COVID-19 Vaccination Will Become Mandatory for Most Green Card Applicants

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According to a new policy from the U.S. Centers for Disease Control and Prevention (CDC), effective October 1, 2021, the COVID-19 vaccine is included on the list of vaccines required for applicants to obtain lawful permanent residence (aka “green card”).

Under the Immigration and Nationality Act (INA), section 212(a)(1)(A)(ii), foreign nationals to be found admissible to the United States as permanent residents must demonstrate proof that they are vaccinated against vaccine-preventable diseases. Starting October 1, 2021, foreign nationals must also demonstrate proof that they are vaccinated against COVID-19 in addition to the current vaccination requirements.
The new COVID-19 vaccination requirement will apply equally to foreign nationals who apply for an immigrant visa abroad or who seek to adjust status to permanent resident while in the United States through applications submitted to the U.S. Citizenship and Immigration Services (USCIS).

Acceptable COVID-19 Vaccines and Proof of Vaccination

Approved COVID-19 vaccines are those authorized for use in the United States or those listed for emergency use by the World Health Organization. An individual’s personal attestation that they have been vaccinated is not sufficient. Additionally, showing immunity or recovery from prior COVID-19 infection will not be permissible bases for a vaccination waiver. Documentation confirming vaccination will be required. Acceptable evidence includes:

- An official vaccination record;
- A medical chart with physician entries pertaining to the vaccination; or,
- Appropriate medical personnel attestation.

Per CDC guidance, the designated civil surgeon who performs the medical examination required for the approval of permanent residence must confirm by reviewing original documentation that the applicant received all doses of the COVID-19 vaccine. If the COVID-19 vaccine is available, the designated surgeon or panel physician performing the medical exam can also vaccinate applicants that are partially vaccinated. If the applicant attends the required medical exam unvaccinated, the process may be delayed as applicants must receive all doses of the COVID-19 vaccine before the medical exam can be completed.

Blanket and Individual Waivers

The CDC guidance lists the reasons for exemption from this requirement as follows:

- Applicants who are too young to receive the vaccine;
- Applicants who have a medical contraindication to the vaccine;
- Applicants who do not have access to one of the approved COVID-19 vaccines; or,
- Applicants can also apply for a waiver of the vaccine requirement on religious or moral convictions grounds.

Waivers based on religious or moral convictions are considered on an individual basis. USCIS will determine if an individual waiver is granted, not the civil surgeon or CDC.

Applicants May Not Refuse a COVID-19 Vaccine

If an applicant refuses one or more doses of a COVID-19 vaccine series and is not eligible for a waiver, the designated civil surgeon will document that the vaccine
requirements are not complete. As a result, the applicant will likely be deemed inadmissible and ineligible for lawful permanent resident status.

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