentiality of HIV status

20. **China** requires that HIV-positive status be declared on the visa application form. In **Malaysia**, health-care workers are legally obliged to report all identified HIV cases to the authorities. The authorities of the **United States of America** stamp a coded indication of positive HIV status onto the passports of those who have received a waiver allowing entry. In **Viet Nam**, people living with HIV are requested to declare their status at the sanitary control office on entry.

Examples of countries, territories and areas that apply HIV-related entry, stay and residence regulations to nationals from regions with high HIV prevalence

21. **Surinam** requires HIV tests from visitors travelling from Africa, Asia and eastern Europe. **Israel** requests HIV testing for migrants from “endemic” regions, including sub-Saharan Africa. **Cuba** has standing bilateral agreements with some African States on restricting access to students’ scholarships to Cuba for people living with HIV.

Examples of countries, territories and areas that deny applications by HIV-positive students

Belarus, Brunei Darussalam, Cuba, Cyprus, Egypt, Malaysia, Republic of Moldova, Mongolia, Montserrat, Russian Federation, Saint Kitts and Nevis, Syrian Arab Republic, Turkmenistan, United States of America and Yemen

22. People with HIV are not allowed to study in **Belarus**. No scholarships will be granted in **Cuba** for students with “limited life expectancy” (which includes HIV infection). Health checks are required by the Ministry of Health for those who want to study or work in **Cyprus**. HIV tests for students are required in some universities in **Malaysia**. In **the Republic of Moldova** there is a government *Decree on Education of Foreign Citizens and Stateless Persons* (2003) that prescribes a mandatory HIV test. In **Yemen**, students over 16, staying longer than one month, must get tested.

Countries, territories and areas with contradictory information concerning HIV-related restrictions on entry, stay and residence

23. For the following 20 countries, territories and areas, various sources provided contradictory information regarding the status of HIV-related restrictions on entry, stay and residence:

| | | |
|-------------------------------------|---|---|
| 1. Algeria | 8. Equatorial Guinea | 15. Saint Kitts and Nevis |
| 2. Angola | 9. Germany (Bavaria, Saxony, Brandenburg) | 16. Saint Vincent and the Grenadines |
| 3. Benin | 10. Honduras | 17. Suriname |
| 4. Bolivia (Plurinational State of) | 11. Montserrat | 18. United Republic of Tanzania ¹⁸ |
| 5. British Virgin Islands | 12. Niger | 19. United States Virgin Islands |
| 6. Central African Republic | 13. Rwanda | 20. Viet Nam |
| 7. Eritrea | 14. Seychelles | |

Countries, territories and areas for which the Global Database was not able to obtain information on the status of HIV-related restrictions on entry, stay and residence

24. There are 17 countries, territories and areas for which it has not yet been possible to obtain information on HIV-related restrictions on entry, stay and residence:

| | | |
|-----------------|-------------|---------------------------|
| 1. Afghanistan | 7. Dominica | 13. Sao Tome and Principe |
| 2. Bahamas | 8. Kiribati | 14. Somalia |
| 3. Bhutan | 9. Liberia | 15. Timor-Leste |
| 4. Cape Verde | 10. Nauru | 16. Tuvalu |
| 5. Congo | 11. Niue | 17. Vanuatu |
| 6. Cook Islands | 12. Palau | |

¹⁸ The United Republic of Tanzania is listed below as a country without HIV-related restrictions, due to a recently passed law that prohibits restrictions on travel or residence on account of actual or perceived HIV status (Part VII, Article 30). However, available information indicates that the Tanzania Immigration Act No. 7 of 1995 prohibits the entry or stay of persons with contagious or infectious diseases, including persons with HIV.

Countries, territories and areas that have no HIV-related restrictions on entry, stay or residence

25. It appears that 108 countries, territories and areas have no HIV-related restrictions on entry, stay and residence:

| | | |
|--------------------------------------|---|---|
| 1. Albania | 37. Guatemala | 73. Morocco |
| 2. Antigua and Barbuda | 38. Guinea | 74. Mozambique |
| 3. Argentina | 39. Guinea-Bissau | 75. Myanmar |
| 4. Austria | 40. Guyana | 76. Nepal |
| 5. Azerbaijan | 41. Haiti | 77. Netherlands |
| 6. Barbados | 42. Holy See | 78. Nigeria |
| 7. Belgium | 43. Hong Kong Special Administrative Region | 79. Norway |
| 8. Bosnia and Herzegovina | 44. Hungary | 80. Pakistan |
| 9. Botswana | 45. Iceland | 81. Peru |
| 10. Brazil | 46. India | 82. Philippines |
| 11. Bulgaria | 47. Indonesia | 83. Portugal |
| 12. Burkina Faso | 48. Iran (Islamic Republic of) ⁵ | 84. Romania |
| 13. Burundi | 49. Ireland | 85. San Marino |
| 14. Cambodia | 50. Italy | 86. Senegal |
| 15. Cameroon | 51. Jamaica | 87. Serbia |
| 16. Canada | 52. Japan | 88. Sierra Leone |
| 17. Chad | 53. Kazakhstan | 89. Slovenia |
| 18. Chile | 54. Kenya | 90. South Africa |
| 19. Colombia | 55. Kosovo | 91. Spain |
| 20. Costa Rica | 56. Kyrgyzstan | 92. Sri Lanka |
| 21. Democratic Republic of the Congo | 57. Lao People's Democratic Republic | 93. Saint Lucia |
| 22. Côte d'Ivoire | 58. Latvia | 94. Swaziland |
| 23. Croatia | 59. Lesotho | 95. Sweden |
| 24. Czech Republic | 60. Libyan Arab Jamahiriya | 96. Switzerland |
| 25. Denmark | 61. Liechtenstein | 97. United Republic of Tanzania |
| 26. Djibouti | 62. Luxembourg | 98. Thailand |
| 27. El Salvador | 63. Madagascar | 99. The former Yugoslav Republic of Macedonia |
| 28. Estonia | 64. Malawi | 100. Togo |
| 29. Ethiopia | 65. Maldives | 101. Trinidad and Tobago |
| 30. Finland | 66. Mali | 102. Turkey |
| 31. France | 67. Malta | 103. Uganda |
| 32. Gabon | 68. Mauritania | 104. United Kingdom |
| 33. Gambia | 69. Mauritius | 105. Uruguay |
| 34. Ghana | 70. Mexico | 106. Venezuela (Bolivarian Republic of) |
| 35. Greece | 71. Monaco | 107. Zambia |
| 36. Grenada | 72. Montenegro | 108. Zimbabwe |

¹⁹ Based on information provided by the Permanent Mission of the Islamic Republic of Iran to the United Nations in Geneva and the Director-General of the Centre for Disease Control in Iran, there is no HIV testing performed in the context of entry, stay and residence in the country. However, it has become known to UNAIDS that Iranian visa forms may include questions on whether or not someone has suffered from "contagious illness". It is not clear what is considered "contagious illness" for the purposes of the form, or what the consequences would be if someone declared that they were living with HIV. For an example of a visa application form with such a question, see <http://www.iran-embassy.org.uk/page/forms/R1-R2-1.pdf> (last accessed 11 May 2009).

Conclusion

26. The information provided above demonstrates the great variety of restrictions imposed on the entry, stay and residence of people living with HIV. These restrictions often single out HIV, as opposed to comparable health conditions, and are all triggered by HIV-positive status alone. They are imposed on stays of varying duration, on some types of workers and professions and on people from some countries. Their variety does not suggest a connection to some rational purpose in terms of an effective global or national response to the HIV epidemic, nor have they been clearly justified in terms of their being necessary or effective in protecting public health or the public purse.
27. The information provided above also indicates that 106 countries have chosen *not* to single out HIV status for discriminatory treatment and have proceeded on that basis without negative results. It is hoped that the countries that have HIV-specific restrictions on entry, stay and residence based on positive HIV status will move quickly to rescind them as part of their fulfilment of the commitments they made in the *Declaration of Commitment on HIV/AIDS* (2001) and *Political Declaration* (2006) to end discrimination against people living with HIV.

The Mapping of restrictions on the entry, stay and residence of people living with HIV was commissioned by the International Task Team on HIV-related Travel Restrictions. The Task Team was established by UNAIDS in January 2008 as an advisory/technical group whose role was to galvanize attention to such restrictions on national, regional and international agendas, calling for and supporting efforts towards their elimination. The principles of non-discrimination and the greater involvement of people living with HIV formed the core of the Task Team's work and provided the context in which its efforts were set.

The **Report** of the Task Team, presenting its **Findings** and **Recommendations**, can be found at www.unaids.org.

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