

JUSTIFICATION FOR EMERGENCY REVIEW

Forms DS-2053, DS-2054, and the Main Medical Form; Medical Examination for Immigrant or Refugee Applicant; OMB Control Number 1405-0113.

The Immigration and Nationality Act (“INA”), 8 U.S.C. 1101 et seq., statutorily mandates the application and eligibility requirements for aliens seeking to obtain immigrant, and occasionally nonimmigrant, visas and alien registration. INA Section 221(d) [8 U.S.C. 1201] requires that prior to the issuance of an immigrant, or in some cases, nonimmigrant visa, the applicant undergo a physical and mental examination. The results of medical examination are used to determine the alien’s eligibility for such a visa under INA 212(a)(1). INA Section 412(b)(4)(B) requires that the USG “provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment...” Form DS-2053, Medical Examination for Immigrant or Refugee Application; Form DS-2054, Medical Examination for Immigrant or Refugee Application; and the Main Medical Form are designed to record the results of the medical examination.

A final rule was published by the Department of Health and Human Services (HHS) in the Federal Register on November 2, 2009 that amends HHS regulations to remove the Human Immunodeficiency Virus (HIV) from the definition of *communicable disease of public health significance* and to remove references to HIV from medical examinations for aliens.

In order to comply with this rule, effective January 4, 2010, the Department must make available to panel physicians conducting medical exams for visa applicants revised medical exam forms.

The Department has therefore determined that:

1. This collection is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act;
2. This collection is essential to the mission of the Department of State; and
3. The use of normal clearance procedures will prevent the Department obtaining this information thereby failing to comply in accordance with the law’s effective date of January 4, 2010.

Therefore, the Department of State requests emergency OMB approval for this collection by December 31, 2009.