

medical system, addressing a number of the concerns raised by the disability community. The proposed wording on medical inadmissibility as of summer 2001 is found in section 38:

38. (1) A foreign national is inadmissible on health grounds if their health condition

(a) is likely to be a danger to public health;

(b) is likely to be a danger to public safety; or

(c) might reasonably be expected to cause excessive demand on health or social services.

(2) Paragraph (1)(c) does not apply in the case of a foreign national who

(a) has been determined to be a member of the family class and to be the spouse, common-law partner or child of a sponsor within the meaning of the regulations;

(b) has applied for a permanent resident visa as a Convention refugee or a person in similar circumstances;

(c) is a protected person; or

(d) is, where prescribed by the regulations, the spouse, common-law partner, child or other family member of a foreign national referred to in any of paragraphs (a) to (c).

While there has been some recent recognition of changes required to the exclusion of family members with disabilities in the Act, in September 2000 Health Canada advised the Minister of Citizenship and Immigration to undertake mandatory testing for HIV of all prospective immigrants. The Minister of Citizenship and Immigration is considering this proposal as well as a proposal to exclude all those who have tested positive from immigrating to