

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
OMB # 1405-0098**

A. JUSTIFICATION

1. Pursuant to INA Section 203(c) (Attachment 1), the Diversity Immigrant Visa Program makes available 50,000 permanent resident visas annually, drawn randomly from all entries of persons who meet strict eligibility requirements. Once an individual's lottery entry is selected and registered the Kentucky Consular Center (KCC) will send the applicant the Instruction Package for Immigrant Visa Applicants, which consists of form DSP-122 (Supplemental Registration for the Diversity Immigrant Visa Program) and form DS-230 (Applicant for Immigrant Visa and Alien Registration Part I and Part II). The application cannot be processed until these forms are returned.
2. Form DSP-122 collects information that is essential in scheduling the applicant's appointment at post. The form also collects information essential in ensuring that the applicant is statutorily qualified for a visa under the diversity program, including ensuring proper country of chargeability and educational or work experience qualifications.
3. Form DSP-122 is sent via mail to the applicant as part of the Instruction Package for Immigrant Visa Applicants. The applicant returns the form via mail to the KCC. The applicant may also download the form the Department website. This electronic form may be printed by the applicant and subsequently filled out, or the applicant may fill the form out online and then print the form. The Department is currently testing an electronic application system for nonimmigrant visa applicants that will allow for the electronic submission of information. Once the testing is completed the Department will assess whether this system can be adapted for use in the Diversity Visa Program.
4. This collection solicits information from the applicant that is not otherwise available. This information is necessary in determining eligibility for a diversity visa program
5. This information collection does not impact or affect small businesses or other small entities.
6. Respondents are required to submit this form once per application. It is not possible to collect this information at any other time or with less frequently.
7. No such special circumstances exist.
8. The Department of State (Office of Visa Services, Bureau of Consular Affairs) published a 60-day notice to solicit public comments on this information collection on Tuesday, August 22, 2006. No comments were received from the public. The Office of Visa Services meets regularly with immigration experts from the Department of Homeland Security to coordinate policy. The Office of Visa Services also meets with student groups, business groups, the American Immigration Lawyers Association and other interested groups to discuss their opinions and suggestions regarding visas procedures and operations.

9. No payment or gift is made to respondents.
10. The information asked for on this form is requested pursuant to Section 222 of the Immigration and Nationality Act (Attachment 2). The Department uses the information provided on the form primarily to determine the applicant's eligibility for a visa. Individuals who fail to provide all the requested information might be denied a visa. If the applicant is issued an immigrant visa and is subsequently admitted to the United States as an immigrant, the Bureau of Citizenship and Immigration Services will use the information provided to issue the applicant a Permanent Resident Card. The Social Security Administration might also use the information provided to issue social security numbers and cards. Beyond these uses the information provided on this information collection will be considered confidential and will be used by the Department only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States.
11. No information of a sensitive nature is collected on this form.
12. Approximately 60,000 respondents will complete this form each year. The information collected is based on personal biographical data and personal history. Finding the necessary background information and filling out the entire form will require approximately 30 minutes of time; no special research on the respondent's part is required. The annual hour burden to respondents is estimated to be 30,000 hours.
13. There are no cost burdens on the respondents.
14. The annualized cost burden associated with this information collection is \$175,000. The information collection is processed by a contractor who performs this function as part of its work under a competitive fixed-unit-price contract to administer the Kentucky Consular Center. The contract is paid approximately \$175,000 annually to enter data and process the completed Form DS-122s.
15. The annual number of estimated responses is being increased to more accurately reflect the number of selected lottery entries that are registered and receive application packets.
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 OMB expiration date on this form.
18. The Department is not seeking any exceptions of the certification statement requirement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Attachment 1: INA § 203(c) [8 U.S.C. § 1153(c)]

(c) Diversity Immigrants.—

(1) In general. - Except as provided in paragraph (2), aliens subject to the worldwide level specified in section 201(e) for diversity immigrants shall be allotted visas each fiscal year as follows:

(A) Determination of preference immigration. - The Attorney General shall determine for the most recent previous 5-fiscal-year period for which data are available, the total number of aliens who are natives of each foreign state and who (i) were admitted or otherwise provided lawful permanent resident status (other than under this subsection) and (ii) were subject to the numerical limitations of section 201(a) (other than paragraph (3) thereof) or who were admitted or otherwise provided lawful permanent resident status as an immediate relative or other alien described in section 201(b)(2).

(B) Identification of high-admission and low-admission regions and high-admission and low-admission states. - The Attorney General—

(i) shall identify—

(I) each region (each in this paragraph referred to as a "high- admission region") for which the total of the numbers determined under subparagraph (A) for states in the region is greater than 1/6 of the total of all such numbers, and

(II) each other region (each in this paragraph referred to as a "low-admission region"); and

(ii) shall identify—

(I) each foreign state for which the number determined under subparagraph (A) is greater than 50,000 (each such state in this paragraph referred to as a "high-admission state"), and

(II) each other foreign state (each such state in this paragraph referred to as a "low-admission state").

(C) Determination of percentage of worldwide immigration attributable to high-admission regions. - The Attorney General shall determine the percentage of the total of the numbers determined under subparagraph (A) that are numbers for foreign states in high- admission regions.

(D) Determination of regional populations excluding high- admission states and ratios of populations of regions within low-admission regions and high-admission regions. - The Attorney General shall determine—

(i) based on available estimates for each region, the total population of each region not including the population of any high-admission state;

(ii) for each low-admission region, the ratio of the population of the region determined under clause (i) to the total of the populations determined under such clause for all the low-admission regions; and

(iii) for each high-admission region, the ratio of the population of the region determined under clause (i) to the total of the populations determined under such clause for all the high-admission regions.

(E) Distribution of visas. —

(i) No visas for natives of high-admission states.- The percentage of visas made available under this paragraph to natives of a high-admission state is 0.

(ii) For low-admission states in low-admission regions. - Subject to clauses (iv) and (v), the percentage of visas made available under this paragraph to natives (other than natives of a high-admission state) in a low-admission region is the product of—

(I) the percentage determined under subparagraph (C), and

(II) the population ratio for that region determined under subparagraph (D)(ii).

(iii) For low-admission states in high-admission regions. - Subject to clauses (iv) and (v), the percentage of visas made available under this paragraph to natives (other than natives of a high-admission state) in a high-admission region is the product of —

(I) 100 percent minus the percentage determined under subparagraph (C), and

(II) the population ratio for that region determined under subparagraph (D)(iii).

(iv) Redistribution of unused visa numbers. - If the Secretary of State estimates that the number of immigrant visas to be issued to natives in any region for a fiscal year under this paragraph is less than the number of immigrant visas made available to such natives under this paragraph for the fiscal year, subject to clause (v), the excess visa numbers shall be made available to natives (other than natives of a high-admission state) of the other regions in proportion to the percentages otherwise specified in clauses (ii) and (iii).

(v) Limitation on visas for natives of a single foreign state. - The percentage of visas made available under this paragraph to natives of any single foreign state for any fiscal year shall not exceed 7 percent.

(F) Region defined. - Only for purposes of administering the diversity program under this subsection, Northern Ireland shall be treated as a separate foreign state, each colony or other component or dependent area of a foreign state overseas from the foreign state shall be treated as part of the foreign state, and the areas described in each of the following clauses shall be considered to be a separate region:

(i) Africa.

(ii) Asia.

(iii) Europe.

(iv) North America (other than Mexico).

(v) Oceania.

(vi) South America, Mexico, Central America, and the Caribbean.

(2) Requirement of education or work experience. - An alien is not eligible for a visa under this subsection unless the alien—

(A) has at least a high school education or its equivalent, or

(B) has, within 5 years of the date of application for a visa under this subsection, at least 2 years of work experience in an occupation which requires at least 2 years of training or experience.

(3) Maintenance of information. - The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under this subsection.

Attachment 2: INA Section 222(f) [8 U.S.C. § 1202(f)]

(f) The records of the Department of State and of diplomatic and consular offices 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 by 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 persons who would be inadmissible to the United States.