



Questions and Answers

January 5, 2010

Vaccination Requirements

Introduction

These Questions and Answers provide basic information about the general vaccination requirements for immigrants (including individuals seeking adjustment of status), and specifically about the assessment made by the civil surgeon to determine whether an applicant meets the vaccination requirements. These Questions and Answers do not address the vaccination assessments conducted by panel physicians overseas.

For refugees only, health departments may be considered a civil surgeon for purposes of completing the vaccination record.

Background

Under the immigration laws of the United States, a foreign national who applies for an immigrant visa abroad, or who seeks to adjust status to a permanent resident while in the United States, is required to receive vaccinations to prevent the following diseases:

- Mumps
- Measles
- Rubella
- Polio
- Tetanus and Diphtheria Toxoids
- Pertussis
- Influenza Type B
- Hepatitis B
- Any other vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices

The Advisory Committee for Immunization Practices (ACIP) is an advisory committee to the Department of Health and Human Services (HHS)/Centers for Disease Control and Prevention (CDC) that recommends immunizations for the general U.S. population. Starting Dec.14, 2009, when the ACIP recommends new vaccines for the general U.S. population, CDC will assess whether these vaccines should be required for immigration purposes on a regular and on an as-needed basis according to specific criteria set by CDC.

CDC is responsible for publishing the Technical Instructions for the Medical Examination of Aliens in the United States. These documents set the requirements for the immigrant medical examination and are

binding on civil surgeons. The Technical Instructions include a vaccination component, specifying how the civil surgeon has to conduct the vaccination assessment. The civil surgeon records the results of the medical examination, including the results of the vaccination assessment, on USCIS Form I-693, Report of Medical Examination and Vaccination Record.

If a foreign national applies for an immigrant visa abroad, that individual has to receive the medical examination by a panel physician designated by the U.S. Department of State (DOS). CDC issues separate instructions to panel physicians designated by DOS to conduct medical examinations abroad. For more information about panel physicians, please consult DOS' website at http://travel.state.gov/visa/immigrants/info/info_3739.html.

Questions and Answers

Q. Where can I find information about vaccinations in general?

A. CDC publishes information about vaccinations in general and information about the vaccine requirements for immigration purposes at <http://www.cdc.gov/vaccines/>.

Q. Why do immigrants and adjustment of status applicants have to show proof they have received certain vaccinations?

A. In 1996, Congress provided in legislation that every immigrant entering the United States, or every individual seeking adjustment of status to that of a legal permanent resident, show proof that he or she was vaccinated against vaccine-preventable diseases. The text for this requirement is in the Immigration and Nationality Act (INA), section 212(a)(1)(A)(ii).

Q. How does the CDC decide which vaccines are required for immigration purposes?

A. Some of the vaccines that are required are specifically listed in the INA. In addition to these, the statute also requires that an individual receive any other vaccinations recommended by the ACIP. CDC uses the following criteria in determining which of these recommended vaccines should be required for immigration purposes:

- The vaccine must be an age-appropriate vaccine as recommended by the ACIP for the general U.S. population, and
- At least one of the following:
 - The vaccine must protect against a disease that has the potential to cause an outbreak; or
 - The vaccine must protect against a disease eliminated in the United States, or is in the process of being eliminated in the United States.

Q. I am seeking immigrant status in the United States but had a medical examination abroad by a panel physician; I also received some vaccines. Do I have to repeat the medical examination and get the vaccines again?

A. Please read the instructions to Form I-693 to determine if you must repeat the medical examination, including the vaccination assessment, based on your current status in the United States.

Q. How do I know which vaccines are required for immigration purposes?

A. A civil surgeon is required to follow the Technical Instructions for the Examination of Aliens in the United States, including the 2009 Technical Instructions to Civil Surgeons for Vaccinations, and any updates published online. CDC publishes the vaccination requirements and medical examination instructions (including a detailed table listing all required vaccines) at <http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/vaccination-civil-technical-instructions.html>

Q. Do I have to receive all the required vaccines, even though I have been vaccinated before?

A. No. The civil surgeon will review your vaccination records at the time of your medical examination to see whether you have proof of earlier vaccinations against vaccine-preventable diseases that are appropriate for your age category. It is important that you take any written vaccination documentation you may have to the civil surgeon when you have your immigration medical examination.

If you lack any vaccinations required for your age category, the civil surgeon will administer the vaccines as needed. In the alternative, you can also choose to obtain the required vaccines from your private healthcare provider. However, because only a civil surgeon is authorized to complete the vaccination assessment on the Form I-693, you must return to the civil surgeon with the proof that you have received the missing vaccines.

In addition, some individuals are immune to vaccine-preventable diseases, and they know of the immunity because their private healthcare provider has tested them. If you have any written evidence of immunity, you should take this documentation to your civil surgeon. This will enable the civil surgeon to determine which vaccines you need to receive.

Q. Do I have to receive all the vaccines on CDC's vaccination list for the immigrant population, or only the ones that are age appropriate?

A. You are required to document receipt of vaccines that are age appropriate for you. The civil surgeon will annotate Form I-693 to indicate that you were not required to receive a particular vaccine because it was not age appropriate at the time of the medical examination.

Q. Do I have to receive all the vaccines that are on CDC's list and that are age appropriate, although I may have a medical condition that prevents me from receiving the required vaccines?

A. If you have a medical condition that prevents you from receiving a vaccine that is appropriate for your age, the civil surgeon will annotate the Form I-693 accordingly and mark the vaccine as contraindicated. A contraindication is a condition that prevents you from receiving a particular vaccine. CDC lists in its Technical Instructions what is considered a contraindication. It is up to the civil surgeon to determine whether you have such a condition that prevents you from receiving a particular vaccine at the time of the immigration medical examination.

Q. Certain vaccine series can only be completed with multiple visits to the civil surgeon. Am I required to complete the entire series before the civil surgeon can sign the Form I-693?

A. You are only required to receive a single dose of each vaccine when you visit the civil surgeon. You are encouraged to follow up with your private health care provider to complete the series. Once you have received the single dose appropriate at the time, the civil surgeon can sign and certify the Form I-693.

Q. I am pregnant and do not wish to receive any vaccinations. Do I still have to get them to be able to obtain permanent resident status in the United States?

A. If you are pregnant, the CDC's Technical Instructions direct the civil surgeon how to evaluate the vaccines you are able to receive during pregnancy. If the civil surgeon cannot safely administer a required vaccine, he/she will annotate the Form I-693 by marking the vaccine as contraindicated. See link to the right for information on pregnancy and vaccinations in general.

Q. Can the civil surgeon safely administer all vaccines that are required all at once?

A. The civil surgeon will let you know if you can receive all the vaccines at once, or if there is a concern based on your particular medical condition that will not allow you to receive all required vaccines at once.

Q. When does the flu season start for purposes of the seasonal flu vaccine requirement? Since the seasonal flu vaccine is required, do I have to get the seasonal flu vaccine if it is not the flu season?

A. For purposes of the immigration medical examination, the flu season starts on October 1 and ends on March 31 each year. If your immigration medical examination is during this period, you are required to have the seasonal flu vaccine. If you have an immigration medical examination completed between April 1 and September 30, when it is not the flu season for immigration purposes, you are not required to document that you have received the seasonal flu vaccine.

Q. I heard that the vaccine against herpes zoster (zoster) and the Human Papillomavirus (HPV) are required vaccines. Is this true?

A. From Aug. 1, 2008, until Dec. 13, 2009, the zoster and the HPV were required vaccines for immigration purposes. However, the zoster vaccine was not available from Aug. 1, 2008, through Dec. 13, 2009, and USCIS posted a message on the Web to inform civil surgeons they could annotate the vaccination record with "not available" if they were not able to obtain the vaccine. In 2009, CDC changed the vaccination requirements based on ACIP's recommendations. As of Dec. 14, 2009, the zoster and the HPV vaccine were no longer required.

Q. I had my immigration medical examination before Dec. 14, 2009, before the zoster and HPV vaccines were eliminated. I was required to have one of them, but did not receive it. My Form I-693 says that I refused to have the HPV or zoster vaccine. Will my I-693 be returned or my application denied?

A. On Dec. 14, 2009, vaccines against herpes zoster (zoster) and HPV are no longer required. It is irrelevant that you did not receive either the zoster or the HPV because beginning on Dec. 14, 2009; you are no longer inadmissible solely because you did not have the vaccine. USCIS will not return your Form I-693, nor will it deny your application because you did not receive the vaccine.

Q. Who pays for the vaccinations?

A. The applicant is responsible for paying the appropriate fee for all vaccinations directly to the civil surgeon, as agreed upon with the civil surgeon. You should ask about the price of the vaccinations before the medical examination or the administration of the vaccinations.

Q. Can I be forced to be vaccinated for immigration purposes?

A. If you refuse to receive the vaccines required for immigration purposes, as mandated by the immigration laws of the United States, your application for legal permanent resident status may be denied.

Q. What will happen if I refuse to receive one or all of the required vaccines?

A. Tell the civil surgeon if you do not wish to receive the required vaccines or a particular vaccine. You should also tell the civil surgeon the reason you do not wish to receive the vaccine(s). In this case, a waiver may be available to you, but only under the following circumstances:

- You are opposed to vaccinations in any form— that is, you cannot obtain a waiver based on an objection only as to one vaccination
- Your objection must be based on religious beliefs or moral convictions; and
- The religious or moral beliefs must be sincere.

The form used to apply for a waiver depends on the adjustment category under which you are seeking legal permanent residence status. For example, refugees and asylees seeking adjustment of status should file Form I-602, Application by Refugee for Waiver of Grounds of Excludability. Individuals seeking adjustment of status as a result of an approved Form I-130, Petition for Alien Relative, or Form I-140,

Immigrant Petition for Alien Worker, would file Form I-601, Application for Waiver of Grounds of Inadmissibility.

Q. My civil surgeon says that a vaccine is currently not available. What should I do?

A. Ask the civil surgeon whether another health care provider may have the vaccine. If another physician or department or pharmacy carries the vaccine and can administer the vaccine, you should get the vaccine and request documentation that you have received the vaccine. Bring the written record back to the civil surgeon so that s/he can complete the Form I-693.

HHS/CDC monitors which vaccines are not available in the United States, or which vaccines may experience a shortage. If CDC determines there is a nation-wide shortage of a vaccine, it will recommend to USCIS to post a message on www.uscis.gov to explain to applicants and civil surgeons whether the vaccine is required and under what circumstances. The information is available on USCIS' Form I-693 page, the Immigration Medical Examination page, or the Designated Civil Surgeon page.

Q. Will USCIS accept a Form I-693 if the vaccination chart is incomplete?

A. No. The vaccination chart should have at least one entry in each row for each vaccine. If the vaccination chart is not properly completed at the time of the medical examination, USCIS may return the Form I-693 to you with instructions on how to correct it.

If you refuse a vaccine because of religious or moral reasons, the civil surgeon will mark this on the Form I-693. In this case, you will have to apply for a waiver.

Q: Where can I find more information about the vaccination requirements for immigration purposes and how these requirements affect the completion of Form I-693?

A. CDC publishes the Technical Instructions including the vaccination component <http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html>

For more information about the civil surgeon program, the completion of Form I-693, or the adjustment of status application, please visit www.uscis.gov, or call USCIS' National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833).