

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

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 visas. INA section 221(a) [8 U.S.C. § 1201(a)] 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(c)] specifically 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 41. Grounds for exclusion of certain aliens are detailed in INA section 212(a), 8 U.S.C. § 1182(a) and several other statutes, in particular P.L. 107-56. Among grounds for ineligibility are those related to health, criminal activity, security, public charge, and violations of the INA.

2. Department of State consular officers use Form DS-158 (Contact Information and Work History for Nonimmigrant Visa Applicant) in conjunction with Form DS-156 (Nonimmigrant Visa Application, OMB # 1405-0018) to fulfill the legal requirements identified above. The supplemental information requested on the form is limited to what is necessary for consular officers to determine efficiently the eligibility and classification of aliens seeking nonimmigrant visas to the United States.

3. The Department now uses an online application form (DS-160, Online Application for Nonimmigrant Visa, OMB Number 1405-0182), for nonimmigrant visa applicants. The DS-160 is a dynamic, user-guided application system that replaces the DS-158 and several existing nonimmigrant visa application forms. However, as applicants and posts adjust to the electronic process and in case of technological failure of the DS-160, the Department is retaining the DS-158 and other forms used in conjunction with it. Form DS-158 is required by regulation of all nonimmigrant applicants who do not use the DS-160 and instead must use the DS-156, Nonimmigrant Visa Application, (OMB 1405-0018). In some cases, the DS-158 will be requested even with the submission of the DS-

160.

4. The information collected by the DS-158 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, when access to the DS-160 is unavailable. 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 an applicant's eligibility to receive a visa.

7. No such circumstances exist.

8. The Department of State (Visa Services, Bureau of Consular Affairs) published a 60-day Notice on the reauthorization of Form DS-158 in the Federal Register (77 FR 7822, March 2, 2012), as required by 5 CFR 1320.8(d). One comment was received. After reviewing the comment, Visa Services determined that the comment was unrelated to the information collection and instead addressed the underlying visa category which is a statutory program mandated by Congress.

9. No payment or gift is provided to respondents.

10. In accordance with section 222(f) of the INA, information obtained from applicants throughout 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. We project, on the basis of experience during 2011, completion of the form by approximately 10,000 respondents each year during periods when access to our primary electronic application system is unavailable. In those instances, each nonimmigrant visa applicant fills out the DS-158 and the DS-156, Nonimmigrant Visa Application, OMB # 1405-0018. 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, because applicants completing the form will need to find the necessary background information, it is estimated that each applicant will spend, on average, approximately one hour filling out the entire form. In the last year, the DS-158

was used approximately 10,000 times; therefore, the annual hour burden to respondents is estimated to be 10,000 hours.

13. This collection is a supplement to the DS-156, Nonimmigrant Visa Application (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 decrease in burden (respondents and hours) for this collection is due to the implementation of the electronic DS-160 and subsequent decrease in usage of this form.

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.

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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.