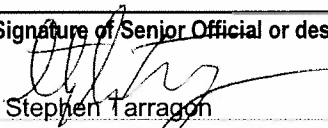


PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/subagency Department of Homeland Security, U.S. Citizenship and Immigration Services	OMB Control Number 1615 - 0029	
<i>Enter only items that change</i>		
	Current record	New record
Agency form number (s) I-601		
Annual reporting and recordkeeping hour burden		
Number of respondents		
Total annual responses		
Percent of these responses collected electronically	0 %	0 %
Total annual hours		
Difference		
Explanation of difference		
Program change		
Adjustment		
Annual reporting and recordkeeping cost burden (in thousands of dollars)		
Total annualized Capital/Startup costs		
Total annual costs (O&M)		
Total annualized cost requested		
Difference		
Explanation of difference		
Program change		
Adjustment		
Other changes** See Attached		
Signature of Senior Official or designee:  Stephen Tarragon	Date: 12/23/2009	For OIRA Use _____ _____

** This form cannot be used to extend an expiration date.

Table of Changes
Form I-601
Application for Waiver of Ground of Excludability
OMB Control No. 1615-0029
December 16, 2009

Changes to the Form I-601	Old Version	New Version
Page 1. / 10. Reason(s) for Inadmissibility	<p>10. Reason(s) for Inadmissibility:</p> <p>If you seek a waiver because you have an HIV infection, you must complete Page 7 of the form.</p>	<p>10. Reason(s) for Inadmissibility:</p> <p>Removed sentence.</p>
Page 7. To Be Completed for Applicants With Human Immunodeficiency Virus (HIV) Infection	Page 7. To Be Completed For Applicants With Human Immunodeficiency Virus (HIV) Infection	Deleted the entire page 7.
Page 8. / 10. Reason(s) for Inadmissibility	<p>10. Reason(s) for Inadmissibility:</p> <p>(Mark all of the grounds listed below that you believe, according to the best of your knowledge, apply to you. Then, in the space provided on Page 3, include a statement explaining the acts, convictions, and medical conditions that make you inadmissible. Your statement must indicate when you engaged in the acts that make you inadmissible, the date of all convictions, and the date of</p>	<p>10. Reason(s) for Inadmissibility:</p> <p>(Mark all of the grounds listed below that you believe, according to the best of your knowledge, apply to you. Then, in the space provided on Page 3, include a statement explaining the acts, convictions, and medical conditions that make you inadmissible. Your statement must indicate when you engaged in the acts that make you inadmissible, the date of all convictions, and the date of</p>

	<p>any medical diagnosis. If you seek a waiver of inadmissibility because you have a Class A Tuberculosis condition (as per HHS regulations), you must complete Page 6 of this form. If you seek a waiver because you have an HIV infection, you must complete Page 7 of the form. If you seek a waiver of inadmissibility because of history of physical or mental disorders, you must attach the information requested in the instructions.)</p>	<p>any medical diagnosis. If you seek a waiver of inadmissibility because you have a Class A Tuberculosis condition (as per HHS regulations), you must complete Page 6 of this form. If you seek a waiver of inadmissibility because of history of physical or mental disorders, you must attach the information requested in the instructions.)</p>
Changes to the Instructions to Form I-601	Old Version	New Version
<p>Page 3: Applicants Seeking a Waiver of Health-Related Grounds of Inadmissibility, INA section 212(a)(1)</p>	<p>1. Applicants with Communicable Diseases</p> <p>If you have a communicable disease that has been determined to be of public health significance, you must complete the application and provide the information as requested in the form.</p> <p>Communicable diseases of public health significance are defined in 42 CFR 34.2(b) and include but are not limited to:</p> <p>A. Class A Tuberculosis condition, as per U.S. Department of Health and Human Services (HHS) regulations;</p> <p>B. Human Immunodeficiency Virus (HIV) Infection;</p>	<p>1. Applicants with Communicable Diseases</p> <p>If you have a communicable disease that has been determined to be of public health significance, you must complete the application and provide the information as requested in the form.</p> <p>Communicable diseases of public health significance are defined in 42 CFR 34.2(b) and include but are not limited to:</p> <p>A. Class A Tuberculosis condition, as per U.S. department of Health and Human Services (HHS) regulations;</p> <p>B. Chancroid</p> <p>C. Gonorrhea;</p> <p>D. Granuloma inguinale;</p>

	<p>C. Chancroid; D. Gonorrhea; E. Granuloma inguinale; F. Lymphogranuloma venerum; G. Syphilis, infectious state; H. Leprosy, infectious; H. Any other communicable disease as determined by the US Secretary of Health and Human Services and as defined at 42 CFR 34.2(b).</p> <p>[...](All remains unchanged until the last paragraph): For specific information pertaining to applicants with Class A Tuberculosis condition as per HHS regulations, or HIV, please see number two or three below.</p> <p>...</p>	<p>E. Lymphogranuloma venerum; F. Syphilis, infectious state; G. Leprosy, infectious; H. Any other communicable disease as determined by the U.S. Secretary of Health and Human Services and as defined at 42 CFR 34.2(b).</p> <p>[...](All remains unchanged until the last paragraph):</p> <p>For specific information pertaining to applicants with Class A Tuberculosis condition per HHS regulations, please see number two, below.</p>
<p>Page 3: Applicants Seeking a Waiver of Health-Related Grounds of Inadmissibility, INA section 212(a)(1)</p>	<p>3. Applicants with HIV Infection. [...]</p> <p>4. Applicants with Physical or Mental Disorder and Associated Harmful Behavior</p>	<p>Please delete the entire part 3 in this section.</p> <p>Please numerate this part as part 3 instead of part 4.</p>

Justification for these changes:

a. Background

An alien seeking to enter the United States is inadmissible to the United States and ineligible to receive a visa to the United States if he or she has any medical conditions listed in Section 212(a)(1)(A) of the Immigration and Nationality Act (Act). Specifically, the Act provides that any alien is inadmissible:

- who is determined (in accordance with the regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance. Section 212(a)(1)(A)(i) of the Act.

The division responsible for immigrant health at the Department of Health and Human Services (HHS) is the Centers for Disease Control and Prevention (CDC). The ACIP is an advisory committee to the Department of HHS/CDC that makes the recommendations on immunizations. Based on the authority granted in section 212(a)(1) and section 232 of the Act, and according to its regulations at 42 CFR 34, CDC sets the parameters of the medical examination of aliens. The result of this medical examination, if conducted in the U.S., is captured on Form I-693, Report of Medical Examination and Vaccination Record, and on Form DS-2053, if the medical examination is conducted outside the United States. If an individual is inadmissible on medical grounds, he or she may have a waiver available. The waiver is filed on Form I-601.

b. Changes by HHS to remove infection with the Human Immunodeficiency Virus (HIV) from the definition of communicable diseases of public-health significance (42 CFR 34.2(b))

On November 2, 2009, HHS/CDC published a final rule amending the regulatory definition of communicable disease of public health significance and removing infection with the Human Immunodeficiency Virus (HIV) as a communicable disease of public health significance. 74 FR 56547 (November 2, 2009). The rule is effective January 4, 2010.

Accordingly, prior to the implementation of the final rule, infection with HIV was a condition that rendered an individual inadmissible to the United States under section 212(a)(1)(A) of the INA. HIV. If eligible, individuals could file Form I-601 to overcome the inadmissibility based on HIV infection.

Beginning January 4, 2010, nobody should be tested for HIV, and infection with HIV no longer makes an individual inadmissible under section 212(a)(1)(A) of the INA, since HHS removed HIV infection from the list of communicable disease of public health significance.

In order to avoid confusion among all stakeholders, USCIS is seeking to incorporate the new regulations into Form I-601 as quickly as possible, by removing any reference to HIV. USCIS would like to ensure that individuals are not filing waivers for HIV infection on or after January 4, 2010.

Conclusion

To incorporate HHS' legal changes to the immigration medical requirements, USCIS respectfully requests that the changes listed in the table of changes, be approved as quickly as possible so that on January 4, 2010, USCIS is able to post an updated and accurate version of Form I-601. This will assist with the implementation of these

changes that are in favor of applicants for immigration benefits, and avoid possible confusion among all stakeholders.