

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Contact Information and Work History Nonimmigrant Visa
Applicant
(OMB 1405-0144, DS-158)**

A. JUSTIFICATION

1. The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, mandates the eligibility and application requirements for aliens seeking admission into the United States as nonimmigrants. INA § 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 a proper application.

INA § 222(c) [8 U.S.C. § 1202] (Attachment 2) requires that, “[i]n the application the alien shall state his full and true name...and such additional information necessary to the identification of the applicant [and] the determination of his eligibility for a nonimmigrant visa.”

Department of State regulations pertaining to nonimmigrant visas under the INA are published at 22 CFR 41.

The information collected on Form DS-158 is required by Section 501(b) of the Enhanced Border Security and Visas Entry Reform Act of 2002. All applicants (and dependents) aged 16 and above who are applying from F, J, or M visas are required to submit Form DS-158.

2. Department of State consular officers use Form DS-158 (Contact Information and Work History Information Nonimmigrant Visa Applicant) 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 that which is necessary to consular officers to determine efficiently the eligibility and classification of aliens seeking nonimmigrant visas to the United States.

3. Form DS-158 is available to download from the Internet. The Department is currently in the process of rolling out a new online application form (DS-160, Nonimmigrant Visa Electronic Application) 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-158. The DS-160 has received OMB approval and is currently being used at several posts worldwide. The Department is currently planning a roll-out schedule for all posts not currently using the new form. Once all posts are using the DS-160, CA/VO plans on requiring its use and discontinuing all other currently approved nonimmigrant forms, including the DS-158.

4. The information collected by the DS-158 is not duplicative of information maintained elsewhere or 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 visa. An applicant fills out the form one time per visa application. It is not possible to collect the information less frequently as consular officers need up-to-date information to efficiently determine whether an applicant is eligible to receive a visa.
7. No special circumstances exist.
8. The Department published a 60-day Notice on the reauthorization of Form DS-158 in the Federal Register, as required by 5 CFR 1320.8(d). No comments were received from the public.
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 requested information may result in denial of the application.
11. Consular officers may not issue a visa to an applicant who is ineligible under Section 212(a) of the INA. In order to enforce this provision of the law, the form asks for information concerning marital status, spouse's name, names of children, parents, siblings, and verifiers and the contact information for these individuals. The form also requires that respondents provide information on their current and past employment and employers' contact information. As noted in item #10, such information is considered confidential under Section 222(f) of the INA.
12. Approximately 700,000 respondents will complete this form each year. Each applicant, whether issued or refused, fills out this form. 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 one hour of time; no special research on the respondent's part is required. The annual hour burden to respondents is estimated to be 700,000 hours.
13. This collection is considered in conjunction with DS-156 (OMB 1405-0018) and will impose no additional cost burden on the respondent than that reported in the justification for DS-156.

14. This collection is considered in conjunction with DS-156 (OMB 1405-0018) and is processed with that application and will impose no additional cost burden on the Federal government than that reported in the justification for the DS-156.

15. There are no burden changes associated with this collection.

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 in Item 19 of OMB Form 83-1.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This information 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.