

JUSTIFICATION FOR EMERGENCY PROCESSING

Vaccine Documentation Worksheet, DS-3025 and Electronic Medical Examination for Visa Applicant, DS-7794

Pursuant to 5 CFR 1320.13, the Department of State (“Department”) requests emergency processing of a revision to two collections of information from refugees, immigrant visa applicants, and certain nonimmigrant visa applicants that is currently pending OMB approval. Related and supporting materials are included along with this request.

Subject to certain exemptions and waivers, under Section 212(a)(1)(A)(ii) of the Immigration and Nationality Act (“INA”), individuals are ineligible for immigrant visas unless they have been inoculated for vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices (“ACIP”). Immigrant visa applicants, as well as refugees and some nonimmigrant visa applicants, must complete a medical examination before a panel physician before a consular officer may issue the visa. Panel physicians must follow Centers for Disease Control’s (“CDC”) Technical Instructions for Panel Physicians (“TIs”) and record their findings on one of two information collections: DS-2054, DS-3030, DS-3025, DS-3026 (OMB Control No. 1405-0113), or DS-7794 (OMB Control No. 1405-0230): Electronic Medical Examination for Visa Applicant.

On August 16, 2021, the CDC updated the TIs for panel physicians conducting medical examinations of immigrant visa applicants to include COVID-19 on the list of required vaccinations. During the medical examination, the panel physician verifies inoculation, provides additional required vaccines at cost to the applicant, or may waive a vaccine for various reasons including when the required vaccine is not routinely available in the country. To implement this change, the Department is proposing to amend the DS-3025 and DS-7794 to include fields related to the applicant’s COVID-19 vaccination status.

Pursuant to 5 CFR 1320.13, the Department has determined that this collection is needed prior to the expiration of periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act, that this information collection is essential to the mission of the Department of State, and that public harm is reasonably likely to result if normal clearance procedures are followed. Applicants may be eligible for vaccine waiver in certain circumstances, e.g., if the vaccination is not medically appropriate (including but not limited to the age of the applicant or the vaccine is not routinely available in the place of examination) applicants may also apply for a waiver of the vaccine requirement from the Department of Homeland Security under other circumstances, specifically if the vaccine is contrary to the applicant’s religious beliefs or moral convictions. Failure to execute this information collection could result in the granting of visas to individuals who would be inadmissible.

The Department intends to publish further 60 and 30-day notices in line with PRA requirements. However, the TIs require panel physicians to implement the COVID-19 vaccination requirement on October 1, 2021.

In view of the foregoing, the Department has determined that:

1. This collection is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act;
2. This collection is essential to the mission of the Department of State, which includes enforcement of the inadmissibility standards in the INA and facilitation of legitimate travel to the United States; and
3. The use of routine clearance procedures is reasonably likely to prevent or disrupt the collection of information. Specifically, the use of emergency processing is required to align the Department's application of revised CDC TIs regarding vaccine requirements for immigrant visa applicants in a timely manner.

Therefore, the Department of State requests emergency processing and OMB approval for this collection as soon as possible.