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## NOTE EQUIVALENT TO AN OPINION

## INDIVIDUAL RIGHTS

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## NOTE EQUIVALENT TO AN OPINION ON THE IMPACT ON PUBLIC HEALTH OF RESTRICTIONS ON IMMIGRATION

CNS is committed to universal access to healthcare, regardless of patients' legal status, and the right to healthcare asylum is an essential to successfully fighting the HIV epidemic. In the past, it has already called for "full and comprehensive enforcement of regulations" currently existing.

Beyond the issue of access to healthcare and the right to healthcare asylum, any measure likely to impair the stability of a foreigner's situation may have a negative impact on public health. This is because there is an interaction between national policy on right to asylum and the fight against HIV and public health in general.

### **THE RIGHT TO HEALTHCARE ASYLUM: A TOOL IN THE FIGHT AGAINST HIV**

#### MEDICAL CARE

Pursuant to Article 313-11 11° of the Code on Foreigner Entry and Asylum, a stay permit shall be granted to "any foreigner usually residing in France, whose health condition requires medical care which, if lacking, could give rise to exceptionally serious consequences, provided that the individual cannot benefit from appropriate treatment in the country of which he or she is a national".

It is vital that foreign persons living with HIV, regardless of their administrative situation, be able to receive care in France as, in many cases, actual access to treatment and medical care is far from certain in their home country.

Early care helps ensure better control of HIV-infection and contributes to creating conditions that are conducive to preventing transmission. In addition, from the standpoint of the healthcare system, early care prevents costly complications.

#### COMPREHENSIVE CARE

It is vital that persons granted healthcare asylum be allowed to work, so that they may enjoy the financial self-sufficiency needed when undergoing care for HIV, a major illness. Likewise, from the community's standpoint, granting a stay permit along with a work permit, enables better integration into society and provides the benefits of the related social taxes.

The benefit of family immigration is important for foreigners living with HIV, as the presence and support of a loved one are fundamental to treatment compliance.

Including migrants in our healthcare system also helps improve the likelihood that information and prevention actions on HIV will reach their targets.

## **THE RIGHT OF ASYLUM: RELATIONS BETWEEN LIVING CONDITIONS AND FIGHT AGAINST AIDS**

### THE CONNECTION BETWEEN INSECURE LIVING CONDITIONS AND HEALTH: THE LIMITS OF ANTI-HIV POLICY

Insecure living conditions tend to be harmful to the health of the individuals undergoing them, while also hindering the implementation of preventive behaviours and access to healthcare for the patients involved. Foreigners are particularly subject to such insecure conditions, not only in economic terms (unemployment, poverty, insalubrious housing), but also legal (stay permit lacking or temporary) .

Epidemiological data show that persons of African descent are more likely to carry HIV. They also tend to seek testing and begin treatment at a later time.

### POSSIBLE CHANGES TO POLICIES ON RIGHT OF ASYLUM FOR FOREIGNERS: LIMITS TO ANTI-HIV POLICY

With regard to family immigration: it is to be feared that tighter requirements will prevent patients from being able to benefit from the support of their loved ones. It has been established that leaving a foreign patient alone to struggle with disease has harmful consequences on the individual's health and mental condition. Family solidarity helps improve those individuals' day-to-day lives and healthcare.

With regard to exercising a profession: CNS has already called attention to the fact that the only way to ensure that patients can receive sufficient care and work sustainably is to issue a work permit along with the temporary stay permit. Removing the former would have negative effects on the patients' living standards and compliance with medical treatment.

In this memorandum, Conseil national du sida wished to recall the essential principles to which it is committed, out of respect for human rights and for public health reasons. Consequently, when the Bill on Immigration and Integration is voted upon, CNS asks that France's legislators give consideration to the fact that a migration control policy can have negative or positive impacts on public health and anti-HIV efforts, depending on the procedures used.