

## **Patient's AIDS ban claim disputed**

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### **Body**

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His T-shirt emblazoned the challenge: **AIDS** knows "No Borders."

But Spanish citizen Tomas Fabregas said he didn't know whether immigration officials in San Francisco would heed the slogan.

As supporters looked on, the legal U.S. resident and **AIDS** patient entered without a hitch Saturday, **claiming** defiance of a Bush administration policy **banning AIDS**-infected foreigners.

"The fact that they let me in, and it was so obvious they knew who I was, only proves the hypocrisy of their position," Fabregas, of Oakland, said Sunday.

But Immigration and Naturalization Service officials said Fabregas, a legal U.S. resident for almost 13 years, could re-enter the USA because his trip could be considered "a casual departure."

Fabregas, 34, had been at the International **AIDS** Conference in Amsterdam, Holland.

At any rate, INS spokesman Duke Austin says, Fabregas "never declared himself HIV-positive, and we don't test people. ... It just was not an issue."

Fabregas warned that while officials say the **ban** is a method of stopping the spread of the disease, it could have the opposite effect.

"Instead of seeking prevention and care support, thousands will choose to remain underground to avoid deportation," he said.

Supporters of the **ban** say infected foreigners, particularly poor immigrants, pose an economic threat, piling up health care costs.

Estimates of how many HIV-infected immigrants the policy affects each year vary from fewer than 500 to up to 6,000.

Fabregas' attorney, Ignatius Bau, said his client's easy re-entry was an indication that people with HIV do not pose a health threat.

"This policy has no basis in public health, and it should be abolished immediately," Bau said.

Fabregas, who recently earned a business administration master's degree from the University of California-Berkeley and is unemployed, says he'll travel again, despite concern about the **ban**.

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He'll be going to see his mother in Spain. "With a life-threatening illness, it's important that I see my mother, and I will not let George Bush deprive me," he says. And **banning** infected foreigners "gives a false sense of security, like you could keep **AIDS** away."

## Graphic

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PHOTO; b/w, Lou Damattais, Reuters

CUTLINE: ENTERS USA: Tomas Fabregas holds a proclamation from San Francisco Mayor Frank Jordan declaring July 25 Tomas Fabregas Day.

## Classification

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