



HIV organizations in Canada call for the immediate revocation of immigration policy that harms people living with HIV

This statement can be attributed to HALCO, the HIV Legal Network, and COCQ-SIDA.

June 21, 2023 – The HIV & AIDS Legal Clinic Ontario (HALCO), HIV Legal Network, and La Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA), are deeply concerned about the continued application of the “Automatic Partner Notification Policy” (“the Policy”) by Immigration, Refugees and Citizenship Canada (IRCC) and **are calling for the Policy to be immediately revoked.**

The Automatic Partner Notification Policy requires individuals living with HIV who are applying for permanent resident status through a family class sponsorship or as a dependent family member of a refugee to inform their sponsor of their HIV status. Applicants must also provide the IRCC with proof of such notification within 60 days. Otherwise, applicants must withdraw their application or wait until the IRCC informs their sponsor. **This Policy discriminates against people living with HIV, including by violating their right to equal treatment under s. 15(1) under the *Charter of Rights and Freedoms*.**

Applicants are tested for many illnesses during medical examinations as part of the immigration process. However, IRCC requires only those living with HIV to choose between revealing their health condition or withdrawing their application. IRCC does not impose this requirement on applicants living with any other health conditions, including other sexually transmitted or blood-borne infections. Moreover, provincial and territorial public health authorities already, and more appropriately, address these issues, with each having specific procedures to be followed after a positive HIV diagnosis.

The Policy can also add a year or more to the already lengthy immigration process because applicants living with HIV are required to attend an interview, which is not normally required in permanent residence applications. **This is expected to have a disproportionate harmful impact on gay, trans, Black, and other racialized people, without any justification.**

While this Policy is intended to “protect” public health, it does the opposite by increasing stigma and perpetuating stereotypes that people with HIV are inherently dangerous and deceptive. The Policy is also based on stereotypes about risks of HIV transmission, which are much lower than commonly assumed. While HIV can only be transmitted through specific activities (e.g. HIV cannot be transmitted sexually by people with suppressed viral loads or when a condom is used properly and does not break), the Policy treats every applicant as posing a high risk of transmission.

IRCC policies must comply with the *Charter* and uphold the human rights of people living with HIV. The Automatic Partner Notification Policy is invasive, discriminatory, and arbitrary, and must be revoked.

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