

**U.S. Department of Homeland Security**

*U.S. Citizenship and Immigration Services  
Office of Policy and Strategy  
Camp Springs, MD 20588*



**U.S. Citizenship  
and Immigration  
Services**

## Decision Memorandum

**TO:** Sharon Block  
Acting Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

**THROUGH:** Eric Hysen  
Chief Information Officer  
Department of Homeland Security

**FROM:** Samantha Deshommes  
Chief, Regulatory Coordination Division  
USCIS Office of Policy and Strategy

**SUBJECT:** Request for Office of Management and Budget Emergency Clearance of an Information Collection Request – Form I-693, Report of Medical Examination and Vaccination Record – 1615-0033

**Purpose:** U.S. Citizenship and Immigration Services (USCIS) is seeking emergency processing under 5 CFR 1320.13 of changes to Form I-693, Report of Medical Examination and Vaccination Record, that will require civil surgeons conducting immigration medical examinations to document whether a noncitizen applying for certain immigration benefits has completed the COVID-19 vaccine series, as applicable.

**Background:** USCIS is modifying Form I-693 and its Instructions in response to updates to the Centers for Disease Control and Prevention (CDC) Technical Instructions for Civil Surgeons (Technical Instructions). The Technical Instructions update requires civil surgeons to document whether an immigrant for whom they conduct an immigration medical examination has completed the COVID-19 vaccine series. The updated Technical Instructions are effective October 1, 2021.

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**Discussion:** U.S. immigration law has reflected a concern for public health since the Immigration Act of 1882.<sup>1</sup> Noncitizens seeking to come to the United States may be considered inadmissible on health-related grounds, including having communicable diseases, physical or mental disorders with associated harmful behavior, or drug abuse or addiction problems.<sup>2</sup> Since 1996, Congress has required all immigrant visa and adjustment of status applicants to establish that they have been vaccinated against certain vaccine-preventable diseases.<sup>3</sup>

Congress authorizes the U.S. Department of Homeland Security (DHS) to determine a noncitizen's admissibility to the United States, which includes determinations of inadmissibility on health-related grounds.<sup>4</sup> Congress also authorized DHS to designate qualified physicians as civil surgeons who conduct immigration medical examinations of noncitizens physically present in the United States.<sup>5</sup> Civil surgeons document the immigration medical examination and vaccination record of an applicant for adjustment of status on USCIS Form I-693.

The current pandemic of COVID-19 has been determined by the World Health Organization (WHO) to be a public health emergency of international concern (PHEIC) under the International Health Regulations, and it creates unique challenges for the immigration-related medical evaluation. COVID-19 meets the definition of a quarantinable communicable disease under 42 USC 264 and Executive Order 13295, as amended by Executive Orders 13375 and 13674. Specifically, COVID-19 meets the definition of severe acute respiratory syndromes as specified by [Presidential Executive Order 13674](#) (issued July 31, 2014), thus making it a Class A Inadmissible Condition.

The Advisory Committee on Immunization Practices (ACIP) has recommended the COVID-19 vaccine for the age appropriate, general U.S. population.<sup>6</sup> Therefore, the COVID-19 vaccine now meets the [criteria for required vaccinations](#) and is a requirement for most adjustment of status applicants eligible for the vaccine. An adjustment of status applicant who is required to get the COVID-19 vaccine but fails to do so (and has not obtained a waiver) would be inadmissible. Accordingly, the CDC has updated the Technical Instructions for Civil Surgeons to require documentation of whether an applicant has received a COVID-19 vaccine. In general, applicants must complete the COVID-19 vaccine series and provide documentation to the civil surgeon in person before completion of the immigration medical examination.

In order to allow civil surgeons to document an adjustment of status applicant's COVID-19 vaccination status, as required by the updated Technical Instructions, USCIS is modifying Form

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<sup>1</sup> See the Immigration Act of 1882, 22 Stat. 214 (August 3, 1882).

<sup>2</sup> See the Immigration Act of 1990 (IMMACT 90), [Pub. L. 101-649 \(PDF\)](#) (November 29, 1990).

<sup>3</sup> See the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Division C of [Pub. L. 104-208 \(PDF\)](#) (September 30, 1996). See [INA 212\(a\)\(1\)\(A\)\(ii\)](#).

<sup>4</sup> See [INA 212\(a\)](#).

<sup>5</sup> See [INA 232](#).

<sup>6</sup> See [INA 212\(a\)\(1\)\(A\)\(ii\)](#).

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I-693, specifically, the table provided in Part 10. Vaccination Record. The Form I-693 Instructions are being modified to include references to COVID-19 and the COVID-19 vaccine where appropriate. These changes are essential to USCIS' mission to efficiently and fairly adjudicate requests for immigration benefits. The October 1, 2021 effective date of the updated Technical Instructions does not provide sufficient time for USCIS to complete the Paperwork Reduction Act (PRA) form revision process before civil surgeons will be required to document COVID-19 vaccination status as part of the immigration medical examination process.

Pursuant to 44 U.S.C. 3507(j)(1)(B) and 5 CFR 1320.13, USCIS seeks emergency processing of the Form I-693, and requests that the Administrator approve modifications to the instruments under the impacted information collection. USCIS certifies that the requirements of 5 CFR 1320.13(a) are met and that:

- The subject collection of information is needed immediately and is essential to the mission of the agency;
- The agency cannot reasonably comply with the normal collection procedures because public harm is reasonably likely to result if normal clearance procedures are followed; and
- The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information as unanticipated events have occurred.

USCIS greatly appreciates the timely consideration of this request.