

9 FAM 41.108 MEDICAL EXAMINATION

*(CT:VISA-1289; 09-10-2009)
(Office of Origin: CA/VO/L/R)*

9 FAM 41.108 RELATED STATUTORY PROVISIONS

(CT:VISA-1289; 09-10-2009)

See INA 221(d) (8 U.S.C. 1201(d)).

INA 221 (d) Physical Examination.

- d. Prior to the issuance of an immigrant visa to any alien, the consular officer shall require such alien to submit to a physical and mental examination in accordance with such regulations as may be prescribed. Prior to the issuance of a nonimmigrant visa to any alien, the consular officer may require such alien to submit to a physical or mental examination, or both, if in his opinion such examination is necessary to ascertain whether such alien is eligible to receive a visa.

9 FAM 41.108 RELATED REGULATORY PROVISIONS

(CT:VISA-973; 06-12-2008)

See 22 CFR 41.108

41.108 Medical Examination.

- (a) **Requirements for medical examination.** An applicant for a nonimmigrant visa shall be required to take a medical examination if:
- (1) The alien is an applicant for a K nonimmigrant visa as a fiance(e) of a U.S. citizen or as the child of such an applicant; or,
 - (2) The alien is seeking admission for medical treatment and the consular officer considers a medical examination advisable; or,

- (3) The consular officer has reason to believe that a medical examination might disclose that the alien is medically ineligible to receive a visa.
- (b) **Examination by panel physician.** The required examination, which must be carried out in accordance with United States Public Health Service regulations, shall be conducted by a physician selected by the alien from a panel of physicians approved by the consular officer or, if the alien is in the United States, by a medical officer of the United States Public Health Service or by a contract physician from a list of physicians approved by the DHS for the examination of INA 245 adjustment of status applicants.
- (c) **Panel physician facility requirements.** A consular officer may not include the name of a physician on the panel of physicians referred to in paragraph (b) of this section unless the physician has facilities to perform required serological and X-ray tests or is in a position to refer applicants to a qualified laboratory for such tests.