

COVID-19 Vaccine Will be Required for Most Intending Immigrants to the U.S. Starting October 1, 2021



By [Elizabeth M. Klarin](#)

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Starting on October 1, 2021, immigrants to the U.S. eligible for COVID-19 vaccination will be [required to show evidence of having received COVID-19 vaccination](#), in order to either obtain an immigrant visa or adjust their status to permanent resident from within the U.S.

Background on Vaccine Requirements for Intending Immigrants to the U.S.

COVID-19 is considered a “respiratory syndrome,” thus making it a Class A Inadmissible Condition. Since the Immigration Act of 1891, entry to the U.S. is barred for “persons suffering from a loathsome or a dangerous contagious disease.” As a result, certain vaccinations became a requirement to immigrate to the United States in 1966—specifically, intending immigrants must receive vaccination for any vaccine-preventable diseases recommended by the CDC’s Advisory Committee for Immunization Practices. Without these, the U.S. government

may deny the immigrant visa or request to adjust status to permanent resident.

What Has Changed?

Yesterday afternoon, the Advisory Committee added COVID-19 to the list of vaccine-preventable diseases, and the CDC [revised the technical instructions for civil surgeons and embassy panel physicians](#) to add the COVID-19 vaccine to the list of required vaccines to immigrate to the United States, starting in October. Currently, applicants are required to receive the vaccine series regardless of evidence of immunity or prior COVID-19 infection, since the duration of immunity due to natural infection is still being investigated (and it is therefore unknown whether the applicant will be protected from COVID-19 throughout the entire immigration process).

Next Steps for Applicants Within the U.S. Requesting Adjustment of Status to Permanent Resident Status

Individuals with an adjustment of status application still pending after October 1, 2021, who [submitted a medical exam](#) with their original application should receive a Request for Evidence (RFE) from USCIS requesting a new medical exam. This RFE will request applicants to return to a Civil Surgeon's office with written evidence of vaccination, confirming that the applicant has been fully vaccinated against COVID-19. Instructions have not clarified whether applicants will be allowed to submit only a revised vaccine supplement indicating immunization against COVID-19, or if they will be required to submit a whole new medical exam. *We do not recommend obtaining the new form I-693 (medical exam) with proof of vaccination until such time as an RFE for this is requested for your specific case by USCIS, as sending an updated exam without a specific request may result in confusion and/or delay of processing of your adjustment of status application by USCIS.*

Fully immunized intending or pending adjustment applicants who have not submitted a medical exam should bring their vaccine records to the Civil Surgeon's office for the medical exam. *Please also note that the [CDC has instructed civil surgeons](#) not to conduct or accept laboratory confirmation of immunity to COVID-19 or self-reported vaccine administration without written documentation.*

Next Steps for Individuals Requesting Immigrant Visa Processing of their Permanent Resident Application

Immigrant visa applicants living in countries where the vaccine is readily available should bring their record of having received the vaccine to the panel physician's office for inclusion on the medical exam given to the U.S. Embassy or Consulate. Civil Surgeons and Department of State approved panel physicians may use a [blanket waiver](#) for vaccine requirements if the applicant lives in a location where the vaccine is not available, or the administration of the vaccine is not medically appropriate.

What if I Have a Moral or Religious Objection to the Vaccine(s)?

Unvaccinated immigrants that do not qualify for a blanket waiver but have religious and/or moral objections to receiving a vaccine [may qualify for a waiver](#) of the vaccination requirement, at the discretion of the U.S. government agency adjudicating the application for permanent residence or an immigrant visa.

Questions?

Please reach out to the Lippes Mathias immigration team below with any questions or concerns regarding this update.

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