

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Electronic Choice of Address and Agent, OMB Control No. 1405-XXXX, DS-261

A. JUSTIFICATION

1. Generally speaking, the immigrant visa applicant must first be a beneficiary of an approved immigrant visa petition filed with the Department of Homeland Security by the alien beneficiary's U.S. citizen relative, U.S. legal permanent resident relative, or a U.S. employer. Once a petition has been approved, it is forwarded to the Department of State for overseas processing and visa issuance. The Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq. prescribes the eligibility requirements for aliens seeking to obtain an immigrant visa and alien registration and requires the submission of an immigrant visa application.
2. All immigrant visa petitions approved by the Department of Homeland Security (DHS) in the United States are sent to the National Visa Center (NVC). Administrative processing on all approved petitions is conducted by NVC. NVC will hold all approved petitions until a visa number is available and the case is current for processing. Once a case is current for processing NVC will mail the beneficiary a letter explaining how the beneficiary can access the DS-261, Electronic Choice of Address and Agent form. DS-261 allows the beneficiary of an approved petition to choose an agent to receive communications from NVC, assist in the application process and paying any required applicant fees. The beneficiary is not required to choose an agent and may elect to receive all communications from NVC directly. The applicant may also indicate that they no longer wish to apply for an immigrant visa or that they have already legally immigrated to the U.S. and do not need to apply for an immigrant visa. The beneficiary's case will be held at NVC until the form is electronically submitted to the Department. If the form is not submitted within one year NVC will begin the case termination process. The completion of the DS-261 is essential in determining what, if any, further action NVC needs to take regarding an approved petition.
3. An instruction letter will be mailed to the beneficiary of an approved immigrant visa petition once NVC has determined that the case is current and active for processing. The letter will instruct the beneficiary on how to access to the DS-261 through the Department's secure Consular Electronic Application Center (CEAC). The beneficiary will complete the form online and submit the form electronically to the Department.
4. The information collected from the beneficiary is not otherwise available. The information collected is necessary in determining what further action is necessary concerning the beneficiary's case.
5. This information collection does not impact small business or small entities.

6. NVC would be unable to efficiently process immigrant visa application without utilizing this information collection. The information collected on this form is not otherwise available and cannot be conducted with less frequently.
7. Not applicable; no such special circumstances exist.
8. The Department of State (Bureau of Consular Affairs, Visa Services) published a 60-day notice in the Federal Register on February 10, 2009. No comments were received from the public. Visa Services meets regularly with immigration experts from the Department of Homeland Security to coordinate policy. 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 INA Section 222(f) [8 U.S.C. 1202(f)] (Attachment One), information obtain from the DS-261 will be considered confidential and will only be used for the formulation, amendment, administration or enforcement of the immigration, nationality, or other laws of the United States.
11. No information of a sensitive nature is collected on this form.
12. The form will be completed by approximately 700,000 respondents per year. Each beneficiary of an approved immigrant visa petition will complete this form. The form requires approximately ten (10) minutes of the individual's time and no special research is required. The annual hour burden to respondents is estimated to be 116,666 hours (700,000 x 10 minutes/60).
13. There is no cost burden to the applicant.
14. The annual cost burden to the Federal Government is \$355,000. 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 NVC. The contractor is paid approximately \$355,000 annually to process the choice of address and agent form.
15. Program changes or adjustment are because this is a new collection.
16. A quantitative summary of the Department of State's visa operations is published in the annual Report of the Visa Office.
17. The Department will display the expiration date for OMB approval on the information collection.
18. The Department is not requesting any exceptions to the certification statement requirements identified on OMB Form 83-1.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Attachment One—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.