

# **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

## **Medical Examination for Immigrant or Refugee Applicant OMB Number 1405- 0113**

### **A. JUSTIFICATION**

1. 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 § 221(d) requires that prior to issuance of an immigrant visa to any alien, the consular officer shall require such alien to submit to a physical and mental examination in accordance with such regulations as may be prescribed. The results of medical examination are used to determine the alien's eligibility for such a visa under INA § 212(a)(1).

INA § 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-2054, Medical Examination for Immigrant or Refugee Applicant (2007 Technical Instructions); Form DS-3030, Tuberculosis Worksheet (2007 Technical Instructions); Form DS-3025, Vaccination Documentation Worksheet; Form DS-3026, Medical History and Physical Examination Worksheet.

2. Forms DS-2054, DS-3025, DS-3026 and DS-3030 are designed to provide pertinent information for, and record the results of, the medical examination required by INA § 221(d). The purpose of the medical examination is to determine whether the applicant has a medical condition that renders the applicant ineligible to receive a visa or a medical condition that, although not constituting a specific excludable condition, represents a departure from the normal health or well-being that is significant enough to interfere with the applicant's ability to care for himself, or to attend school or work, or that may require extensive medical treatment or institutionalization in the future. A panel physician, contracted by the consular post in accordance with instructions issued by the Centers for Disease Control (CDC), performs the medical examination of the applicant and completes the forms. The CDC also provides panel physicians with technical instructions (TIs) for completing the form. Upon completing the applicant's medical examination, the examining panel physician submits a report to the consular officer on form DS-2054. The Bureau of Consular Affairs and the Centers for Disease Control established protocols that all panel physicians screen under the 2007 technical instructions and use DS-2054, DS-3030, DS-3026 and DS-3025.

The medical finding by the panel physician or the CDC, if referred to that agency, is binding on the consular officer in adjudicating the alien's eligibility. The information requested on the forms are limited to the result of any diagnostic tests required for the diagnosis of the diseases identified as communicable disease of public health significance and other tests identified as necessary to confirm a medical ineligibility under INA § 212(a)(1).

3. The electronic version of the combined medical forms (DS-2054, DS-3030, DS-3025 and DS-3026) is being tested at a select number of Posts. Beta 2 Testing will begin Spring 2015. Once beta testing is completed and physicians can successfully log onto the medical portion of the Consular Electronic Application Center (CEAC), verify all information is accurate, electronically sign and submit the application, the Department will roll out the electronic version of the forms on a post-by-post basis. Until then, applicants will continue to use the paper based forms until their respective post has access to the electronic medical forms. The Department anticipates a full rollout to all posts by the end of 2015.
4. The electronic version of the medical forms will be available as part of CEAC. Only panel physicians selected by the Department will be able to access the form. Panel physicians will use their email address to log in to the medical portion of CEAC, which is inaccessible to visa applicants. Once the forms have been completed and the physician has verified the answers provided, the physician will electronically sign and submit the application to the Department in electronic form. It is the intention of the Department to discontinue the paper versions as this electronic submission option is made available to all approved panel physicians worldwide.

For all applicants, until further notice, the panel physician will continue to complete the paper version of the forms during the medical examination. The forms are available through the Department's eForms application. The forms can be downloaded and submitted to the panel physician.

The medical forms are used to collect specific information that facilitates the processing of immigrant, or in some cases nonimmigrant, visa cases. The information collected by the forms is not duplicative of information maintained elsewhere or otherwise available.

5. The information collection does not involve small business or other small entities.
6. This information collection is essential for determining the eligibility of aliens seeking immigrant or nonimmigrant visas to enter the United States. Panel physicians fill out the medical forms one time for each medical examination of an immigrant or nonimmigrant visa applicant or refugee. It is not possible to collect the information less frequently since up-to-date medical information is needed to determine the eligibility of the applicant.
7. No such circumstances exist.
8. The Department of State (Bureau of Consular Affairs, Visa Services) published a 60-day Federal Register Notice (79 FR 47, March 11, 2014), as required by 5 CFR 1320.8(d). No comments were received. Visa Services meets regularly with immigration experts from the Department of Homeland Security to coordinate policy. Visa Services also meets with student groups, business groups, immigration attorneys, and other interested groups to receive their opinions and suggestions regarding visa procedures and operations.
9. No payment or gift is provided to respondents.
10. Applicants are informed that on the DS-2054 the Department "ask[s] for information on this form, in the case of applications for immigrant visas, to determine medical eligibility under INA Sections 212(a) and 221(d), and, in the case of refugees, as required under INA Section 412(b)(4) and (5). If a visa is issued or refugee status granted, you [the

applicant] will convey this form to U.S. Department of Homeland Security (DHS) for disclosure to the Centers for Disease Control and Prevention and to the U.S. Public Health Service. If a visa is not issued or refugee status is not granted, this form will be treated as confidential under INA Section 222(f).” In accordance with section 222(f), information obtained from the applicant is considered confidential and generally is to be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States.

11. The questions on the collection are designed to solicit the medical information necessary to determine whether an applicant is eligible for a visa under section 212(a)(1) of the INA. The collection is used to determine whether refugees or immigrants have medical conditions affecting the public and requiring treatment.
12. Approximately 660,000 aliens annually apply for immigrant visas and refugee admission worldwide. Out of the 660,000 applicants approximately 645,000 are immigrant visa applicants and 15,000 are refugees. A panel physician completes the form for each immigrant visa applicant and potential refugee. A nonimmigrant visa applicant may be required, if the consular officer requests, to submit an examination to ascertain whether such alien is eligible to receive a visa.

The estimated amount of time it takes for a medical professional to complete the medical exam is one hour. Therefore the annual hour burden to respondents is estimated to be 660,000 hours (660,000 x 1). This estimate includes the amount of time it takes the physician to examine the applicant. Based on the U.S hourly wage of \$21, the weighted wage hour cost burden for this collection is approximately \$13,860,000 (1 hour x \$21 hour wage x 660,000 respondents = \$13,860,000)

13. Immigrant visa applicants bear all costs related to this medical examination process. Based on an estimate of the average cost of medical examinations administered by panel physicians worldwide (\$100), average cost of vaccinations (\$350) and the number of immigrant visa respondents per year (645,000), the estimated annual cost burden is \$290,250,000 million. (\$100 medical examination + \$350 vaccinations = \$450 cost burden to applicant. \$450 x 645,000 applicants = \$290,250,000.) While immigrant visa applicants are responsible for all cost incurred during the medical examination process, refugee applicants’ medical exams are covered by the International Organization for Migration (IOM) and Department of State approved panel physicians. The full cost to the government is calculated in the item below.
14. The department estimates that the cost of this information collection to the Federal Government is on average, approximately \$2,439,360 per fiscal year. This estimate is based on the current hourly charge for the Consular Time of \$231, multiplied by the number of hours required to review the application and number of respondents. The design of the form allows the consular officer to thoroughly review the form for an indication of medical ineligibility in a period time lasting no more than one minute. Therefore, 0.016 hours x \$231 CoSM x 660,000 respondents = \$2,439,360.

Refugee applicants’ medical exams are covered by either IOM or Department of State approved panel physicians. Refugee applicants may only use panel physicians recognized and approved by United States embassies if not using IOM panel physicians. As a result, the Department estimates that the average cost to the government would be

approximately \$450 per refugee applicant. With an estimate of 15,000 refugee applicants applying each year multiplied by the average cost of \$450 per applicant, the added cost to the government is approximately \$6,750,000. The total cost to the government would be approximately \$ 9,189,360. (\$2,439,360 CosM + \$6,750,000 approximate refugee cost to government)

15. There is one program adjustment in this submission. Per a request from CDC, 2 forms (DS-2053 and DS-3024) are being removed from this collection. These 2 forms were using outdated 1991 Technical Instructions (TI). There is no burden adjustment needed because these 2 forms were used in place of 2 other forms (DS-2054, DS-3030) in certain circumstances. All forms now use the 2007 TIs.
16. A quantitative summary of all Department of State visa activities is published in the annual Report of the Visa Office. The Report of the Visa Office is an annual report providing statistical information on immigrant and non-immigrant visa issuances by consular offices, as well as information on the use of visa numbers in numerically limited categories. The Visa Office currently has annual reports available from 2000 to 2013. The link to the site is: [http://travel.state.gov/visa/statistics/statistics\\_1476.html](http://travel.state.gov/visa/statistics/statistics_1476.html).
17. The Department will display the expiration date for OMB approval of the information collection.
18. The Department is not requesting any exception to the certification statement.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.