



U.S. Customs and
Border Protection

MAR 16 2005

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MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Assistant Commissioner
Office of Field Operations

SUBJECT: Procedures for Admitting Persons Inadmissible to the United
States Due to HIV Infection to Attend International
Conference on HIV/AIDS

This memorandum authorizes special blanket waiver procedures for the admission of HIV-infected aliens seeking to attend an international conference on HIV/AIDS sponsored by the Universal Fellowship of Metropolitan Community Churches (UFMCC). This year, the UFMCC conference will be held in Calgary, Alberta, Canada from July 21 - 26, 2005, with travel during the period from July 19 - 29, 2005, to allow international attendees airline transfer time.

U.S. Citizenship and Immigration Services (CIS) has approved the UFMCC conference as a "designated event," and the blanket waiver policy is invoked. Those HIV-infected aliens seeking to transit through the United States to attend the Calgary conference may be granted a waiver of inadmissibility under section 212(d)(3)(A) or (B) of the Immigration and Nationality Act (INA), as applicable, and may be admitted under special procedures established for designated events. The HIV-infected attendees seeking waivers of inadmissibility under section 212(d)(3)(A) or (B) of the INA for HIV infection must submit evidence that they seek temporary admission to transit the United States to attend the designated event in Calgary. Acceptable evidence may include an official record of registration or an invitation from UFMCC, the sponsoring organization. Such attendees must also submit evidence that proper arrangements have been made to transit the United States at the beginning of the conference and at the conclusion of the event, if appropriate. Such evidence may be in the form of a ticket from the transportation carrier establishing the mode, dates and times of travel.

The Department of State (DOS) will issue a C-1 visa, valid for one or two entries. Consular officers will not be required to seek concurrence from the Secretary of Homeland Security prior to issuing the visa for this designated event, provided the alien is not inadmissible on any ground other than section 212(a)(1)(A)(i) of the INA because of HIV infection. Consular officers will advise any HIV-infected nonimmigrant visa

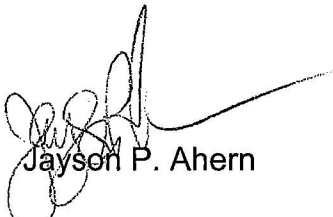
applicant seeking to attend the UFMCC conference that the visa may be issued on Form OF-232 instead of placing it permanently in the passport. The DOS has advised the Department that the notation "**212(d)(3)(A):UFMCC**" will appear in the annotation field of the visa. This will alert CBP Officers at ports of entry that the individual is traveling through the United States under the special blanket waiver procedures to attend a UFMCC conference.

An individual not requiring a new visa, or who is exempt a visa (see Title 8, Code of Federal Regulations, Part 212.1(a)), who establishes that he or she was not aware of the ground of inadmissibility and that it could not have reasonably been ascertained by the exercise of reasonable diligence, may be authorized a section 212(d)(3)(B) waiver for one or two admissions not to exceed 10 days upon completion of all available database checks, the search and enroll procedure in IDENT and the IDENT/IAFIS search at ports where available. Application on Form I-192 and fee are not automatically waived.

Officers should admit these aliens for an authorized stay in accordance with the travel dates for each event listed above. Established procedures dictate that Officers at ports of entry may not ask arriving aliens any questions about their HIV status when those aliens are seeking admission to the United States to travel to attend a UFMCC conference.

Admission to the United States pursuant to the Visa Waiver Program (VWP) continues to be unavailable to individuals who require section 212 waivers of inadmissibility. Such individuals may, however, apply for a nonimmigrant visa and seek the benefit of the blanket waiver under section 212(d)(3)(A) of the INA for HIV infection, in accordance with established procedures.

Please ensure this topic is covered at the daily port musters, copy attached. If you have any questions, please have a member of your staff contact Linda Loveless at 202-344-2493 or John Klow at 952-853-2876.



Jayson P. Ahern

Attachment