



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 7104904

Date: JULY 20, 2020

Appeal of Nebraska Service Center Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant seeks a waiver of inadmissibility under section 212(g) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(g).

The Director of the Nebraska Service Center denied the application, concluding that the Applicant did not establish eligibility for a waiver under section 212(g)(2)(C) of the Act regarding her objection to receiving vaccinations that are required for admission into the United States. On appeal, the Applicant asserts that the Director improperly denied her waiver application.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal.

## I. LAW

Section 212(g)(2) of the Act, 8 U.S.C. § 1182(g)(2), provides for a waiver of this inadmissibility in the case of an applicant [who receives vaccination against the vaccine-preventable disease or diseases for which the applicant has not presented documentation of previous vaccination,] [for whom a civil surgeon, medical officer, or panel physician (as those terms are defined by section 34.2 of title 42 of the Code of Federal Regulations) certifies according to such regulations as the Secretary of Health and Human Services may prescribe, that such vaccination would not be medically appropriate,] [under such circumstances as the [Secretary of Homeland Security] provides by regulation, with respect to whom the requirement of such a vaccination would be contrary to the applicant's religious beliefs or moral convictions.]

## II. ANALYSIS

Because the Applicant is residing abroad and applying for an immigrant visa, the U.S. Department of State (DOS) makes the final determination concerning admissibility and eligibility for a visa. Here, a DOS consular officer found that the Applicant was inadmissible under section 212(a)(1)(A)(ii) of the Act because she has not received vaccinations that are required for admission into the United States.

Thus, as a result of the consular officer's finding of inadmissibility, the Applicant requires a waiver under section 212(g) of the Act.

In the present case, the Applicant asserts that she is sincerely opposed to vaccinations in any form based on her personal and religious beliefs as a Christian, her Christian faith has guided her to believe in God's will to protect her from illness, and receiving vaccinations violates her moral beliefs because vaccines are tested on animals. The Applicant submitted the following documentation in support of the waiver application and her response to the Director's Request for Evidence (RFE): affidavits from the Applicant and her spouse, sister, and friend.

The Director denied the waiver application, finding that the Applicant did not provide sufficient evidence showing that her objection to receiving vaccinations is based on religious beliefs. Specifically, the Director noted that the record did not contain documentary evidence establishing that her religion, Christianity, is opposed to vaccinations and that an objection to vaccinations is a foundational tenant or belief within the Christian faith.

On appeal, the Applicant contends that her sworn statement attesting to her religious and moral convictions in opposition to vaccinations is sufficient evidence to meet the waiver requirements. She also offers for the first time on appeal a May 2019 certificate of membership from the [redacted] Church [redacted] a letter from [redacted] stating that the [redacted] Church is vehemently opposed to any vaccines based on the religious belief that bodies are temples that spirits and souls live in, and an excerpt from the church's doctrinal beliefs regarding opposition to vaccinations.

Concerning the Director's determination that the Applicant did not meet the waiver requirements under section 212(g)(2)(C) of the Act, we agree. Despite the Director's August 2018 specific request for additional evidence, such as signed affidavits from religious leaders attesting to the religious conviction against vaccinations and other information as it relates to the Applicant's religious and moral beliefs opposing vaccinations, the Applicant's RFE response only consisted of her personal statement and lacked any additional documentation. On appeal, the Applicant has not indicated whether she was a member of the [redacted] Church prior to the May 20, 2019, date on the membership certificate and further, she has not established whether the new evidence submitted on appeal regarding her church's doctrine opposing vaccinations was previously available. In addition, we note that the submitted affidavits from the Applicant and her spouse, sister, and friend, do not reference the Applicant's membership in the [redacted] Church.

In conclusion, the totality of the evidence is insufficient to show that the Applicant has met the waiver requirements regarding her opposition to receiving vaccinations that are required for admission into the United States. The Applicant has the burden of proving eligibility for a waiver of inadmissibility. Section 291 of the Act, 8 U.S.C. § 1361. Here, she has not met that burden.

**ORDER:** The appeal is dismissed.