

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
OMB # 1405-0128**

A. JUSTIFICATION

1. The Nonimmigrant V Visa Application (Form DS-3052) is used by foreign nationals to apply for a V visa. The V visa was established by the Legal Immigration Family Equity (Life) Act (P.L. 106-533, 114 STAT 2762A-142) and is codified in Section 101(a)(15)(v) [8 U.S.C. § 1101(a)(15)(v)] (Attachment 1) of the Immigration and Nationality Act. The V visa provides nonimmigrant status to second preference spouses and children of permanent residents for whom petitions were filed on or before December 21, 2000, and who have been waiting for three or more years for petition approval, adjustment of status, or for an immigrant visa. All applicants of are applying for V visas are required to submit form DS-3052. The information collected on the form is necessary to determine eligibility for this visa classification.
2. Department of State consular officers use Form DS-3052 in conjunction with Form DS-156 (Nonimmigrant Visa Application, OMB # 1405-0018) to fulfill the legal requirements specified in paragraph 1. The information requested on the form is limited to what is necessary for a consular officer to determine the eligibility of the applicant for a V visa.
3. Form DS-3052 is available to download from the Internet at <http://travel.state.gov>. The form can be filled out online and printed for submission to post. The Department is working to automate the entry of visa forms into the consolidated consular system and create online forms that will allow visa applicants to submit documents electronically. Electronic filling is expected to become operational early in 2007.
4. The information collected on DS-3052 does not duplicate information maintained elsewhere or which is otherwise available.
5. This information collection does not involve small businesses or other small entities.
6. This information collection is essential for determining whether an applicant is eligible for a nonimmigrant V visa. An applicant fills out the form at the time of application. It is not possible to collect the information with less frequency as consular officers need up-to-date information to determine whether an applicant is eligible to receive a visa.
7. No special circumstances exist.
8. The Department of State (Bureau of Consular Affairs, Office of Visa Services) published a 60-day notice in the Federal Register to solicit public comments on this information collection. No comments were received from the public.
9. No payment for gift is provided to respondents.
10. In accordance with Section 222(f) of the INA (Attachment 2), information obtained from applicants in the nonimmigrant visa process is considered confidential and is to be used only for the formulation, amendment, administration, and enforcement of the immigration, nationality, and other laws of the United States. Failure to provide requested information may result in denial of the application.

11. No information of a sensitive nature is collected on this form.
12. Approximately 1,500 respondents will complete this form each year. Each V visa applicant, whether issued or refused, fills out the form. The information collected is personal and biographical data. Finding the information necessary and filing out the entire form will require approximately one hour of time; no special research on the respondent's part is required. The annual hour burden to respondents is estimated to be 1,500 hours.
13. This collection is considered in conjunction with DS-156 and will impose no additional cost burden on respondents than that reported in the justification for DS-156.
14. This collection is considered in conjunction with DS-156 and is processed with that application and will impose no significant additional cost burden on the Federal government than that reported in the justification for DS-156.
15. The adjustment indicated on Form 83-I reflects a decrease in the number of respondents. The V visa program was intended to provide relief to individuals who were awaiting approval of their immigrant visa petitions. In order to qualify for a V visa the applicant must have been the intended beneficiary of a petition for second preference immigration status that was filed prior to the date the LIFE Act was enacted. Many of the qualified applicants have already filed for a V visa, thereby decreasing the number of applicants.
16. A quantitative summary of all Department of State visa activities is published in the annual Report on the Visa Office.
17. The Department will display the expiration date for OMB approval.
18. The Department is not requesting any exception to the certification statement identified in Item 19 of OMB Form 83-I.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Attachment 1: INA § 101(a)(15)(V)

(15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens.

(V) subject to section 214(q), an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d) of a petition to accord a status under section 203(a)(2)(A) that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act, if—

- (i) such petition has been pending for 3 years or more; or
- (ii) such petition has been approved, 3 years or more than elapsed since such filing date, and—
 - (I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under 203(a)(2)(A); or
 - (II) the alien’s application for an immigrant visa, or the alien’s application for adjustment of status under section 245, pursuant to the approval of such petition, remains pending.

Attachment 2: INA § 222(f)

- (f) The records of the Department of State and of diplomatic and consular officers of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States, except that—
- (1) in the discretion of the Secretary of State certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court.
 - (2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered but this section related to information in the database—
 - (A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or
 - (B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to person who would be inadmissible to the United States.