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OPINION AND REPORT

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**OPINION AND REPORT ON THE POSITION OF HIV-
INFECTED FOREIGN NATIONALS ILLEGALLY
RESIDENT IN FRANCE**

OPINION

The observations made in the report led the National AIDS Council to issue the following opinion :

The recommendations which follow derive from the absolute principle whereby the minimum threshold must be the provision to any sufferer from illness of unimpeded access to healthcare and an opportunity of life with dignity, whether the patient is a French citizen or a foreign national, and whether he or she is legally or illegally resident in France. Over and above this principle, the special characteristics of HIV pathology must be stressed : as a communicable disease, it is also in the interests of society as a whole that it receive special attention: the provision of medical care must necessarily be associated with preventive measures.

Consequently, the National AIDS Council, conscious of the difficulties encountered by illegally resident HIV-infected foreign nationals, makes the following recommendations to the public authorities :

1. Clear directives should be issued concerning the issuance of residence permits to enable healthcare to be obtained.
2. The task of carrying out medical evaluations should be given to doctors independent of government and trained in the special characteristics of HIV pathology. Such evaluations must be carried out in accordance with criteria specifically related to what is a chronic illness with a fatal prognosis and reflect the development of treatment and healthcare techniques at the various stages in HIV infection.
3. The duration of temporary residence permits for healthcare purposes should no longer be systematically limited to three months, but should reflect the nature of the medical condition concerned and the duration of treatments that may be offered.
4. Issuance of temporary residence permits for the provision of healthcare should be accompanied by welfare rights reflecting the nature of the medical condition concerned. In certain cases, the welfare cover could derive from a temporary work permit enabling affiliation to the generally applicable social security regime. In any event, the person concerned should have access not only to hospital medical assistance, but also to home medical care, since this is frequently required for what is a grave chronic illness. Such conditions should be supplemented by access to existing medical and welfare systems for the provision of care.
5. A separation should be guaranteed between medical care and welfare assistance on the one hand and immigration control on the other. To that end, the National AIDS Council recommends that both central government and local authorities ensure that health and welfare professionals are provided with the resources needed to carry out their work in an unimpeded and independent manner.

The above clarification of the situation of illegally resident HIV-infected foreign nationals will need to be evaluated in qualitative and quantitative terms in the next two years in order to assess how far it has been achieved.

REPORT

See French version