

Adjustment of Status & Medical Exams

Wow! What a week for employment-based immigration. Moreover, what a month it will be. As all EB2 and EB3 I-140 beneficiaries are aware, there has been a HUGE jump in the Chart B Visa Bulletin, particularly in the EB3 category (January 1, 2015). With the EB3 priority date jumping ahead of the EB2 priority date, many I-140 beneficiaries have elected to “downgrade” their EB2 I-140s to an EB3, to take advantage of the availability of concurrent filing for adjustment of status. Given this welcomed news, it is with excitement that our office is busy as ever preparing I-485 Applications for Adjustment of Status as well as I-140 EB2 downgrades.

Do I need to file the I-693 Medical with my Adjustment of Status Application?

This question always arises in Adjustment of Status context, and I thought this would be a great issue to address this week: Should I file the Medical I-693 form along with the Adjustment Application? And if I elect not to, can USCIS reject my 485 Application?

To confirm this answer, I will take you straight to the source—Instructions for Application to Register Permanent Residence or Adjust Status, Page 15, item 10.

<https://www.uscis.gov/sites/default/files/document/forms/i-485instr-pc.pdf>

USCIS states the following:

You are NOT required to submit Form I-693 at the time you file your Adjustment Application, but may do so if you wish. Because of the time-limited validity of Form I-693, you may choose to submit your Form I-693 after you file your Form I-485. You may also submit Form I-693 in person at an interview in a USCIS field office, if an interview is required. **By waiting to submit Form I-693, you may avoid having to repeat the immigration medical examination.** The Form I-693 must be dated no earlier than 60 days before you filed your underlying application. **A properly and timely completed Form I-693 remains valid for two years from the date of the civil surgeon’s signature.**



HALLETT McCANN LAW GROUP

WHEN YOUR BUSINESS TRANSCENDS BORDERS

Because an I-693 is only good for two years from the date of the civil surgeon's signature, many I-693s will expire before the AOS interview. Remember, interviews are conducted when final action dates are current. Hence, my advice to many of our clients is to **wait on the I-693 until the priority date is closer, or take the I-693 to the interview with you. Save yourself some money and some needle pricks.**