

# Mobility: immigration alert

August 2021

## United States

### COVID-19 Vaccinations Required for Applicants Applying for Adjustment of Status or Refugee Status

#### Executive summary

Starting 1 October 2021, U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) will require applicants applying for adjustment of status or refugee status to receive the COVID-19 vaccines. Applicants who complete their medical examination (Form I-693) from a Civil Surgeon or Panel Physicians on or after 1 October 2021 must also complete the COVID-19 vaccine series and provide documentation of vaccination. If applicants complete the medical examination before 1 October 2021, and the sealed medicals remain valid, the COVID-19 vaccine is not required.

#### Background

Form I-693, Report of Medical Examination and Vaccination Record, is used to establish that applicants for adjustment of status are not inadmissible to the U.S. on public health grounds. It is a required form to be completed by applicants when applying for an adjustment of status in the U.S. or applying for an immigrant visa from overseas. Routine vaccination requirements were already a part of the medical examination. Now, applicants must receive the entire COVID-19 vaccine series in addition to the other routinely required vaccines. If the Civil Surgeon preparing form I-693 has access to COVID-19 vaccines, the civil surgeon may vaccinate the applicants and document the doses. If the applicant received the COVID-19 vaccines prior to completing the medical examination, the civil surgeon will require documentary evidence as proof of vaccination. The Civil Surgeon will not accept self-reported vaccination without written documentation.

There are blanket waivers applicable to the COVID-19 vaccination requirement. The Centers for Disease Control and Prevention (CDC) provides the following 3 waivers:

1. Not age-appropriate - if the applicant is not eligible for a COVID-19 vaccine due to their age;
2. Contraindication - if the vaccine would cause a health risk to the applicant, such as a severe reaction to the vaccine;
3. Not routinely available - if no COVID-19 vaccine is routinely available in the state where the civil surgeon practices or if the vaccine is available but due to limited supply would cause significant delay for the applicant. Applicants may also apply for a waiver based on religious or moral convictions, subject to the discretion and approval of USCIS.



EY Law LLP

### What this means

USCIS will be updating the Form I-693 and its instructions soon. Applicants who receive a Request for Evidence (“RFE”) from USCIS requesting a medical examination for their pending adjustment of status application should be mindful of the new rules. If an applicant’s medical examination is deemed expired by USCIS, each applicant will need to complete a new medical examination demonstrating compliance with the vaccination requirement. If you or your organization’s employees are working towards submitting an adjustment of status application, we recommend obtaining vaccinations in advance to demonstrate compliance with the new mandate.

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our U.S. immigration professionals.

### EY | Building a better working world

EY exists to build a better working world, helping create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

For more information, please visit [ey.com/ca](https://ey.com/ca).

Follow us on Twitter @EYCanada.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via [ey.com/privacy](https://ey.com/privacy). EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit [ey.com](https://ey.com).

#### About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit [EYLaw.ca](https://EYLaw.ca).

© 2021 EY Law LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 007304-21GbI

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact EY or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.

[ey.com/en\\_ca](https://ey.com/en_ca)

George Reis, Managing Partner  
+1 416 943 2535  
[george.reis@ca.ey.com](mailto:george.reis@ca.ey.com)

Batia Stein, Partner  
+1 416 943 3593  
[batia.j.stein@ca.ey.com](mailto:batia.j.stein@ca.ey.com)

Roxanne Israel, Partner  
+1 403 206 5086  
[roxanne.n.israel@ca.ey.com](mailto:roxanne.n.israel@ca.ey.com)

Authored by:  
Michelle Hur, Manager  
+1 604 648 3662  
[Michelle.Hur@ca.ey.com](mailto:Michelle.Hur@ca.ey.com)

Alex Israel, Partner  
+1 416 943 2698  
[alex.d.israel@ca.ey.com](mailto:alex.d.israel@ca.ey.com)

Christopher Gordon, Partner  
+1 416 943 2544  
[christopher.d.gordon@ca.ey.com](mailto:christopher.d.gordon@ca.ey.com)

Jonathan Leebosh, Partner  
+1 604 899 3560  
[jonathan.e.leebosh@ca.ey.com](mailto:jonathan.e.leebosh@ca.ey.com)