January 28, 2014

Policy Alert

SUBJECT: Guidance for Health-Related Grounds of Inadmissibility and Waivers

Purpose

USCIS is issuing guidance in the USCIS Policy Manual on the health-related grounds of inadmissibility under INA 212(a)(1) and corresponding waivers under INA 212(g).

Background

USCIS currently provides guidance on medical grounds of inadmissibility in AFM 40.1; and the corresponding medical waivers in AFM 41.3. This guidance is outdated and does not comprehensively address the policy. The new guidance contained in the USCIS Policy Manual is controlling and supersedes any prior guidance that may be inconsistent.

Highlights

This new guidance:

• Summarizes the history and purpose of the health-related grounds of inadmissibility and corresponding waivers, as well as the roles of DHS and HHS.
• Explains the relationship between the immigration medical examination and the admissibility determination, and instructs how health-related inadmissibility grounds are identified based on the medical examination report.
• Clearly outlines the health-related inadmissibility grounds applicable to various categories of applicants, when a medical examination is required, and by whom.
• Outlines the various waivers available for applicants seeking an immigrant visa or adjustment of status based on a family- or employment-based visa.
• Details the eligibility requirements for waivers of health-related inadmissibility grounds and the process of adjudicating a waiver, including obtaining CDC review.

Citation

Volume 8: Admissibility, Part B, Health-Related Grounds of Inadmissibility; Volume 9: Waivers, Part C, Waivers for Health-Related Grounds of Inadmissibility