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New Vaccination Requirements

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The Immigration Service has been returning a lot of applications for adjustment of status for failure to comply with new vaccination requirements. The 1996 Act requires proof that the alien has been vaccinated against preventable diseases, namely: (1) mumps, (2) measles, (3) rubella, (4) polio, (5) tetanus and diphtheria toxoids, (6) pertussis, (7) influenza type B, (8) hepatitis B, (9) varicella (chickenpox), (10) haemophilus influenza type B, and (11) pneumococcal vaccines.

All I-693 forms (medical examination of aliens seeking adjustment of status) which are dated prior to May 1, 1997 will be accepted by INS officers. However, all those I-693 forms dated after May 1, 1997 must be accompanied by the Supplement Form to I-693. Otherwise, the form will be returned to the alien with instructions to return to a civil surgeon to ascertain compliance with the vaccination requirement.

This requirement may be waived if one of the following conditions is established by the alien: (1) he has received vaccination against the diseases but has failed to show documentation of such vaccination prior to the adjustment or admission, (2) a civil surgeon has certified that a vaccination would not be medically appropriate, or (3) the vaccination is against the alien's religious beliefs or moral convictions.

To comply with the vaccination requirement or to qualify for a waiver of the requirement, the alien must submit the Supplement Form to I-693 which must be attested by a civil surgeon. The civil surgeon must certify that (1) the alien is in full compliance with the vaccination requirement, (2) the alien lacks certain vaccines but is eligible for a "not medically appropriate" waiver, or (3) a missing vaccine is medically appropriate but the alien has religious or moral reasons for refusing the vaccine. In the third case, the alien has to file a separate waiver application.

To prove that the alien has been vaccinated against the enumerated diseases, civil surgeons have to review the alien's written record of vaccination history and laboratory evidence of immunity to measles, mumps, rubella or hepatitis B and other evidence of the prior history of the disease. If the alien did not get a complete series of each vaccine and is not immune, the civil surgeon will give one dose of the missing vaccines at the time of the medical examination and certify that the alien is eligible for a "not medically appropriate" waiver if the dose given does not complete the vaccine series.

However, the alien will not be given one dose of the missing vaccines if it is not medically appropriate. A vaccine is considered not to be "medically appropriate" if the vaccine (1) is not recommended for the age group of the alien; (2) is medically contraindicated, that is, the alien has allergies to eggs or yeast, etc. or is hypersensitive or pregnant, etc.; (3) has been received by the alien and the next dose is not yet due on the date of the medical examination; or (4) is not appropriate for the season such as the influenza vaccine which is given only in the fall season. In these cases, the vaccination requirement may be waived because it is "not medically appropriate." If the alien refuses to be given the missing vaccines for religious or moral reasons, the alien must file Form I-601 to ask a waiver of the vaccination requirement.