

Guidance for HIV for Panel Physicians and Civil Surgeons

January 4, 2010

On November 2, 2009, the Department of Health and Human Services [published a final rule](#) regarding HIV infection. In this final rule, HIV infection was removed from the list of inadmissible conditions for immigration purposes and from the scope of the immigrant medical examination. The rule is effective on January 4, 2010. Thus, beginning January 4, 2010, HIV testing will no longer be required as part of the U.S. immigration medical screening process and persons with HIV infection will no longer require waiver processing by the Department of Homeland Security to be admitted into the United States. These changes for HIV do not affect technical instructions for other inadmissible conditions, such as tuberculosis.

Pursuant to this final rule, beginning January 4, 2010, panel physicians and civil surgeons should

- No longer test for HIV infection.
- Put a line through the spaces for HIV test results on the DS 2053/2054 and I-693 forms, respectively, until those forms are amended.
- Record HIV infection disclosed by an applicant as a Class B Other condition on the DS 2053/2054 and I-693, respectively.

As with all other medical conditions, panel physicians and civil surgeons may advise applicants about HIV testing for whom testing is clinically indicated. Such applicants may include those with signs and symptoms suggestive of HIV infection or those with tuberculosis disease. For such applicants, the consent for HIV testing should include the following:

- Applicants understand they do not have to be tested for HIV.
- Applicants understand that if they would like to be tested for HIV, they do not have to be tested for HIV by a panel physician or civil surgeon.
- Applicants understand that panel physicians and civil surgeons must include the test results on the paperwork they complete.

If applicants who would benefit from HIV testing provide consent, panel physicians or civil surgeons should perform HIV testing consistent with the standards of testing in their countries.