



CONSEIL NATIONAL DU SIDA
7 RUE D'ANJOU
75008 PARIS
T. 33 [0]1 40 56 68 50
F. 33 [0]1 40 56 68 90
CNS.SANTE.FR

PRESS RELEASE

INDIVIDUAL RIGHTS

EN

1993 JULY 12TH

PRESS RELEASE ON THE STATUTE "CONCERNING IMMIGRATION CONTROL AND CONDITIONS FOR THE ADMISSION, RECEPTION AND RESIDENCE OF FOREIGN NATIONALS IN FRANCE"

The statute "concerning immigration control and conditions for the admission, reception and residence of foreign nationals in France" presently being considered in Parliament may have serious consequences for foreign nationals, who would run the risk of no longer being able to obtain in France the healthcare necessitated by their state of health.

Two aspects of the statute are of particular concern to the National AIDS Council:

1. The impossibility henceforth for any individual not legally resident of membership of the social security system – and automatic termination of the membership of those who, at any given moment, do not have the required residence papers – combined with the making of home medical care, indispensable most notably for buying medication and obtaining other outpatient care, conditional on a continuous three-year period of residence on French territory, will lead to a situation in which individuals who are particularly vulnerable, in terms of both social inclusion and health, will be deprived of all health and welfare cover and by the same token of all access to the healthcare system.
2. The new provisions, by making further categories of foreign national subject to deportation, escort to the border and banning orders from French territory, will result in an increase of a number of measures for the removal of individuals from national soil. Those measures often affect individuals whose state of health requires major levels of healthcare that they were receiving in France, notably in prison, and where it is certain, given the special and costly nature of the treatment, they would not benefit from equivalent provision in the countries to which they are returned. This notably applies to HIV/AIDS sufferers, but it is also true of other serious medical conditions. The National AIDS Council must therefore restate, even more forcefully, the recommendation expressed in its press release of October 29, 1991, in which it requested "that the authorities responsible for application of the law pay special attention to the cases of individuals suffering from grave medical conditions, refraining from deportation wherever, due to lack of resources and inadequate health infrastructures, the sufferer would not be able to continue to receive medical treatment in the country to which he or she would be sent. Such a policy would avoid deportations that would result in consequences out of all proportion to the original grounds for deportation."

Note :

the proposed legislative provisions were passed by Parliament during the extraordinary session ending on July 13. It was subsequently referred to the Constitutional Council, which ratified them.