



CONSEIL NATIONAL DU SIDA  
25-27 RUE D'ASTORG  
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

**2001 MARCH 27TH**

## THE RIGHT OF FOREIGN PATIENTS TO REMAIN ON FRENCH SOIL : THE NATIONAL AIDS COUNCIL ALERTS THE AUTHORITIES

Concerned to promote public health and to control the HIV epidemic, the National AIDS Council (NAC) wishes to draw the attention of the Minister of the Interior to the terms on which the right of residence is applied to foreign nationals whose state of health requires the provision of medical care. It does so because unacceptable situations continue to exist in spite of the official circular of May 5, 2000, whose purpose was to enforce the measures provided for by the law of May 11, 1998 concerning foreign patients, known as the "Chevènement Law".

The NAC particularly objects to the repeated granting of short-term temporary residence permits by some Prefectures, this despite the fact that the law provides for issuance of one-year temporary residence cards together with full rights to undertake paid work, this being the only solution capable of guaranteeing that such sufferers will be able to obtain treatment and work in the longer term.

The use of restrictive and subjective criteria in order to refuse work permits to individuals to whom temporary residence cards have not been issued is contrary to basic legal provisions guaranteeing a right to work. In fact, this practice tends to worsen the social vulnerability of the individuals involved and to compromise provision of medical treatment.

Further to this, the NAC calls on the Ministers concerned to treat as urgent the dramatic situation of foreign sufferers subject to banning orders prohibiting residence on French soil or to expulsion orders made before the May 11, 1998, despite the fact that since 1997 the law makes it impossible to enforce expulsion orders made against foreign nationals whose state of health requires medical treatment.

Finally, the Council wishes to see a reformulation of the references in administrative procedures concerning the application of the law of the May 11, 1998 to continuation of medical treatment as a determinant of the right of residence. Certain HIV-infected individuals experience a phase in which the condition does not require actual treatment but does require medical supervision. Their best guarantee of survival in the long term is to remain in France. The text of the circular of May 5, 2000 restricts the scope of application of the humanitarian measures instituted in 1998.

Taken together, these problems tend to make more precarious the state of health and social situation of sufferers for whom the law has acknowledged that we have a duty of solidarity.