



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

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

In Re: 24706313

Date: FEB. 8, 2023

Appeal of Washington Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied to adjust status to that of a lawful permanent resident (LPR) and seeks a waiver of inadmissibility under section 212(g)(2)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(g)(2)(C), for failure to present documentation of having received vaccination against vaccine-preventable diseases. The Director of the Washington Field Office in Fairfax, Virginia denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), concluding that the record did not establish that he met the requirements for such a waiver. The matter is now before us on appeal. 8 C.F.R. § 103.3. In these proceedings, the Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

Section 212(a)(1)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(1)(A)(ii), makes inadmissible any foreign national who seeks admission as an immigrant or who seeks adjustment of status to lawful permanent resident and who has failed to present documentation of having received vaccination against vaccine-preventable diseases. On August 17, 2021, the Centers for Disease Control and Prevention (CDC) released an update to the Vaccination Technical Instructions for Civil Surgeons, requiring applicants subject to the immigration medical examination to complete the COVID-19 vaccine series (currently one or two doses, depending on formulation) and provide documentation of vaccination to the civil surgeon before completion of the immigration medical examination. U.S. Citizenship and Immigration Services (USCIS) began requiring the COVID-19 vaccine series for all applicants subject to the immigration medical examination who submit a Form I-693, Report of Medical Examination and Vaccination Record (medical examination report), signed by a civil surgeon on or after October 1, 2021.

Section 212(g)(2) of the Act, 8 U.S.C. § 1182(g)(2), provides for a waiver of this inadmissibility 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.

The Applicant is the beneficiary of an approved immigrant visa petition filed by his spouse. The Applicant submitted a medical examination report during his adjustment of status interview. The civil

surgeon indicated on the medical examination report that the Applicant lacked vaccinations required for adjustment of status, specifically the COVID-19 vaccination series. The Applicant submitted the waiver application at issue in this appeal, indicating that he sought a waiver of the vaccination requirements because vaccines are against his religious beliefs or moral convictions.

In her decision, the Director noted that the Applicant had submitted a vaccine record which stated that he had received all required vaccinations except the COVID-19 vaccination series, and that he had also stated during interview that he “received the other vaccinations because ‘there is no warning about those shots’ and that ‘they are just regular shots people get.’” From these facts, the Director concluded that the Applicant had not established that he was opposed to vaccinations in any form.

On appeal, the Applicant asserts that USCIS policy requiring an opposition to all vaccines is arbitrary and capricious, and that it is beyond the authority Congress provided in Section 212(g)(2)(C) of the Act. Specifically, the Applicant asserts through counsel that “Congress utilized the term ‘vaccination’ in the singular form” when providing for a waiver of the health-related inadmissibility stipulations in the Act. The Applicant argues that the use of the term “vaccination” in the singular form “means that a waiver may be granted where there is opposition based on religious beliefs or moral convictions to one vaccination in particular. The statute and regulations derived from the statute do not require opposition to all vaccines for the waiver to be approved.”

USCIS guidelines provide that an applicant who is inadmissible under section 212(a)(1)(A)(ii) of the Act and seeks a waiver of inadmissibility under section 212(g)(2)(C) of the Act must demonstrate the following criteria for the waiver to be approved: he is opposed to vaccinations in any form; the objection is based on religious belief or moral convictions; and the religious belief or moral conviction is sincere. See *9 USCIS Policy Manual* D.3(E)(2), <https://www.uscis.gov/policymanual>. The Applicant must demonstrate that he opposes vaccinations in all forms, and he cannot “pick and choose” between the vaccinations. *Id.*

Here, the medical examination report submitted by the Applicant indicates that he recently completed vaccinations, specifically the influenza vaccine on October 15, 2021, and the tetanus and diphtheria vaccine on December 10, 2021. As noted by the Director, the Applicant did not indicate an opposition to vaccinations in all forms at his adjustment of status interview. Finally, the Applicant’s affidavit and supporting statement indicate that his objection is limited to the COVID-19 vaccination. From these facts, we find that the Applicant has not established that he is opposed to vaccinations in any form as required.

The Applicant has not established his eligibility for a waiver under section 212(g)(2)(C) of the Act regarding his opposition to the vaccination requirements for adjustment of status.

**ORDER:** The appeal is dismissed.