

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
OMB # 1405-0082**

A. JUSTIFICATION

1. An alien is classifiable under Section 101(a)(27)(D) of the Immigration and Nationality Act (INA) (Attachment 1) as a special immigrant if he or she meets the statutory requirements of INA Section 203(b)(4) (Attachment 2) as an employee or honorably retired former employee of the United States Government abroad who has performed faithful service for a total of fifteen years or more. Pursuant to INA Section 204(a)(1)(E) (Attachment 3), an alien applying for special immigrant status as a current or former U.S. government employee must request a recommendation for such status from the Secretary of State and cannot petition for status until the recommendation has been granted. Once the Secretary has made the recommendation, the alien has one year in which to petition for special immigrant status.
2. Consular officers use Form DS-1884 (Petition to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad) to fulfill the legal requirements specified in paragraph 1. The information requested on the form is limited to that which is necessary for consular officers to process the petitioner's application for a special immigrant visa.
3. This form can be obtained from posts abroad or through the Department's Form Flow Application. The application available through Form Flow allows the applicant to complete the application online and then print the application. The Form Flow Application is available on the Department intranet system. The majority of applicants are current federal government employees abroad and have access to the intranet system. The form is then submitted to post.
4. The information collected on this form is not otherwise available to consular officers and is necessary to process the alien's petition.
5. This information collection does not impact small businesses or other small entities.
6. Consular officers would be unable to process petitions for special immigrant status without the information collected on this form.
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 July 19, 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 provided to respondents.
10. Although no assurances of confidentiality are expressly stated on the form, in accordance with Section 222(f) of the INA (Attachment 4), information obtained from applicants in the nonimmigrant visa process is considered confidential and is to be used only for the formulation, amendment, administration, or enforcement of the immigration statutes, and other laws of the United States.
11. No questions of a sensitive nature are asked on this information collection.
12. Approximately 300 respondents will complete this form each year. Each petitioner for special immigration classification under INA 203(b)(4) completes this form. The information collected relates to the petitioner's biographical information, U.S. government employment history and information concerning the petitioner's spouse and children, if any. Finding the necessary information will require approximately 10 minutes of the petitioner's time. The annual hour burden to respondents is estimated to be 50 hours.
13. There is no cost burden imposed on respondents.
14. The Department estimates that this information collection costs the Federal Government \$600 annually. It takes approximately 10 minutes to process the form. Since 300 respondents each year will complete the form, 50 hours annually will be dedicated to processing the form. Based on an average hourly wage of \$12 for a visa clerk, we estimate the annual cost to process the form is \$600.
15. There are no program changes associated with this reauthorization.
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 of the information collection.
18. The Department is not requesting any exception to the certification statement identified on OMB Form 83-I.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Attachment 1: INA § 101(a)(27)(D) [8 U.S.C. § 1101(a)(27)(D)]

(a) As used in this Act—

(27) The term "special immigrant" means—

(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status;

Attachment 2: INA § 203(b)(4) [8 U.S.C. § 1153(b)(4)]

(b) Preference Allocation for Employment-Based Immigrants. - Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allotted visas as follows:

(4) Certain special immigrants. - Visas shall be made available, in a number not to exceed 7.1 percent of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof), of which not more than 5,000 may be made available in any fiscal year to special immigrants described in subclause (II) or (III) of section 101(a)(27)(C)(ii), and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M).

Attachment 3: INA § 204(a)(1)(E) [8 U.S.C. § 1154(a)(1)(E)]

(a)

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(i) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(4), or any person on behalf of such an alien, may file a petition with the Attorney General for such classification.

(ii) Aliens claiming status as a special immigrant under section 101(a)(27)(D) may file a petition only with the Secretary of State and only after notification by the Secretary that such status has been recommended and approved pursuant to such section.

Attachment 4: INA § 222(f) [8 U.S.C. § 1202(f)]

(f) The records of the Department of State and of diplomatic and consular officers of the United States pertaining the issuance or refusals 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 States certified copies of such records may be made available to the 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, person or illicit weapons; or

(B) with regard to any or all alien 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 purpose described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.