

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

## **Electronic Application for Immigrant Visa and Alien Registration OMB Number 1405-0185 DS-260**

### **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 an immigrant visa and alien registration. INA section 221(a) [8 U.S.C. § 1201(a)] provides that a consular officer may issue an immigrant visa to an individual who has made a proper application

INA section 222(a) [8 U.S.C. § 1202(a)] specifically requires that an applicant provide the following information in an application for an immigrant visa: full and true name; any other names he/she has used or by which he/she has been known; age; sex; date of birth; place of 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.

INA section 222(b) [8 U.S.C. § 1202(b)] further identifies other documentary evidence needed to obtain an immigrant visa. Every individual applying for an immigrant visa shall furnish to the consular officer, with his/her application, a copy of certification from appropriate police authorities as to what their records show concerning the applicant, prison records, military records, and record of birth, as well as any other documentation that the consular officer may require.

INA section 221(b) [8 U.S.C. § 1201(b)] requires that a photograph accompany the application.

INA section 221(d) [8 U.S.C. § 1201(d)] provides that every applicant for an immigrant visa shall be required to submit to a physical and mental examination.

INA section 222(e) [8 U.S.C. § 1202] requires that an applicant sign the application in the presence of the consular officer under oath.

Grounds for the ineligibility of certain individuals to receive a visa or to be admitted to the United States are detailed in INA section 212(a) [8 U.S.C. § 1182(a)], INA section 208(d) (6) [8 U.S.C. § 1158(d) (6)], and other statutes. Among the grounds of ineligibility are those related to the health of the applicant, the applicant's past and present criminal activities, security concerns, potential for the applicant to become a public charge, and previous violations of the INA by the applicant. The various grounds of ineligibility are summarily stated on the visa application form and applicants are asked to indicate whether or not any ground may apply to them.

Department of State regulations pertaining to immigrant visas are published in 22 C.F.R Part 42. The regulations pertaining to the filing of a paper-based application for an immigrant visa (Application for Immigrant Visa and Alien Registration, DS-230, OMB Control No. 1405-0015) are specifically provided for in 22 C.F.R. 42.63.

2. Department of State consular officers use Form DS-260 (Electronic Application for Immigrant Visa and Alien Registration), in conjunction with a personal interview, to elicit information necessary to fulfill the legal requirements for the issuance of an immigrant visa. The information required on the form is limited to what is necessary for the consular officer to determine the eligibility and classification of an individual seeking an immigrant visa to the United States. A consular officer cannot approve such a visa without collecting this information.
3. The Department has developed an application process that will allow applicants to electronically submit their applications, previously submitted on the paper-based DS-230, directly to the Department. An applicant will be directed to an internet site, <https://ceac.state.gov>, to begin the application process. The applicant will provide answers to a series of standardized questions. Depending on initial answers, the applicant will be asked specific questions concerning their application. For example, all applicants will be asked about their marital status. If the applicant indicates that he/she is married, the applicant will be directed to answer questions related to his or her spouse. If the applicant indicates that he/she is single, he/she will be asked no questions regarding a spouse. Once the application is completed, and the applicant has verified the answers provided, the applicant will electronically sign and submit the application to the Department in an electronic format. The applicant may print a copy of the application for record keeping purposes, but will not submit a paper copy of the application to the Department. The applicant will be required to print a copy of his/her confirmation page which will contain a 2-D bar code record locator and a copy of the required sworn statement. The applicant will present this confirmation page at the time of his/her visa interview. The record locator will be scanned by a bar code reader and the application will be electronically retrieved from the Department's secure database. The electronic form will ensure that consular officers have all the necessary information to process the application and will significantly reduce the need for additional paperwork during the applicant's interview. The electronic submission of the application to the Department will allow for the information to be reviewed before the time of an interview. The consular officer will obtain the applicants' sworn affirmation and signature at the time of the interview.
4. All immigrant visa applicants will be required to complete the DS-260 application and electronically submit it to the Department. Information is not duplicative of information maintained elsewhere or otherwise available.
5. This information collection will not involve small businesses or other small entities.
6. The information collected on the DS-260 is essential for determining whether the beneficiary of an approved petition is eligible for an immigrant visa. An applicant will fill out the DS-260 one time; it is not possible to collect the information less frequently.
7. No special circumstances exist.
8. The Department of State (Bureau of Consular Affairs, Visa Services) published a notice in the Federal Register seeking public comment (77 FR 1777, January 11, 2012). No comments were received. Visa Services meets regularly with immigration experts from the Department of Homeland Security to coordinate policy. It also meets with student groups, business groups, immigration attorneys, 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 INA section 222(f) [8 U.S.C. § 1202(f)], information obtained from the DS-260 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. Consular officers may not issue a visa to an individual who is ineligible under INA section 212(a) unless, where authorized under the INA, the Department of Homeland Security grants a waiver. In order to enforce this provision of the law, the application form specifically asks for information concerning the individual's health, criminal offenses, narcotics addiction/use, political affiliation with subversive organizations, and participation in genocide, and other potentially sensitive information. Questions about family status, mental health, and financial support are also required. As noted above in Item 10, such information is considered confidential under INA section 222(f).
12. The DS-260 form will be completed by approximately 585,000 respondents per year. Each applicant whether issued or refused a visa, will complete the information. According to Visa Statistics for the year 2011, 476,249 Immigrant Visas were issued. The number of visas denied for fiscal year 2011 was 118,979. This sum was calculated by subtracting the ineligibilities overcome (204,544) from the number of ineligibilities finding (323,523). We added that number (118,979) to the number of visas issued (476,249) and came up with a total of 595,228 applicants for the 2011 fiscal year. We repeated this process for 2010 and 2009 fiscal year and came up with 585,211 applicants for fiscal year 2010 and 575,554 applicants for 2009. As a result, using the previous three fiscal years as measurements we believe the average number of respondents would be approximately 585,000 respondents per year. Although the information collected does not require any special research on the applicant's part, because of the detailed background information, it is estimated that an applicant will spend approximately 2 hours filling out this form. Therefore, the burden estimate on the DS-260 is 2 hours and the annual burden to respondents is estimated to be 1,170,000 hours (585,000 x 2 hours) The Department's two-hour time burden estimate takes into account the average time needed to complete the DS-260 and a rough estimate of the time needed by an applicant to obtain the statutorily required documentation to support the application. It would be difficult, if not impossible, to determine the average time needed by an applicant to obtain the necessary documentation due to the wide-ranging individual and country-specific circumstances that might impact such an estimate. In the first instance, there are applicants who are already in possession of the required documentation. For those who must obtain the documentation from the appropriate governmental divisions, such things as electronic request/transmission versus paper-based request/transmission will impact the amount of time required for an applicant to acquire necessary documentation. The ability and ease with which an individual can obtain civil document will continue to vary widely from country to country and are in a state of flux as countries digitize and automate civil documentation. As a result, the Department of State believes that the two hour time burden is a reasonable time estimate because it takes into account and attempts to accommodate these variables. Based on the U.S hourly wage of \$21, the weighted wage hour cost burden for this collection is \$24,570,000 (2 hours x \$21= \$42.00. \$42.00 x 585,000 respondents =

\$24,570,000). Please note that the Department of State did not use the average hourly wage per country as this information is not readily available for every country.

13. The applicant must submit a digital photo, which may result in a cost. Based on a survey of various overseas embassies, the Department estimates that the average cost to an alien of obtaining a digital photograph will be five dollars. We therefore estimate that the total cost burden for the collection is \$2,925,000(\$5 x 585,000 applicants).
14. 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's 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, the Department of State estimates that it costs the federal government, on average, \$325 to process an immigrant visa application. The estimated annual cost to the Federal Government is therefore \$190,125,000 per year to process immigrant visa applications (\$325 x 585,000 applications).
15. There are no program changes. The cost to respondents has decreased from \$332,500,000 to \$2,925,000. This decrease is due to a recalculation of burden costs to respondents per discussions with OMB. Previously the Visa Office included the total cost of the Visa application fee (\$325) as a burden to the respondent. We have modified the calculation of burden to only include the cost of the required photograph (\$5.00).
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 on the information collection.
18. The Department is not requesting any exceptions to the certification statement requirements

## **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.