

INTERIM MEMO FOR COMMENT

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Comment period ends: 10-16-2012

This memo is in effect until further notice.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

September 26, 2012

PM-602-0074

Policy Memorandum

SUBJECT: Designation of Military Physicians as Civil Surgeons for Members and Veterans of the Armed Forces and Eligible Dependents¹

Purpose

The purpose of this policy memorandum (PM) is to grant military physicians a blanket designation as civil surgeons to facilitate the medical exam required for members and veterans of the Armed Forces and certain eligible dependents. This blanket designation will assist members and veterans of the Armed Forces and their eligible dependents in receiving immigration medical examinations in a timely fashion.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees.

Authority

Section 232(b) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1222(b)

8 CFR 232.2(b)

42 CFR 34.2(c)

Background

INA section 232 requires arriving aliens to be examined by medical officers of the United States Public Health Services (USPHS). If medical officers of USPHS are not available, USCIS may designate civil surgeons to perform these testing requirements. Currently, under 8 CFR 232.2(b), civil surgeons are designated by the District Directors.

According to 8 CFR 232.2(b), physicians qualify for civil surgeon designation if they are licensed physicians and if they have no less than 4 years of professional experience.

Current guidance in Adjudicator's Field Manual (AFM) Chapter 83.4(a)(2) specifies that "licensed physicians" are physicians licensed to practice medicine in the state where they render

¹ For the purpose of this policy memorandum (PM), the use of "dependent" refers to those dependents eligible to receive medical care from military physicians at military medical treatment facilities (MTFs) operated by the Department of Defense (DoD).

medical services. This licensing requirement may discourage medical officers of the Armed Forces (military physicians) from becoming designated civil surgeons. As a result, Armed Forces members and their dependents must pay for the immigration medical examination, even though the services could easily be provided by these military physicians at no cost. Additionally, the logistics to arrange for the medical examination by a non-military designated civil surgeon may prove burdensome to the military member and his or her dependent, and distract from a military member's readiness.

Policy

To ease difficulties encountered by physicians and applicants in the military, USCIS is issuing a blanket civil surgeon designation to qualifying military physicians to permit them to perform the immigration medical examination and complete the Report of Medical Examination and Vaccination Record, Form I-693, for eligible members and veterans of the Armed Forces and their dependents.

Participation in this blanket civil surgeon designation is entirely voluntary and at the discretion of each military medical facility. This blanket designation only applies to military physicians who:

- Meet the professional qualifications of a civil surgeon, as described in AFM Chapter 83.4(a)(2), except that the physician may be licensed in *any* state, and is not required to be licensed in the state in which the physician is performing the immigration medical examination;
- Are employed by DoD (either as Armed Forces physicians or as civilian physicians) **or** are civilian contract providers; and
- Are authorized to provide medical services at an MTF for Armed Forces personnel, veterans, and dependents that is located within the United States.²

Neither the medical facility nor the physician who qualifies for and wishes to participate in the blanket designation needs to obtain approval from USCIS prior to performing immigration medical examinations for Armed Forces personnel, veterans, and dependents at an MTF. However, military physicians must review and be familiar with the Centers for Disease Control and Prevention's (CDC's) *Technical Instructions for the Medical Examination of Aliens in the United States (Technical Instructions)*³ before they can begin performing immigration medical examinations. They must comply with the *Technical Instructions* in completing all immigration medical examinations.

² USCIS only has jurisdiction to designate civil surgeons inside the United States. Physicians who wish to perform immigration medical examinations outside the United States must be designated as panel physicians by the Department of State. See 9 FAM 40.11 Note 3 and 7; *but see also*, 9 FAM 40.11 Note 9.2-3.

³ CDC's *Technical Instructions* are available online at:
<http://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions-civil-surgeons.html>.

Pursuant to the understanding reached between USCIS and the CDC, military physicians who qualify under this blanket civil surgeon designation may perform the entire immigration medical examination as long as the exam is conducted in the United States on the premises of an MTF and conducted for an Armed Forces member, veteran, or dependent who is eligible to receive medical care at that MTF.

Military physicians must apply for civil surgeon designation under the standard designation process, as outlined in AFM Chapter 83.4(a)(4), if they wish to complete immigration medical examinations:

- In a U.S. location other than on the premises of an MTF; or
- For individuals other than those Armed Forces members, veterans, or dependents who are authorized to receive medical services at an MTF.

Armed Forces members, veterans, and dependents will need to visit a physician designated as a civil surgeon through USCIS's standard application process if they:

- Prefer to have the immigration medical examination performed by a physician who does not qualify under this blanket designation for military physicians;
- Prefer to have the immigration medical examination performed in a U.S. location other than at the MTF at which they are authorized to receive medical services; or
- Do not have access to a military physician who is performing immigration medical examinations under this blanket designation.

Military physicians operating under the blanket civil surgeon designation must record the results of the immigration medical examination on the Form I-693 according to the standard procedures all civil surgeons are required to follow.

In accordance with the agreements reached with the CDC, a military physician operating under the blanket civil surgeon designation is required to certify the Form I-693 by providing both of the following on the form:

- **The blanket designated civil surgeon's signature on the Form I-693.** The signature may be the original (handwritten) or stamped signature. Nurses or other health care professionals may, but are not required to, co-sign the Form I-693. However, a form that has been signed only by a registered nurse, physician's assistant, or other medical professional who is not a licensed physician is not sufficient. USCIS will send the applicant a Request for Evidence (RFE) for corrective action if the Form I-693 was not signed by a licensed physician who qualifies as a civil surgeon under this blanket designation.
- **The official stamp or raised seal of the MTF.**

The signed Form I-693 must be placed in a sealed envelope, according to the instructions listed on the form.

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be directed through appropriate channels to the Office of Policy and Strategy, Residence and Naturalization Division.

Interim Memo