

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Supplemental Nonimmigrant Visa Application
(OMB 1405-0134, DS-157)**

A. JUSTIFICATION

1. The Immigration and Nationality Act (“INA”), 8 U.S.C. 1101 *et seq.*, statutorily mandates the application and eligibility requirements for aliens seeking to obtain nonimmigrant visas. INA Section 221(a) [8 U.S.C. 1201] (Attachment 1) provides that a consular officer may issue a nonimmigrant visa to an alien who has made proper application therefor.

INA Section 222(c) [8 U.S.C. 1202] (Attachment 2) specifically requires that, “Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name, . . .and such additional information necessary to the identification of the applicant, the determination of his eligibility for a nonimmigrant visa, and the enforcement of the immigration and nationality laws as may be by regulations prescribed.”

Department of State regulations pertaining to nonimmigrant visas under the INA are published at 22 CFR 41. Grounds for exclusion of certain aliens are detailed in INA Section 212(a) of the INA, 8 U.S.C. 1182(a) and several other statutes, in particular P.L. 107-56. Among grounds for ineligibility are those related to health, criminal activity, security, public charge, and violations of the INA.

The President directed stricter controls on visas in response to the terrorist attacks of September 11, 2001. P.L. 107-56 imposed additional requirements for eligibility that were made effective on October 26, 2001, and this collection assists the Department in determining the application of those requirements. The Department of State, in partnership with the White House and several Federal agencies, developed the DS-157 in order to increase border security.

2. Department of State consular officers use Form DS-157 (Supplemental Nonimmigrant Visa Application) in conjunction with Form DS-156 (Nonimmigrant Visa Application, OMB # 1405-0018) to fulfill the legal requirements identified in the above response to question number 1. The supplemental information requested on the form is limited to that which is necessary for consular officers to determine efficiently the eligibility and classification of aliens seeking nonimmigrant visas to the United States.

3. The Department is currently piloting a new online application system (Form DS-160) for all nonimmigrant visa applicants. The DS-160 is a dynamic, user-guided application system that will eliminate the need for several nonimmigrant visa application forms that

are currently being used, including the DS-157. CA/VO plans to eventually require the use of the online application system and phase out the use of the currently approved forms, including the DS-157.

4. The Supplemental Nonimmigrant Visa Application is a supplement to the DS-156, which is required by 22 CFR 41.103(a)(1). The information collected by the DS-157 is not duplicative of information maintained elsewhere or otherwise available.
5. The 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 visa. An applicant fills out the form one time per visa application; it is not possible to collect the information less frequently since consular officers need up to date information to determine efficiently whether an applicant is eligible to receive a visa.
7. Not applicable; no such circumstances exist.
8. The Department of State (Office of Visa Services, Bureau of Consular Affairs) has solicited public comments on this collection via Public Notice published in the *Federal Register*. No comments were received. The Office of Visa Services also meets regularly with immigration experts of 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. In accordance with Section 222(f) of the INA (Attachment 3), 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, nationality, and other laws of the United States. Failure to provide the requested information may result in denial of the visa.
11. Consular officers may not issue a visa to aliens who are ineligible under Section 212(a) of the INA. In order to enforce this provision of the law, the application form asks for information concerning the alien's travel history, previous employment, educational background, and military experience. As noted in item #10 above, such information is considered confidential under Section 222(f) of the INA.
12. Approximately 4,000,000 respondents will complete the form each year. Each applicant, whether issued or refused, fills out the DS-157 and the DS-156 (OMB # 1405-0018). The information collected is based on personal biographic data and personal history. Although the information collected does not require any special research on the part of the applicant, finding the necessary background information is estimated to

require that an applicant spend one hour to fill out the entire form. Therefore, the annual hour burden to respondents is estimated to be 4,000,000 hours.

13. This collection is a supplement to the DS-156 (OMB # 1405-0018) and therefore will impose no additional cost burden on the respondent beyond that which was reported in the justification for the DS-156.

14. This collection is a supplement to the DS-156 (OMB # 1405-0018) and processed with that application. It therefore will impose no additional cost burden on the Federal Government beyond that which was reported in the justification for the DS-156.

15. CA/VO recently decreased the number of estimated annual nonimmigrant visa applicants from 12,000,000 to 10,000,000. Due to this decrease, CA/VO has also decreased the number of estimated annual DS-157 applicants from 7,000,000 to 4,000,000. This is to more accurately reflect the actual number of annual applicants in recent years. This will, in conjunction, decrease the estimated annual hour burden to respondents from 7,000,000 to 4,000,000 hours. This does not, however, decrease the amount of time it will take an individual applicant to fill out the form.

16. A quantitative summary of all Department of State visa activities is published in the annual Report of the Visa Office.

17. Not applicable. 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 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 Section 221(a) [8 U.S.C. 1201]

(a) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue (1) to an immigrant who has made proper application therefor, an immigrant visa which shall consist of the application provided for in section 222, visaed by such consular officer, and shall specify the foreign state, if any, to which the immigrant is charged, the immigrant's particular status under such foreign state, the preference, immediate relative, or special immigrant classification to which the alien is charged, the date on which the validity of the visa shall expire, and such additional information as may be required; and (2) to a nonimmigrant who has made proper application therefor, a nonimmigrant visa, which shall specify the classification under section 101(a)(15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.

Attachment 2

INA Section 222(c) [8 U.S.C. 1202]

(c) Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name, the date and place of birth, his nationality, the purpose and length of his intended stay in the United States; his marital status; and such additional information necessary to the identification of the applicant, the determination of his eligibility for a nonimmigrant visa, and the enforcement of the immigration and nationality laws as may be by regulations prescribed. At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.

Attachment 3

INA Section 222(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.