



Treatment Action Group

The UAE's Migrant TB Policy

Cabinet Decree 7/2008 stipulates that migrants seeking employment must undergo medical exams to detect infectious diseases (including HIV/TB/HCV). Cabinet Decree 5/2016 further demands that migrants seeking annual renewal of residence permits must undergo medical examinations. First time migrants found to have any lung scars on chest X-Rays are declared medically unfit, forcibly deported, and issued with a lifetime ban to entering the UAE. Those found to have lung scars on X-rays during visa renewal procedures are diagnosed and treated in the UAE, in some cases under involuntary isolation.

Violations of the Right to Science, Right to Health and Right to Privacy

The UAE's TB screening procedure does not reflect the current standard of scientific evidence. Chest X-Rays are unable to distinguish between latent TB infection (LTBI), lung scars from previously treated TB or non-TB lung infections, and active TB disease. LTBI is, by definition, non-transmissible. Active TB disease is rendered non-infectious shortly after the initiation of the recommended treatment. Follow-up tests used to identify LTBI in migrants seeking residency renewal are also flawed. Both TST and IGRAs are vulnerable to discordant results or false-positives due to previous immunisation against TB (BCG vaccine) or repeat testing. (See §27-43 in TAG Submission)

TAG also expresses grave concern that the UAE's current policy violates migrants' right to information and right to privacy. Employers are generally directly notified of a migrant's medical status, and migrant workers are frequently unable to access their test results. In some cases, migrants are deported without knowledge of their diagnosis or need for treatment. (See §44-49 in TAG submission)

Relevant Human Rights Principles

Under the Universal Declaration of Human Rights, the UAE has a commitment to respect, protect and fulfil the Right to non-discrimination (Art. 2), the Right to Privacy (Art. 12), the Right to Health (Art 25), and the Right to Science (27.2). The Arab Charter on Human Rights establishes non-discrimination on the basis of national origin (Art. 3) as well as the Right to Science (Art. 42). Art. 15 of the ICESCR requires states to recognise the right of everyone to enjoy the benefits of scientific progress and its applications.

Recommendations

- Accede to the ICESCR and ICCPR.
- Join the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- Protect migrants' Right to Information and never delay diagnosis or withhold medical information.
- End the practice of directly informing migrants' employers.
- Discontinue the use of lung scars on chest X-rays as grounds for deportation.
- Migrants' immigration status should not be affected by a TB diagnosis, with right to remain granted on the basis of smear-negative results after the successful initiation of treatment for active TB. Treatment of LTBI should be offered but not compulsory.
- Link migrants to quality-assured care following WHO recommendations. End the practice of involuntary isolation.

Opportunities

The United Nations will hold a High-Level Meeting (HLM) on TB in 2018. We urge the UAE to commit to a rights-based response to the TB epidemic before the HLM by aligning its national laws and regulations on immigration and health with international standards.