

## Human Rights Council Complaint Procedure Form

~~You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;~~

~~Anonymous complaints are not admissible;~~

~~It is recommended that your complaint does not exceed eight pages, excluding enclosures.~~

~~You are kindly requested not to use abusive or insulting language.~~

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### I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual  ~~Group of individuals~~  ~~NGO~~  ~~Other~~

Last name: De Agostino.....

First name(s): Sergio.....

Nationality: Italian.....

Address for correspondence ~~on this complaint~~: Dipartimento Informatica, Via Salaria 113, 00198 Roma, Italy.....

Tel ~~and fax: (please indicate country and area code)~~ +39-3339894190.....

E-mail: deagostino@di.uniroma1.it.....

Website: https://www.di.uniroma1.it/it/docenti/deagostino.....

Submitting the complaint:

On the author's own behalf:

~~On behalf of other persons:~~  (Please specify: .....) ←

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### II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): United States of America, Federal Government.....

### III. Facts of the complaint and nature of the alleged violation(s)

**The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.**

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

I was a Computer Science Professor at Armstrong Atlantic State University (now, campus of Georgia Southern University) in Savannah, GA, USA from 2000 to 2004 on tenure track. In April 2004, I obtained my tenure and in May I had an interview at the U.S. Consulate in Italy to obtain my green card. I resulted HIV-positive and the green card was denied because of the HIV immigration ban. So, I was forced to resign from my job. When I accepted it, I was a lecturer at Sapienza University of Rome and did not resign since I was allowed to be on leave. So, I am still there as a lecturer with my career compromised by this story. As you might know, the ban was lifted in 2010 but I could not get a second chance in the U.S. This year would have been, very likely, the last one in Savannah before retirement. At this point I wonder how I can get paid for these fifteen "forced sabbatical" years. Sean Strub founder of the SERO project, a network of people with HIV and allies fighting for freedom from stigma and injustice, told me this case is a landmark litigation to file and suggested me to contact hiv legal groups. I contacted Immigration Equality, which fought to lift the ban ten years ago. They answered this type of litigation is outside their practice area. However, they specified it should be filed against the government. Therefore I decided to contact Lambda Legal, another group focused on defending the right of hiv positive people in the U. S. They said they are not in the position to assist me and gave me a list of lawyers to call for assistance on this matter. They did not guarantee this kind of litigation is going to succeed and, on top of that, I guess I do not have the resources to pursue this claim. Sean Strub told me that if the hiv legal groups are not interested in the case, he is not sure what Sero can do. I decided to write to you because I know that UNAIDS promotes the lift of the hiv immigration and travel ban in every country. I would like to point out that, in my case, the ban was not applied at the moment that I tried to enter in the U.S. but after I spent four years of my life there, where I worked full time honestly getting my tenure and promotion at the end of my track (during the last two years, I was even the coordinator of the Master program in Computer Science at the University). This is why I think this can be considered human right violation and I would like to have your opinion.

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**IV. Exhaustion of domestic remedies**

~~1-~~ Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies— please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions\*, the claims made, at which times, and what the outcome was:

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1-

None.

**Formattato:** Numerazione automatica + Livello:1 + Stile numerazione: 1, 2, 3, ... + Comincia da:1 + Allineamento: A sinistra + Allinea a: 0,63 cm + Imposta un rientro di: 1,27 cm

**Formattato:** Rientro: Sinistro: 1,27 cm

**Formattato:** SpazioPrima: 12 pt

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2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

The reasons are explained above......

**V. Submission of communication to other human rights bodies**

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

No......

~~2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:~~

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\* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

## VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes  No

~~Please indicate which information you would like to be kept confidential~~

Date: October 11, 2018

Signature:

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~~N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.~~

## VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):
- Any other evidence or supporting documents deemed necessary:

## VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights  
Human Rights Council Branch-Complaint Procedure Unit  
OHCHR- Palais Wilson  
United Nations Office at Geneva  
CH-1211 Geneva 10, Switzerland  
Fax: (+41 22) 917 90 11  
E-mail: [CP@ohchr.org](mailto:CP@ohchr.org)  
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

