


PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/subagency Department of Homeland Security, U.S. Citizenship and Immigration Services		OMB Control Number 1615 - 0033	
<i>Enter only items that change</i>			
		Current record	New record
Agency form number (s) I-693			
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: 12/24/2009	For OIRA Use _____ _____	

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

**Table of Changes for Form I-693,
Report of Medical Examination and Vaccination Record
OMB Control No. 1615-0033**

Changes to the Form I-693	Old Version	New Version
Page 3, Part 2.2C	HIV/AIDS [...]	delete the entire section C and make D letter C, etc.
Page 4, Part 2.5	Vaccine: [...] Human Papillomavirus Zoster	delete the words "Human Papillomavirus" and "Zoster"
Changes to the Instructions to Form I-693	Old Version	New Version
Page 2. Section II. Civil Surgeon's Instructions. What Are My Responsibilities as a Designated Civil Surgeon?	<p>1. [...] 2. [...] 3. Give Pre-Test and Post-Test Counseling for HIV/AIDS. [...] 4. Make Referrals and File Case Reports, as Required.</p> <p>E. File a case report with the appropriate public health authorities if: (1) the applicant tests positive for HIV infection; and (2) a case report is required by local laws or regulations. You must also advise the applicant that a case report is being filed.</p>	<p>1. [...] 2. [...]</p> <p>Delete the entire paragraph: 3. Give Pre-Test and Post-Test Counseling for HIV/AIDS.[...]</p> <p>Continue with: 3. Make Referrals and File Case Reports, as Required. [...]</p> <p>E. File a case report with the appropriate public health authorities if a case report is required by local laws or regulations. You must also advise the applicant that a case report is being filed.</p>
Page 5, Communicable Diseases of Public Health Significance	Communicable Diseases of Public Health Significance The civil surgeon is required to perform specific tests for TB, syphilis, and human	Communicable Diseases of Public Health Significance The civil surgeon is required to perform specific tests for TB and syphilis. The medical exam also

	immunodeficiency virus (HIV) infection. The medical exam also indicates an evaluation for other sexually transmitted diseases and Hansen's Disease (leprosy).	indicates an evaluation for other sexually transmitted diseases and Hansen's Disease (leprosy).
Page 6, To test for: (chart)	HIV All applicants 15 years of age or older must have a blood test for HIV. Civil surgeons can require applicants under 15 years of age to be tested for HIV if there is a reason to suspect the possibility of infection. Civil surgeons are required to provide pre-test counseling to all applicants who take the HIV test. Civil surgeons are also required to provide post-test counseling to any applicant who tests positive for HIV.	Please delete this entire section.
Page 7, Vaccination Requirements	[...] By law, the required vaccines includes: mumps, measles, rubella, polio, tetanus, and diphtheria toxoids, pertussis, influenza, hepatitis B, haemophilus influenza type B, varicella, pneumococcal, rotavirus, hepatitis A, meningococcal, human papillomavirus, zoster, and any other vaccinations recommended by the Advisory Committee for Immunization Practices (ACIP).	By law, the required vaccines for the immigration population are the vaccines as recommended by the ACIP for the immigrant population. You may obtain a list of the required vaccines from CDC's website at http://www.cdc.gov/ncidod/dq/table-vacc-civil.htm .

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 Act. Specifically, the Act provides that any alien is inadmissible:

1) 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; and

2) [...] who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who failed to present documentation for having received vaccinations against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable disease recommended by the Advisory Committee for Immunization Practices (ACIP). Section 212(a)(1)(A)(ii) of the Act.

The department responsible for immigrant health at 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.

b) Changes to the Vaccination Requirements by HHS

On November 2, 2009, HHS/CDC published a final notice in the Federal Register (FR) changing the criteria that govern the vaccination requirements for U.S. immigration purposes pursuant to section 212(a)(1)(A)(ii) of the Act. 74 FR 58634 (November 13, 2009). As a result of this change, two vaccines (the vaccine against herpes zoster (zoster) and the Human Papillomavirus (HPV), that were previously required, are no longer required as of December 14, 2009 for purposes of admissibility under section 212(a)(1)(A)(ii) of the Act.

To avoid confusion among the public and adjudicators in an area that is complicated in its administration, Form I-693, in Part 2.5, reflects the required vaccines. This enables the civil surgeons (physicians designated to perform medical examination) to ensure that an applicant complies with the vaccination requirements.

Both vaccines had a high visibility because of the financial impact these vaccines had on applicants and other reasons (information regarding the HPV and no opt-out version available to immigrants). Since the legal requirements have been changed by HHS, and in order to be in compliance with the INA, USCIS would like to remove any reference to the zoster and the HPV vaccine as quickly as possible.

c) Changes by HHS to remove 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, and to enforce the law, individuals were tested for HIV. Form I-693 includes a section where the civil surgeon can annotate the testing results. If an individual tested positive for HIV infection, the individual's only recourse to overcome inadmissibility was to file a waiver (either Form I-601, Form I-602, Form I-690, or Form I-192/INA section 212(d)(3) determination - depending on the status the individual sought in the United States).

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 law into Form I-693 as quickly as possible. HIV testing comes at costs to the applicants, and since the cost is no longer necessary, USCIS would like to ensure that individuals are not tested for HIV and do not have to pay in order to be tested, as it is no longer legally required. Additionally, USCIS would also like to ensure that an individual with HIV infection is no longer under the impression that he or she is required to file a waiver of inadmissibility.

Conclusion

To incorporate HHS' legal changes to the immigration medical requirements, USCIS respectfully requests that the changes listed in the below table, 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-693. 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.