

## **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

### **1405-0015, Application for Immigrant Visa and Alien Registration (Form DS-230)**

#### A. JUSTIFICATION

1. The Immigration and Nationality Act (“INA”), 8 U.S.C. 11101 *et seq.*, establishes the application and eligibility requirements for aliens seeking to obtain immigrant visas and alien registration. INA Section 221(a) [8 U.S.C. 1201] provides that a consular officer may issue an immigrant visa to an alien who has made proper application therefore.

INA Section 222(a) [8 U.S.C. 1202] specifically requires that an alien provide the following information in an application for an immigrant visa: full and true name, and any other name which he has used or by which he has been known; age and sex; the date and place of his birth, and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

Section 222(b) [8 U.S.C. 1202] identifies other documentary evidence needed to obtain an immigrant visa. Every alien applying for an immigrant visa shall furnish to the consular officer with his application a copy of a certification from appropriate police authorities as to what their records contain concerning the applicant, prison record, military record, and record of birth and other documents required by the consular officer. Section 221(b) [8 U.S.C. 1201] also requires that a photograph accompany the application. Section 221(d) [8 U.S.C. 1202] provides that every immigrant shall be required to submit to a physical and mental examination. Section 222(e) [8 U.S.C. 1202] requires an applicant to sign the application, under oath, in the presence of the consular officer.

Grounds for exclusion of certain aliens are detailed in INA Section 212(a) of the INA, 8 U.S.C. 1182(a), as well as in INA Section 208(d)(6), and other pertinent statutes. Other grounds for ineligibility are those related to health, criminal activity, security, public charge, and violations of the INA. The grounds for ineligibility are summarily stated on the visa application form.

Department of State regulations pertaining to immigrant visas under the INA are published in 22 CFR Part 42. The regulations pertaining to filing an application using the DS-230 are specifically provided for in 22 CFR 42.63.

2. Department of State consular officers use Form DS-230 (Application for Immigrant Visa and Alien Registration), in conjunction with a personal interview, to elicit information necessary to ascertain the applicability of the legal requirements to issue an immigrant visa. The information requested on the form is limited to that which is

necessary for consular officers to determine the eligibility and classification of aliens seeking immigrant visas to the United States efficiently. A consular officer is unable to approve such visas without collecting this information.

Form DS-230 is divided into two parts: Part I, Biographic Data, is sent to eligible applicants several months before a formal immigrant visa interview with a consular officer is scheduled. Part I collects all the biographic data required by law, as well as certain information necessary for administrative processing of the application, such as security checks, third-country name-checks, and other clearances.

Part II, Sworn Statement, is sent to the applicant shortly before the formal visa interview. It collects information relevant to grounds of ineligibility and entitlement to status required by law, and includes the sworn oath.

Parts I and II are the complete immigrant visa application. After the visa is issued, the application is attached to the other supporting documents, and the entire package is submitted to the immigration officer at the port of entry into the United States. After admission, Form DS-230 I & II becomes the alien registration form and are kept on permanent file in the alien's immigration file.

The DS-260, OMB Collection 1405- 0185 Electronic Application for Immigrant Visa which is currently in use at five pilot posts is not included in this collection. It is the Department's goal to significantly expand the DS-260 pilot by Fall of 2012. At posts where the DS-260 is in use, the applicant is required to complete the DS-260 in lieu of the DS-230.

3. The DS-230 is available electronically via the internet and is downloaded, completed online, printed and submitted to the National Visa Center (NVC). The web address where the DS-230 can be accessed is [http://travel.state.gov/visa/forms/forms\\_1342.html](http://travel.state.gov/visa/forms/forms_1342.html).

Approximately 17% of all Immigrant Visa CEAC users will submit this form to the Department of State electronically due to the pilot usage of the DS-260. The remainder of applicants will submit the DS-230 by accessing the form at the above web address.

4. The DS-230 is required of all immigrant visa applicants that do not complete the DS-260, Online Immigrant Visa Form. Information is not duplicative of information maintained elsewhere or otherwise available.

5. The information collection does not involve small businesses or other small entities.

6. The DS-230 is essential for determining whether an applicant is eligible for an immigrant visa. An applicant fills out the form one time; it is not possible to collect the information less frequently.

7. No special circumstances exist.

8. The Department of State (Office of Visa Services, Bureau of Consular Affairs) published a 60 and 30 day notice in the Federal Register seeking public comment (76 FR 61776, October 5, 2011, and 77 FR 6167, February 7, 2012, respectively). No comments were received. 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 parties 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, information obtained from the DS-230 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.

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 specifically asks for information concerning the alien's health, criminal offenses, narcotic addiction, political affiliation with subversive organizations, participation in genocide and involvement in Nazi war crimes. Questions about family status, mental health, occupation, and financial support are also required by the INA. As noted above, such information is considered confidential under Section 222(f) of the INA.

12. The form is completed by approximately 672,000 respondents each year. Each applicant, whether issued or refused a visa, fills out parts I & II of the DS-230. Although the information collected does not require any special research on the part of the applicant, the detailed background information is estimated to require an applicant spending two hours to fill out the entire form. Therefore, the annual hour burden to respondents is estimated to be 1,344,000 hours (672,000 x 2 hours).

13. Applicants must submit a photograph with their application. Based on a survey of various overseas embassies, the Department estimates that the average cost to an alien of obtaining a photograph is five dollars at a cost of approximately \$3,360,000 (672,000 x \$5).

14. The Department of State charges a fee of \$335 per immigrant visa application. The immigrant visa function is not a centrally funded line item; rather, general consular operations are aggregated without distinction into the overall operational budgets of the Department of State regional bureaus (African Affairs, East Asian and Pacific Affairs, European Affairs, Western Hemisphere Affairs, Near Eastern Affairs, and South Asian Affairs). Based on a cost of service study conducted by MitreTek Systems, the Department of State estimates that it costs the Federal Government, on average, \$335 to process an immigrant visa application. The estimated annual cost to the Federal

Government (which is recouped) is therefore \$225,120,000 ( $\$335 \times 672,000$  applications).

15. The number of respondents, hours and costs for this collection have changed.

Prior to this reauthorization, the DS-234 (Special Immigrant Visa Biodata Form) was incorporated into this collection. The DS-234 is used by the Bureau of Population, Refugees and Migration (PRM) to elicit information that will be used by the Department of State to identify appropriate resettlement sites in the United States and correctly allocate additional services for Iraqi and Afghan special immigrant visa recipients. The recipients are eligible for resettlement benefits administered by the Department of State under Public Laws 110-161 and 110-181, as amended by Public Law 110-242. PRM has decided to seek OMB approval for a separate collection, concurrent with this collection's reauthorization. As a result, the DS-234 is being eliminated from this collection.

The previously approved collection burden was 712,000 respondents. This included the total respondents for the DS-230 and the DS-234. The removal of the DS-234 has decreased the number of respondents by 12,000. Also, the estimated number of respondents for the DS-230 has changed and caused an additional decrease of 28,000. The revised respondent burden request is now 672,000 ( $712,000 - 12,000 - 28,000 = 672,000$ ).

Consequently, the previously combined burden hours have also changed. The previous burden hours were 1,404,000. The removal of the DS-234 decreased the hours by 4,000. The change in DS-230 respondent estimate caused an additional decrease of 56,000 hours. The new hour burden is 1,344,000 ( $1,404,000 - 56,000 - 4,000 = 1,344,000$ ).

The cost burden changes are solely due to the decrease in the number of DS-230 respondents (there is no cost burden associated with the DS-234). The previous cost burden was \$238,000,000. The decrease in respondents resulted in a decrease in costs of \$12,880,000. As a result, the new cost burden is now \$225,120,000 ( $238,000,000 - 12,880,000 = 225,120,000$ ).

16. A quantitative summary of the Department of State's visa operations is published in the annual Report of the Visa Office. The Report of the Visa Office is an annual report providing statistical information on immigrant and non-immigrant visa issuances by consular offices, as well as information on the use of visa numbers in numerically limited categories. The Visa Office currently has annual reports available from 2000 to 2011. The link to the site is: [http://travel.state.gov/visa/statistics/statistics\\_1476.html](http://travel.state.gov/visa/statistics/statistics_1476.html).

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.

## B. STATISTICAL METHODS

This collection does not employ statistical methods.