

February 18, 2015

### **HIV-positive status will not impede visa eligibility**

**Q:** *I've met someone from the U.S., and we have fallen deeply in love. In fact, we are now engaged and we plan to be married in Miami! He has filed for me to immigrate to the U.S. as his fiancé. I'm thrilled! But I'm worried about the immigration interview at the Embassy, because I'm positive for HIV. Will I be turned down because of the HIV?*

**A:** Congratulations on your engagement! And we're pleased to assure you, the HIV status will NOT impede your visa eligibility.

There was a time, however, when the condition was an impediment.

An HIV infection used to be considered a public health condition which prevented non-U.S. citizens from entering the United States. HIV-positive applicants ineligible for U.S. visas under the law. They could qualify to enter the U.S. only by receiving approval for a waiver of this ineligibility, a somewhat complicated procedure.

However, in 2008 President George W. Bush signed the United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This document amended our Immigration and Nationality Act to remove HIV infection as a public health condition that could prevent foreign citizens from entering the U.S.

In 2009, the Centers for Disease Control and Prevention (CDC) proposed a rule change to remove HIV from the list of communicable diseases of public health significance, as well as to remove HIV from the scope of the medical examination for prospective immigrants. After a period of public comment, the changes were implemented. The CDC determined that while HIV infection is a serious health condition, it is not introduced, transmitted or spread through casual contact. Therefore, it is not a communicable disease of significant public health risk, and so it does not cause an applicant to be ineligible for a visa.

The final rule went into effect on January 4, 2010. Since that date, medical examinations for immigrant visa applicants do not include any test for the HIV virus, and applicants who reveal themselves to be HIV-positive applicants will not be found ineligible for visas solely due to their HIV status.

Of course, applicants for a visa still must qualify on other grounds – for example, by establishing a valid relationship and demonstrating to consular officers that they will have means of support, etc. However, now that the law has been changed, HIV-positive applicants are fully eligible for visas.

Good luck with your future plans, and we hope you and your fiancé had a wonderful Valentine's Day last weekend!

*You can find more information about how to travel to the U.S. on our website, [www.kingston.usembassy.gov](http://www.kingston.usembassy.gov) and the website of our authorized service provider at <https://usvisa-info.com>. Keep on top of Embassy news on our Facebook page, <https://www.facebook.com/pages/US-Embassy-Jamaica> and by following @USEmbassyJA on Twitter. We also answer general visa questions on our Facebook and Twitter pages.*