



Revisions to Medical Examination of Aliens Interim Final Rule (IFR) 42 CFR Part 34

Background

The U.S. Department of Health and Human Services (HHS) has regulatory authority to publish regulations that establish requirements for the **medical examination of aliens** (immigrants, refugees, asylees, and parolees) before they may be admitted into the United States.

These regulations (42 CFR Part 34) are administered by the Division of Global Migration and Quarantine of the Centers for Disease Control and Prevention (CDC). The regulations include a communicable disease list that make aliens ineligible for entry into the U.S.

Rationale for Revisions

Revisions were necessary because the regulations, in effect since 1991, did not address emerging and re-emerging diseases in immigrant or refugee populations who are bound for the United States.

CDC has revised the list of “communicable diseases of public health significance” to safeguard the American public from communicable diseases in regions of the world where U.S.-bound immigrants and refugees reside. Under the previous rule, aliens were excluded from entering the United States if they had: active tuberculosis, infectious syphilis, gonorrhea, infectious leprosy, chancroid, lymphogranuloma venereum, granuloma inguinale, and HIV infection. Recent experience has demonstrated that a fixed list of diseases does not allow CDC the flexibility it needs to rapidly respond to unanticipated emerging or re-emerging outbreaks of disease. These changes also include a risk-based approach to the medical screening and testing process of aliens.

Updates to the medical screening for tuberculosis requirements were needed for better case detection of tuberculosis. The former regulation was revised to better reflect current medical knowledge and practice.

Key revisions

1. The definition of a “communicable disease of public health significance” remains as those diseases previously listed plus the addition of
 - Any quarantinable, communicable disease specified by current or future Presidential Executive Orders. As of October 6, 2008, these diseases include:
 - ♦ pandemic flu
 - ♦ SARS
 - ♦ viral hemorrhagic fevers
 - ♦ cholera
 - ♦ diphtheria
 - ♦ infectious tuberculosis
 - ♦ plague
 - ♦ smallpox
 - ♦ yellow fever
 - Any communicable disease that is a public health emergency of international concern reported to the World Health Organization (under revised International Health Regulations of 2005), such as smallpox, poliomyelitis due to wild-type poliovirus, cholera, or viral hemorrhagic fevers (Ebola).
2. Addition of a risk-based approach for medical screening and testing based on medical and epidemiologic factors to determine where and for how long additional screening and testing should be conducted.
3. Updated screening and testing for tuberculosis using current medical knowledge and practice to screen for tuberculosis.

For more information

For more information about the revised provisions of this rule, and to view the rule in its entirety, visit: www.cdc.gov/ncidod/dq/lawsand.htm