

**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.*, states 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) 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 Part 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, including the USA Patriot Act, P.L. 107-56. Section 411 of the USA Patriot Act expanded and revised the visa ineligibilities based on terrorist-related activities. The DS-157 asks a series of questions designed to solicit information that may lead to an ineligibility based on those grounds and others. Among grounds for ineligibility are those related to health, criminal activity, security, public charge, and violations of the INA.

P.L. 107-56 requirements for eligibility 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 section 1 above. 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 dynamic, user-guided electronic version of the DS-157, the DS-160, is now live worldwide. The Department will retain the DS-157 as applicants and posts adjust to the electronic process and in case of technological failure of the DS-160.

4. Nonimmigrant visa applicants who are legally required to provide additional security and background information must complete the DS-157 if they do not use the DS-160. 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. No special circumstances exist.

8. The Department of State (Visa Services, Bureau of Consular Affairs) solicited public comments on this collection via a Public Notice published in the *Federal Register*. A comment was received in response to the 30-day notice. CA/VO has determined that since the DS-156 and DS-160 already ask for information regarding the preparer of the NIV application, it is not necessary to add that question to the DS-157 since it is a supplemental form. Visa Services (CA/VO) also meets regularly with immigration experts of the Department of Homeland Security to coordinate policy. CA/VO also holds regularly scheduled formal meetings with representatives of the immigration Bar, during which their opinions and suggestions regarding visa procedures and operations are discussed.

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 150,000 respondents will complete the form each year. Each applicant fills out the DS-157 and the DS-156 if directed by a consular officer to do so in lieu of the DS-160. 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 150,000 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. The content of the DS-157 has been incorporated into the DS-160, the Online Application for a Nonimmigrant Visa. All applicants legally required to provide additional security and background information who complete the DS-160 will no longer be required to complete the DS-157. The DS-160 is currently live at posts worldwide. As a result, the Department estimates that only 150,000 applicants will complete the DS-157. The burden on applicants has decreased by 3,850,000 hours.

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.