



Immigration & HIV

Its effect on the LatinX community

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Presenter & Acknowledgements

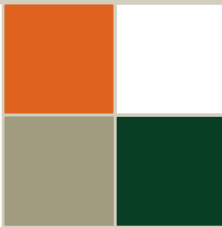
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This speaker does not have any financial relationships with commercial entities to disclose



LEARNING OBJECTIVES

1. Provide a general overview of immigration law
2. Examine current immigration laws and their implication in the Latinx community
3. Discuss immigration cases where people living with HIV have obtained both a positive and a negative outcome





OBJECTIVE 1 & 2

Provide a general overview of immigration law

Examine current immigration laws and their implication in the Latinx community

Lack of autonomy in immigration court proceedings and Law



US TRAVEL BAN



On May 15, 1987

The U.S. Public Health Service adds HIV as a “dangerous contagious disease” to its immigration exclusion list and mandates testing for all visa applicants.



US TRAVEL BAN



The HIV ban was lifted until January 4, 2010.

Prior to 2010, federal immigration law prohibited people with HIV from entering the country. The United States removed statutory and regulatory bans prohibiting people living with HIV from entering the country.

Effective January 4, 2010, HIV is no longer a ban to entry into the United States for visitation or immigration purposes. **This means that HIV status alone** cannot be a reason for excluding, removing, or deporting a person from the United States.



US TRAVEL BAN

The regulations remove HIV from the list of “**communicable diseases of public health significance**,” meaning that anyone seeking to enter the U.S. as a visitor can now do so without having to disclose his or her HIV status.

The regulations also remove the HIV testing requirement for lawful permanent resident applicants.



Removal Proceedings Immigration

&

Non Removal Proceedings Immigration

Non Removal Proceedings Immigration



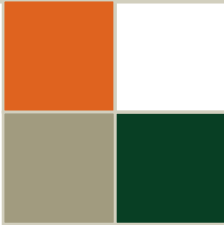
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Undocumented Aliens & Out of Status



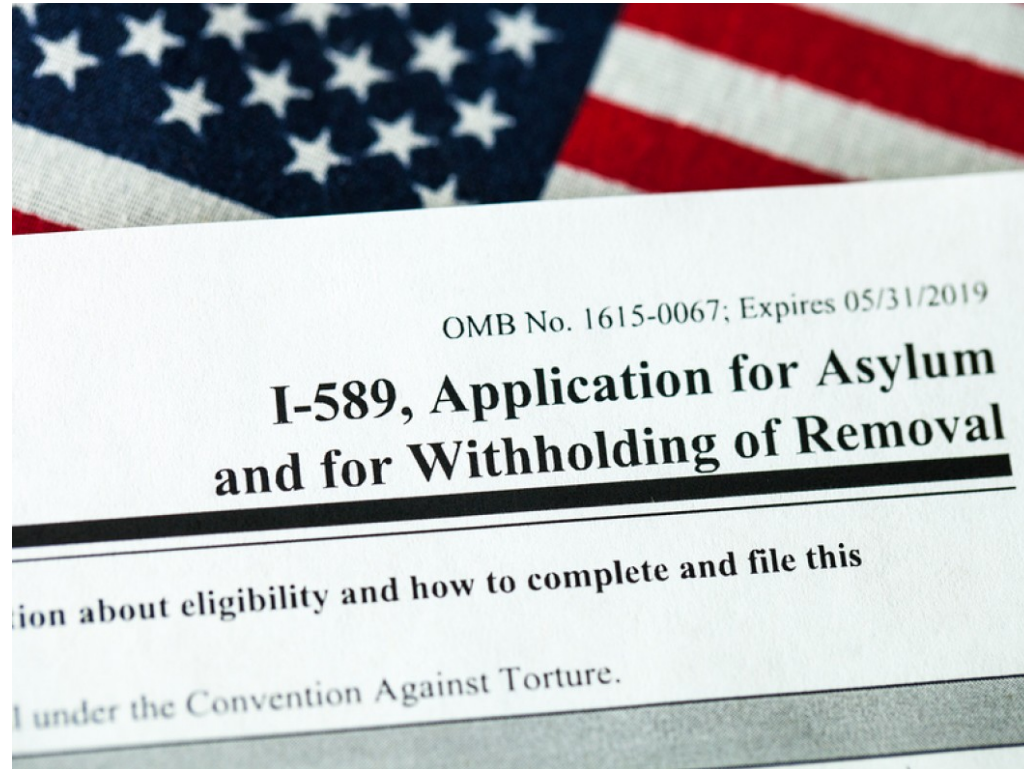
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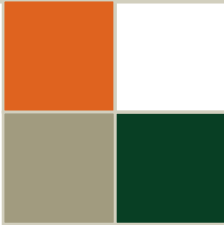
Criminal Offences



Assylum



U visa / Violence Against Woman Act (VAWA)



Family Based & Employment based Immigration

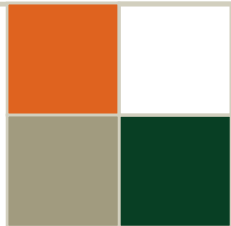


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OBJECTIVE 1 & 2: Provide a general overview of immigration law ; Examine current immigration laws and their implication in the Latinx community

Special Immigrant Juvenile (SIJ)



Changes in Policy Regarding Past Immigration Relief



Temporary Protection Status (TPS)



Deferred Action for Childhood Arrivals (DACA)



Wet Foot/Dry foot Policy (Cubans)





OBJECTIVE 3

Discuss immigration cases where people living with HIV have obtained both a positive and a negative outcome

The Case of Juana

Transgender Female living with HIV from Venezuela.
40 years old. Diagnosed with HIV 10 years ago. Single no relatives in the US.

Came from Venezuela because she was persecuted and discriminated for being diagnosed with HIV. She was afraid of dying due to lack of adequate medical attention/medicines for people living with HIV like her.

She was Working under the table in the US. Has not told any family member or friends about her status, only her Ryan white case manager, doctor and attorney.



The Case of Juana

Client applied for Asylum as a member of a Particular Social Group (“Venezuelan Transgender female living with HIV “)

Disclosed her HIV status to immigration

“If I go to Venezuela I will Die”



The Case of Cristian

35 year old cisgender Male from Honduras living with HIV. No legal documentation. TPS expired.

Diagnosed with HIV one month ago.

Suffered domestic violence due to disclosing his status to his partner.

Client reported using protection with partner. Client did not report domestic violence to police due to fear of disclosing his HIV status.



The Case of Cristian

Client's driver License was expired.
He ran a red light and was pulled over.
He was detained and sent to Ice.

Deported and sent back to Honduras. Had he disclosed the domestic abuse he would have been able to apply for a U visa and may have been able to stay in the U.S.



Analysis of the two cases

STIGMA associated with HIV status disclosure affected their case

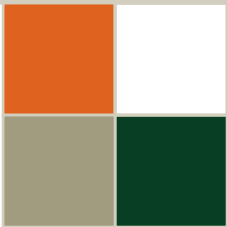
Many times LatinX individuals living with HIV will opt out of sharing their status to immigration because they are afraid of having their immigration documents denied due to their HIV status.

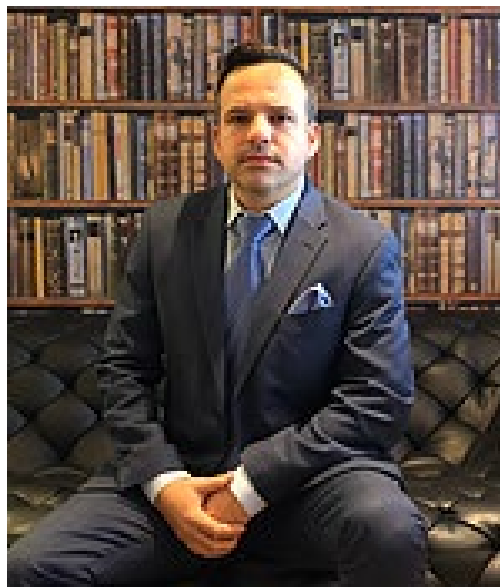
Fear of having Immigration sharing their status with their family members, friends or coworkers.

Many times, SHARING their status with Immigration may assist them in receiving a positive outcome.



QUESTIONS





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