

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Medical Examination for Visa or Refugee Applicant

OMB Number 1405-0113
DS-2054, DS-3025, DS-3026 and DS-3030

A. JUSTIFICATION

1. *Why is this collection necessary and what are the legal statutes that allow this?*

Visa Applicants: This collection is necessary to document information pertinent to an applicant's eligibility for a visa or refugee status under the INA's medical grounds of inadmissibility at INA § 212(a)(1) by recording the results in a medical examination required by INA § 221(d), 8 U.S.C. § 1201(d). INA § 221(d), 8 U.S.C. § 1201(d), requires that prior to issuance of an immigrant visa to any noncitizen, the consular officer shall require such noncitizen to submit to a physical and mental examination in accordance with such regulations as may be prescribed. Consular officers may require medical exams to determine whether a noncitizen is eligible for a nonimmigrant visa pursuant to INA § 221(d), 8 U.S.C. § 1201(d). The results of the medical examination are used to determine the noncitizen's eligibility for such a visa under the INA, including the health-related visa ineligibility grounds in INA § 212(a)(1), 8 U.S.C. § 1181(a)(1). Additionally, INA § 412(b)(4)(B), 8 U.S.C. § 1522(b)(4)(B), requires the United States government to "provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment."

Parole Applicants Who Require a Boarding Foil: Under INA section 212(d)(5) 8 U.S.C. 1182(d)(5), the Secretary of Homeland Security may, in his discretion, parole into the United States temporarily under certain conditions for urgent humanitarian reasons or significant public benefit any noncitizen applying for admission to the United States. Consular officers aide the Department of Homeland Security in carrying out this function on a case-by-case basis by issuing boarding foils for Significant Public Benefit Parole (SPBP) or Humanitarian Parole (HP) beneficiaries, after such beneficiaries receive an authorization memo from USCIS and complete required processing steps, including completion of a medical examination.

Follow-to-Join Refugee and Asylum Applicants: INA § 412(b)(4)(B), 8 U.S.C. § 1522(b)(4)(B), requires the United States government to "provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment." Additional, INA 207 and 208, 8 U.S.C. 1157 and 1158, require medical screening of follow-to-join refugee and asylum applicants.

2. *What business purpose is the information gathered going to be used for?*

The DS-2054 (Report of Medical Examination by Panel Physician), DS-3025 (Vaccination Documentation Worksheet), DS-3026 (Medical History and Physical Examination Worksheet), and DS-3030 (Tuberculosis Worksheet) are designed to provide pertinent information for, and record the results of, the medical examination required by INA § 221(d), 8 U.S.C. § 1201(d).

The purpose of the medical examination is to determine whether a foreign national has a medical condition that renders the individual ineligible to receive the immigration benefit sought 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, selected by the consular post in accordance with instructions issued by the Centers for Disease Control and Prevention ("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. The medical finding by the panel physician or the CDC, if referred to that agency, is binding on the consular officer in adjudicating the noncitizen's eligibility for a U.S. visa. The information requested on the medical 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 § 212(a)(1), 8 U.S.C. § 1182(a)(1) or to comply with other requirements.

Nonimmigrant visa applicants are not subject to the vaccine requirements in INA § 212(a)(1)(A)(ii); however, applicants for the K nonimmigrant visas are strongly encouraged to complete all required vaccines before traveling to the United States. The vaccine worksheet is used to record the complete vaccine history for all noncitizens subject to medical examinations. This helps ensure that a noncitizen has the proper vaccines, should the noncitizen seek adjustment of status, and has a complete vaccine record for subsequent use after the individual is admitted to the United States.

3. Is this collection able to be completed electronically (e.g. through a website or application)?

The paper-based medical examination forms are only available in paper and cannot be completely electronically. The panel physician may submit the paper-based medical via email per the agreement between the panel physician and the consular post with jurisdiction over the location of the panel physician. There is an electronic form for the medical examination, the DS-7794. Due to technical constraints, some individuals are not able to use the electronic system and the panel physician must use the paper form. All nonimmigrant visa applicants, most follow-to-join refugees/asylum applicants and most noncitizens seeking a boarding foil for purposes of parole are processed using the paper medical forms. Additionally, in the unlikely event the DS-7794, Electronic Medical Examination for Visa Applicant (OMB Number 1405-0230) should experience a prolonged outage, panel physicians may be authorized by the Department to utilize and submit the paper based medical forms.

4. Does this collection duplicate any other collection of information?

This information is also collected in electronic form under OMB Control number 1405-0230 (DS-7794). As outlined above, certain foreign nationals cannot submit medical information via the DS-7794 and the panel physician conducting the exam of such individuals must complete the

paper medical examination forms. In no instance will any noncitizen be required to submit both the paper medical and the DS-7794.

5. Describe any impacts on small business.

This collection does not impact small business.

6. What are consequences if this collection is not done?

This information collection is essential for determining the eligibility of noncitizens seeking an benefit under the Immigration and Nationality Act that will allow travel to the United States and request admission. Panel physicians fill out the medical forms one time for each medical examination unless the forms presented by the noncitizen have expired prior to visa issuance. In such cases, the noncitizen would require another medical examination and new medical forms. It is not possible to collect the information less frequently since up-to-date medical information is necessary to determine an individual's eligibility.

7. Are there any special collection circumstances?

No special circumstances exist.

8. Document publication (or intent to publish) a request for public comments in the Federal Register

The Department published a notice in the Federal Register on March 31, 2022 soliciting public comments. The Department received a total of one non-responsive comment on this publication.

9. Are payments or gifts given to the respondents?

No payment or gift is provided to respondents.

10. Describe assurances of privacy/confidentiality

Noncitizens who are required to undergo a medical exam will be informed that the information obtained through the panel physician as part of the collection, in the case of visa applicants, will be used to determine medical eligibility under INA § 212(a), 8 U.S.C. § 1182(a); in the case of refugees, as required under INA § 412(b)(4) and (5), 8 U.S.C. § 1522(b)(4) and (5); and in the case of parole, as required by the Department of Homeland Security pursuant to INA § 212(d). In accordance with INA § 222(f), 8 U.S.C. § 1202(f), information obtained through this process is considered confidential and is only to be disclosed in certain circumstances enumerated in statute, including for use in the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States.

11. Are any questions of a sensitive nature asked?

Yes, the medical forms collect health and medical information of a sensitive nature. The questions in these information collections are designed to solicit the medical information necessary to determine whether an applicant is eligible for a visa under § 212(a)(1) of the INA, 8 U.S.C. § 1182(a)(1). This information collection is also used to determine whether refugees have medical conditions affecting the public and require treatment under INA § 412(b)(4)(B), 8 U.S.C. § 1522(b)(4)(B). This information collection is also used to determine whether a noncitizen can be issued a boarding foil for purposes of parole, consistent with DHS policy under INA § 212(d)(5), 8 U.S.C. 1182(d)(5). Individuals 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. Describe the hour time burden and the hour cost burden on the respondent needed to complete this collection

Approximately 110,412 noncitizens are subject to a medical examination worldwide with the required paper medical forms. This includes some immigrant visa applicants, follow-to-join refugees/asylum applicants, some nonimmigrant visa applicants, and some parole applicants who require a boarding foil. A panel physician completes an examination for each noncitizen. 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 110,412 hours (110,412 x 1 hour). This estimate includes the amount of time it takes the physician to examine the individual. Based on the U.S. hourly wage of \$27.07¹, the weighted wage hour cost burden for this collection is approximately \$4,137,137.64 This is based on the calculation of \$27.07 (average hourly wage) x 1.5 (weighted wage multiplier) x 110,412 respondents = \$4,483,279.26.

13. Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.

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 respondents per year (110,412), the estimated annual cost burden is \$49,685,400 (\$100 medical examination + \$350 vaccinations = \$450 cost burden to applicant, and \$450 x 110,412 respondents = \$49,685,400).

14. Describe the cost incurred by the Federal Government to complete this collection.

There is no cost to the Federal Government associated with this collection. The cost to the federal government associated with this collection is accounted for in the cost associated with processing the based application for the benefit sought. That cost accounts for the entire cost of adjudicating the benefit. No additional cost is incurred in reviewing the medical examination.

15. Explain any changes/adjustments to this collection since the previous submission

The Department is seeking to make permanent the addition of COVID-19 vaccine related questions to the Vaccine Worksheet, which was approved on an emergency basis on January 5, 2022. The addition of the COVID-19 vaccine related questions will not result in additional time or cost burden to applicants.

The Department is also seeking to include certain noncitizens who are seeking a boarding foil for purposes of traveling to the US to seek admission in parole status. The addition of this population will increase the overall burden of this collection by 10,000 respondents as outlined above.

¹ Source: Data from the U.S. Bureau of Labor Statistics' May 2018 National Occupational Employment and Wage Estimates for all occupations (https://www.bls.gov/oes/current/oes_nat.htm#00-0000). Retrieved January 13, 2020.

The Department is not proposing any other changes to the collection.

16. Specify if the data gathered by this collection will be published.

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 2019. The link to the website is: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html>. Health information may be published for evaluation purposes by the CDC, but it would be de-identified and follow the requirements in CDC's System of Records Notice 09-90-2001, Records Used for Surveillance and Study of Epidemics, Preventable Diseases and Problems.

17. If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.

The Department will display the expiration date for OMB approval of the information collection

18. Explain any exceptions to the OMB certification statement below.

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. *(This is the usual response.)*