

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

## **Electronic Medical Examination for Visa Applicant OMB Number 1405-xxxx**

### **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 nonimmigrant visas and alien registration.
2. INA section 221(d), 8 U.S.C. § 1201(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. Medical exams are sometimes required for nonimmigrant visa applicants pursuant to INA section 221(d), 8 U.S.C. § 1201(d). The results of such a medical examination are used to determine the alien's eligibility for such a visa under the INA, including under the health-related visa ineligibility grounds in section 212(a)(1) [8 U.S.C. § 1181(a)(1)]. This purpose of this collection is to create an electronic means of collecting information from such medical examinations, and eventually replace the paper-based medical examination forms.

The purpose of the medical examination report 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, prevent attendance at school or work, or require extensive medical treatment or institutionalization in the future. A panel physician, selected by the consular post in accordance with instructions issued by the Centers for Disease Control (CDC), will perform the medical examination of the applicant and submit the electronic medical report via the eMedical system. For the purposes of this submission, the "respondent" may be the panel physician, who fills in the eMedical forms, or the visa applicant, who is the source of the medical information recorded in the collection. The medical finding by the panel physician or CDC, if referred to that agency, is binding on the consular officer in adjudicating the alien's eligibility. The information requested on the forms is limited to the result of any diagnostic tests required for the diagnosis of the diseases identified as communicable diseases of public health significance and other evaluations identified as necessary to confirm a medical ineligibility under INA section 212(a)(1), 8 U.S.C. § 1181(a)(1). The information will also be provided to the Department of Homeland Security in order to assess the applicant's admissibility in accordance with INA section 212(a)(1), 8 U.S.C. § 1182(a)(1).

As the medical examinations are moved to an electronic environment, CDC will obtain the medical examination results directly from the Department's designated panel

physicians via the eMedical system, rather than from the Department of Homeland Security. CDC will have access to all panel physician medical exams for uses within its statutory mission and consistent with INA section 222(f), 8 U.S.C. § 1202(f), including its role in determining what communicable diseases have public health significance under section 212(a)(1)(i) of the INA, 8 U.S.C. § 1182(a)(1), and related to the physical and mental examination of aliens under immigration laws. CDC's regulations at 42 CFR Part 34 govern the panel physician process and incorporate by reference technical instructions for the panel physicians when conducting the medical examination. *See also* Technical Instructions for Panel Physicians:

<https://www.cdc.gov/immigrantrefugeehealth/exams/ti/panel/technical-instructions-panel-physicians.html>. This direct provision of information will promote efficiency with the necessary interagency coordination relative to admission procedures. The Centers for Disease Control and Prevention will use this information consistent with its statutory mission and INA, including its role relative to the physical and mental examination of aliens under immigration laws. Specifically, CDC will use this information to fulfill its requirements for coordination with public health services and its evaluation of what is a "communicable disease of public health significance" under the INA. Additionally, the information will allow CDC to review panel physical medical exams in order to conduct quality control of the medical examination process for certain visa applicants and to provide medical guidance to the Department for oversight of the panel physicians.

3. The eMedical system allows collection of the information to be completed electronically. It is under development and will be deployed in phases. The eMedical system serves as a conduit for panel physicians to submit medical exam information to the Department and to CDC. Approved panel physicians will be granted access to the eMedical system by the Department. During the initial rollout, some immigrant visa applicants with a completed and submitted DS-260, Electronic Application for Immigrant Visa and Alien Registration will have their medical exam results submitted to the Department via eMedical. The panel physician will input the exam information into the eMedical portal and it will be transmitted to the Department for visa adjudication. The Department anticipates a full rollout of the electronic medical report for all immigrant visa applicants by the end of 2018. For the foreseeable future, many nonimmigrant and refugee applicants' medical exams will continue to be completed via the paper forms under OMB Control Number 1405-0113 (Medical Examination for Visa or Refugee Applicant).
4. To the extent the information collected is duplicative of information collected under OMB Control Number 1405-0113, the Department intends to collect information from individual applicants under only one collection. The transition to the electronic medical report will be completed in phases. Until the full transition to the electronic medical examination, the collection may appear duplicative, but will not be in practice. The information collected is not 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 examination report, via eMedical, for each medical examination of an applicant. 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 special circumstances exist.
8. The Department published a notice in the Federal Register on September 5, 2017 (82 FR 42010) soliciting public comments. No comments were received.
9. No payment or gift is provided to respondents.
10. Applicants will be informed that the information obtained through the panel physician as a part medical examination will be used to determine medical eligibility under INA Section 212(a), 8 U.S.C. § 1182(a). Applicants will be informed that the information will be conveyed to U.S. Department of Homeland Security (DHS) and disclosed to the Centers for Disease Control and Prevention, U.S. Public Health Service. In accordance with section 222(f), 8 U.S.C. § 1202(f) information obtained from the applicant is considered confidential and generally used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States.

The information collected via this instrument may become covered by the Privacy Impact Assessment:

- Consular Affairs Enterprise Service Bus  
*NOTE: Coverage will be provided under a forthcoming update.*

The information may be covered in the System of Records Notice:

- STATE-39, October 25, 2012, 77 FR 65245.  
*NOTE: Routine use for CDC access will be provided under a forthcoming update.*

11. Many questions asked during medical examinations are, by their nature, sensitive. 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, 8 U.S.C. § 1182(a)(1). When an applicant submits their DS-260, Electronic Application for Immigrant Visa and Alien Registration, they will be advised of the requirement to undergo the medical examination in order to assess their visa eligibility under sections 212(a), 8 U.S.C. § 1182(a), and 221(d), 8 U.S.C. § 1201(d), of the INA. Further, applicants will be advised that the information will be temporarily stored in the eMedical system hosted, operated and maintained by the Australian Department of Home Affairs (DHA) (formerly the Department of Immigration and Border Protection (DIBP)) and being transferred to the U.S. Government for the purposes of enabling the U.S. Department of State to determine applicants' medical eligibility. Access to medical information is password controlled and records access by DHA is strictly limited to providing technical support to the U.S. government or its panel physicians. Applicants will be provided with a consent statement by the panel physician at the time of the medical exam which requires the applicant to give affirmative consent to the use of the system to transfer the medical report to the U.S. government. Applicants will be advised that the information from the medical examination may be accessible to other U.S. government agencies having statutory or other lawful authority to use such information, including for law enforcement and immigration enforcement purposes.

12. Approximately 684,589 aliens annually are anticipated to have an electronic medical examination once the phased implementation is complete. This includes immigrant visa applicants and some nonimmigrant visa applicants. A panel physician completes an examination for each applicant. 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 684,589 hours (684,589 x 1). Based on the average U.S. hourly wage of \$23.86 (an estimate for the average hourly wage of the worldwide class of U.S. visa applicants), the weighted wage hour cost burden for this collection is approximately \$22,865,273. This is based on the calculation of 1 hour x \$23.86 (average hourly wage) x 1.4 (weighted wage multiplier, which adjusts the average hourly wage to a “fully loaded” salary, including, e.g., benefits, etc.) x 684,589 respondents = \$22,865,273.
13. 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 applicants per year (684,589), the estimated annual cost burden is \$308,060,050. (\$100 medical examination + \$350 vaccinations = \$450 cost burden to applicant. \$450 x 684,589 applicants = \$308,065,050.)
14. The Department estimates that the cost of this information collection to the Federal Government is on average, approximately \$1,790,325 per fiscal year. This estimate is based on the current hourly charge for the Consular Time of \$135, 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, 1/60 hours x \$135 CoSM x 684,589 respondents = \$ 1,540,325, plus \$250,000 for annual maintenance of the eMedical system.
15. The eMedical system is a new format for collecting the information obtained during the medical examination. The Department is planning to deploy the eMedical system in phases through the end of 2018. The medical exam, instructions for panel physicians, and information collected from applicants will be identical to that on the paper forms version maintained under OMB Control Number 1405-0113 (Medical Examination for Visa or Refugee Applicant).
16. The data will not be published; however, 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 nonimmigrant 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 2016. The link to the site is:  
<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.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.