

Health Grounds of Inadmissibility

The panel physician completes a medical and they are the ones that determine if someone has a medical inadmissibility. If it is rated as CLASS A that makes them inadmissible. If it is rated as CLASS B then they are not inadmissible for it.

There are 4 medical inadmissibility charges.

- Communicable Diseases- 212(a)(1)(A)(i)- WAIVER Available – Talk to CDC
- Vaccines – 212 (a)(1)(A)(ii)- WAIVER Available – We make the decision without CDC
- Physical or Mental Disorder – 212(a)(1)(A)(iii)-WAIVER Available – talk to CDC
- Drug Abuser- 212(a)(1)(A)(iv)- **NO WAIVER AVAILABLE**

Who can file:

To be eligible to apply for a waiver under section 212(g)(1) of the INA, the applicant must be:

The spouse, parent, child¹ or unmarried son or daughter of:

- A U.S. citizen,
- An alien lawfully admitted for permanent residence, or
- An alien who has been issued an immigrant visa,
- The K-1 principal beneficiary or K-2 derivative beneficiary of a Form I-129F
- Eligible for classification as a VAWA self-petitioner.²

Communicable Diseases-

If they have a communicable disease of public health significance then they are found to be CLASS A and will need a waiver approved to continue the visa process.

We need to do the following:

- Memo to DOS to scan in all medical documents (if they are not already scanned in)
- Letter to CDC asking them to review:
 - I-601 Application
 - Medical Information
- Depending on the response from CDC we can either:
 - Approve- if they recommend approval (unless there are other issues that would render a denial)
 - RFE- for more information that CDC wants
 - Memo DOS for new medical or more information
 - Deny-if they recommend denial

Vaccines-

The panel physician determines that the applicant didn't get all the required vaccines and therefore is inadmissible. There are some blanket waivers available for vaccines that the consular officer can approve if they are medically inappropriate or unavailable. No I-601 is needed for them to issue this blanket waiver (they just notate in IVO Refusal section and case notes).

We need to do the following:

- Memo to DOS to scan in all medical documents (if they are not already scanned in)
- Determine if they are:
 - Opposed to *all* vaccinations in any form,
 - The objection is based on religious beliefs or moral convictions, and
 - The belief or conviction is sincere.
- RFE for the above if not in the file
- Approve if they meet all 3 (unless there are other issues that would render a denial)
- Deny if they don't meet all 3
 - If they don't meet all 3 they can get the vaccine and then the charge no longer applies and can be removed and visa process can continue

Physical or Mental Disorder-

If they have a physical or mental disorder that may cause injury to them or others then they are found to be CLASS A and will need a waiver approved to continue the visa process.

We need to do the following:

- Memo to DOS to scan in all medical documents (if they are not already scanned in)
- Letter to CDC asking them to review:
 - I-601 Application
 - Medical Information
- Depending on the response from CDC we can either:
 - Approve- if they recommend approval (unless there are other issues that would render a denial)
 - RFE- for more information that CDC wants (Form CDC 4.22-1)
 - Memo DOS for new medical or more information

Drug Abuser-

If the panel physician finds them to be a CLASS A drug abuser there is no waiver available for them. They will have to wait one year and then they have the option to get a new medical (they need to initiate it and pay for it) to see if now they could be classified as CLASS B. That is the only way this charge can be removed. If it can't be removed then you deny the I-601.

- We need to do the following:
 - Deny-if it hasn't been a year or if it has been a year but they didn't get a new medical
 - If you can have the charge removed then work I-601 for other charges

MEDICALS

- Valid for 12 months (unless they have Tuberculosis then valid for 4 months)
- Completed by Panel Physician (Overseas) or Civil Surgeon (Domestic)
- Form DS 2053 or 2054 for Overseas and Form I-693 for Domestic cases
- A new medical can be done (after the specified wait period) and they can be found CLASS B and then they are no longer inadmissible and the charge should be removed

CENTER FOR DISEASE CONTROL (CDC)

- They provide the guidance to panel physician/civil surgeon to make the CLASS A or CLASS B determinations
- They review the I-601/medicals to determine the following
 - The danger to the public health of the United States created by his or her admission is minimal,
 - The possibility of the spread of the infection created by his or her admission to the United States is minimal , and
 - The alien, the alien's sponsoring family member, or another responsible person has made complete financial arrangements for payment of the cost of the alien's care.
- They may require that Form 4.422-1 be completed to determine the above.
 - RFE applicant to get this completed and then we will need to send to CDC
- They will look at expired medicals and they will tell us if we need to get a current medical for them to review.
 - Memo to DOS to get new medical if CDC requests a new medical before they will give us an opinion.
- Their approval letter will usually indicate that a new medical will be needed before visa issuance.
 - This will be handled by DOS before they issue a visa.