

Mobility: immigration alert

August 2021

United States

COVID-19 Vaccinations Required for Applicants Applying for Adjustment of Status or Refugee Status

Executive summary

Starting 1 October 2021, U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) will require applicants applying for adjustment of status or refugee status to receive the COVID-19 vaccines. Applicants who complete their medical examination (Form I-693) from a Civil Surgeon or Panel Physicians on or after 1 October 2021 must also complete the COVID-19 vaccine series and provide documentation of vaccination. If applicants complete the medical examination before 1 October 2021, and the sealed medicals remain valid, the COVID-19 vaccine is not required.

Background

Form I-693, Report of Medical Examination and Vaccination Record, is used to establish that applicants for adjustment of status are not inadmissible to the U.S. on public health grounds. It is a required form to be completed by applicants when applying for an adjustment of status in the U.S. or applying for an immigrant visa from overseas. Routine vaccination requirements were already a part of the medical examination. Now, applicants must receive the entire COVID-19 vaccine series in addition to the other routinely required vaccines. If the Civil Surgeon preparing form I-693 has access to COVID-19 vaccines, the civil surgeon may vaccinate the applicants and document the doses. If the applicant received the COVID-19 vaccines prior to completing the medical examination, the civil surgeon will require documentary evidence as proof of vaccination. The Civil Surgeon will not accept self-reported vaccination without written documentation.

There are blanket waivers applicable to the COVID-19 vaccination requirement. The Centers for Disease Control and Prevention (CDC) provides the following 3 waivers:

1. Not age-appropriate - if the applicant is not eligible for a COVID-19 vaccine due to their age;
2. Contraindication - if the vaccine would cause a health risk to the applicant, such as a severe reaction to the vaccine;
3. Not routinely available - if no COVID-19 vaccine is routinely available in the state where the civil surgeon practices or if the vaccine is available but due to limited supply would cause significant delay for the applicant. Applicants may also apply for a waiver based on religious or moral convictions, subject to the discretion and approval of USCIS.



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What this means

USCIS will be updating the Form I-693 and its instructions soon. Applicants who receive a Request for Evidence (“RFE”) from USCIS requesting a medical examination for their pending adjustment of status application should be mindful of the new rules. If an applicant’s medical examination is deemed expired by USCIS, each applicant will need to complete a new medical examination demonstrating compliance with the vaccination requirement. If you or your organization’s employees are working towards submitting an adjustment of status application, we recommend obtaining vaccinations in advance to demonstrate compliance with the new mandate.

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our U.S. immigration professionals.

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