

Motion to Re-Open and Motion to Reconsider

On 11/17/2022 USCIS issued a denial of my form I-485 citing “You lack vaccinations required for adjustment of status. The Civil Surgeon completing your medical examination reported on page 12, Part 10, Vaccination Record, of Form I-693 those vaccination that have been completed by you. On the Form I-693, page 12, every row must be marked, however no information was provided for the Hib and Pneumococcal vaccinations, which is required. Therefore, you are inadmissible to the United States.”.

I seek relief and review as I complied with all requirements and any deficiency/errors and or omissions on the I-693 were beyond my control. I am filing the motion to Re-Open and the motion to Reconsider on this basis.

As of the date of this filing, there are no known judicial proceedings as a result of the denial.

Reviewing the CDC Table 1: Vaccine Requirements According to Applicant Age (See attached chart – Evidence B), the two vaccinations that were the basis for my denial were not age-appropriate vaccinations.

Taking the data from the chart, the recommended vaccination ages are listed below.

Pneumococcal – 2 years to 59 months.

Hib – 2 years to 59 months.

Therefore, there is clear evidence that these vaccines were not age appropriate.

The letter from the doctor’s office (**See attached Evidence C**) indicates that all age-appropriate vaccines were given and that it was a clear oversight from the doctors office that led to two check boxes being left blank.

From USCIS Policy Manual, Vol. 8, Chapter 9 – Vaccination Requirement (see attached Evidence A) – Part F – Completion of the Results Section by the Civil Surgeon, it states that

“The officer should be aware that civil surgeons may improperly mark the boxes because they may misunderstand the meaning of these boxes. Therefore, the officer should determine, from the vaccination assessment completed by the civil surgeon, whether the applicant received all vaccines, which blanket waivers should be granted, and whether the applicant requires any other waivers. The officer should exercise discretion in reviewing the vaccination chart and when evaluating the results boxes at the bottom of the vaccination assessment chart”

Clearly, Civil Surgeons do err sometimes, and oversights do occur. I very respectfully ask that discretion could be used in my case based on the evidence that shows an oversight by the Civil

Surgeon but one which did not impact my required adult vaccinations for admission to stay in the United States.

In USCIS Policy Manual, Vol. 8, Chapter 9 – Vaccination Requirement (see attached Evidence A) – Part F – Completion of the Results Section by the Civil Surgeon. It also states that

“If the civil surgeon did not check any result boxes, the officer should only return the form for corrective action if he or she is unable to ascertain whether the applicant is admissible.” In my case, the missing vaccines were not appropriate for adults.

This ties in with **USCIS Policy Manual, Vol. 8, Chapter 9 – Vaccination Requirement (see attached Evidence A) – Part C Adjudication Steps – Step 1:** “Determine which vaccination(s) were age appropriate for the applicant to receive based on the applicant’s age on the date the medical exam was completed”. Based on the CDC chart (**See attached chart – Evidence B**) which clearly shows that the vaccines that led to my denial were not age appropriate and with the corrected I-693 form from the Civil Surgeon that I have sent with my I-230B, I very respectfully ask that you consider the evidence of an error by the civil surgeon, that they have admitted to, relating to vaccines that were not age appropriate and approve my form I-485.

The denial on 11/17/2022 stated that “You lack vaccinations required for adjustment of status”.

The CDC guidelines confirm that the missing vaccines were not age appropriate, the doctor’s office letter confirms that the vaccines that I have received are all the recommended adult vaccines for remaining in the USA.

New Evidence

1 - A corrected I-693 form completed and sealed by Total Healthcare Walk-in Clinic San Bernardino. (Included with I-230B package)

2 – A letter from Total Healthcare Walk-in Clinic San Bernardino admitting to an error as well as confirming that all required adult vaccines were received. (See attached Evidence C)

As mentioned previously, the denial of my I-485 form was based on an oversight/error by the civil Surgeon who completed my I-693. May I point out the following matters –

When I received the RFE for an I-693 form on 10/17/2022, I went shortly after to the Total Care Walk in Clinic In San Bernardino. After receiving my vaccinations and medical I was told that the doctor would complete the I-693 form and they would call me when it was ready. They asked me to sign but not date my part of the form. I arrived a couple of days later to collect the sealed letter. At no time did I see the completed document, and neither did I at any point receive a copy of the form. I genuinely assumed that the document was confidential for the USCIS. I collected the sealed I-693 and a single page copy of my blood work/vaccinations. After receiving the denial notification by post, I did go down to the doctor’s office and ask for a copy of my I-693. I did not, at that time, inform them as to why I required it, however, I needed to check for the doctors’ errors.