



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

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

In Re: 28423277

Date: OCT. 12, 2023

Appeal of Lawrence, Massachusetts Field Office Decision

Form I-601, Application for Waiver of Grounds of Inadmissibility

The Applicant 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 Lawrence, Massachusetts Field Office denied the application, concluding that the Applicant did not establish that she met the requirements for such a waiver. The matter is now before us on appeal. 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 a noncitizen inadmissible to the United States if, among other bases, they fail to present documentation of having received certain vaccinations. 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, signed by a civil surgeon on or after October 1, 2021. The Centers for Disease Control and Prevention (CDC) released a May 2023 update to the Vaccination Technical Instructions for Civil Surgeons, requiring applicants subject to the immigration medical examination to have received at least one dose of the COVID-19 vaccine if a dose is due at the time of the exam according to current CDC guidance.

Section 212(g)(2) of the Act provides for a waiver of this ground of inadmissibility in certain circumstances, including when the requirement of a vaccination would be contrary to the noncitizen's religious beliefs or moral convictions. USCIS guidance provides that a noncitizen 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: (1) they are opposed to vaccinations in any form; (2) the objection is based on religious belief or moral convictions; and (3) the religious belief or moral conviction is sincere. *See 9 USCIS Policy Manual D.3(E)(2)*, <https://www.uscis.gov/policymanual> (providing guidance on the three criteria listed above). The fact that an applicant has received certain vaccinations but not others is not automatic grounds for denial of a waiver given that religious beliefs or moral convictions may have changed substantially since the date a particular vaccination was administered. *Id.* However, applicants must

still demonstrate that they oppose vaccinations in all forms and cannot pick and choose among different vaccinations. *Id.*

The Applicant sought adjustment of status to that of a lawful permanent resident through the filing of a Form I-485, Application to Register Permanent Residence or Adjust Status. In support of her application, the applicant submitted a Form I-693 reflecting that she sought an individual waiver of the COVID-19 vaccine based on religious or moral convictions. Accordingly, the Applicant submitted a Form I-601 wherein she stated she was a long-time member of the [REDACTED] Church, that prayer was central to her life, and that she asks for God's direction when faced with a choice, including when receiving vaccinations. She disclosed that she possessed a moral and faith-based opposition to vaccination, but recently received a tetanus booster vaccine despite later regretting the decision, and that she also received a flu vaccine in 2003 or 2004 at her place of employment because she prioritized what her employer wanted. Regarding the COVID-19 vaccine, she stated that she contracted COVID-19 in December 2020 and that her prayers over whether to receive the vaccine directed her to her own medical training as a nurse, reading and research, and biblical teachings. She explained that she understood the body's immune system and immune responses and because she previously had COVID-19, she had the antibodies her immune system needed. She claimed that taking the vaccine would interrupt her body's immune system and compromise its ability to defend against the virus in the future, which could be detrimental to her health. She also highlighted that her research into the vaccine raised doubts about its safety. She believed that taking vaccines would thus be endangering her body in a way that was contrary to God's wishes.

The Director denied the Applicant's Form I-601 after determining, in part, that the Applicant had not established that she was opposed to vaccinations in any form or that her religious beliefs or moral convictions had changed substantially since she received three different vaccinations. In making this decision, the Director noted that the Applicant claimed she was a member of the [REDACTED] Church since 2001, and that vaccinations are contrary to her religious beliefs or moral convictions, but had received vaccinations in 2003 or 2004 for influenza, 2012 for MMR and Varicella, and 2017 for Tdap, despite her religious beliefs.

On appeal, the Applicant claims the civil surgeon who produced the vaccination record contained in the Form I-693 entered her vaccination data incorrectly, which led to the Director's adverse decision.¹ She explains that the record for her 2012 MMR vaccine reflects the results of a blood titer which is evidence of active immunity, not that she received the vaccine. She further explains that she received a vaccination for Tdap in 1992 or 1993 and that the 2017 vaccination for Tdap was a booster. The Applicant also states that she started monitoring every substance placed into her body because a doctor diagnosed her with thalassemia and speculated that she contracted the disorder due to medications that were prescribed to her. Most importantly, however, with regard to the COVID-19 vaccine, the Applicant provides citation to certain medical studies and explains that the vaccination does not prevent a person from contracting the illness, but instead reduces the severity of any symptoms. She continues that natural immunity from a previous infection is equal to or stronger than, and lasts longer than, the immunity acquired from the vaccine. The Applicant then concludes that "based on those scientific facts I don't see the need to take the vaccine." The Applicant also provides a letter of support

¹ We note that the Applicant has not provided an updated Form I-693 or explanation from the civil surgeon regarding the vaccination record.

from the Applicant's pastor who claims it is the Applicant's first amendment right to refuse the COVID-19 vaccination.

After reviewing the totality of the evidence, the Applicant has not established that she is opposed to vaccinations in any form or that her opposition to the COVID-19 vaccine is based on religious belief or moral convictions. Despite claiming a blanket opposition to vaccines, the record shows that the Applicant has received several vaccinations, including a vaccine booster as recently as 2017, and while receiving certain vaccinations but not others is not automatic grounds for denial of a waiver, the Applicant claims to be a member of the [REDACTED] Church since 2001 and has not demonstrated that her religious beliefs or moral convictions changed substantially since the vaccinations noted above were administered. A letter of support from the Applicant's pastor supports the Applicant's choice to monitor the substances placed into her body, but the letter does not establish that the Applicant or [REDACTED] in general possess an opposition to vaccinations in any form.² Rather, the record indicates that the Applicant's opposition to the COVID-19 vaccine is based primarily on her review of scientific articles and her conclusion that she would not benefit from the vaccine because she already has natural immunity instead of an opposition to vaccinations in any form. The Applicant has therefore not established that she is eligible for a waiver of inadmissibility under section 212(g)(2)(C) of the Act.

ORDER: The appeal is dismissed.

² The pastor's letter does not take a position on vaccinations and appears consistent with the official position of the [REDACTED] Church. See [REDACTED] Church, [https://www.\[REDACTED\]](https://www.[REDACTED]) (encouraging responsible immunization and vaccination and claiming no religious or faith-based reason to discourage participation in immunization programs while recognizing individual choice).