

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Nonimmigrant Fiancé(e) Visa Application OMB Number 1405-0096 DS-156K

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 nonimmigrant visas. INA Section 221(a) [8 U.S.C. § 1201] 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] specifically requires that, “Every alien applying for a nonimmigrant visa and for alien registration shall make application 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.”

INA Section 101(a)(15)(K) [8 U.S.C. § 1101] provides the definition of a nonimmigrant alien: “(K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him.”

Department of State regulations pertaining to fiancée and fiancé nonimmigrant visas are found at 22 CFR 41.81.

2. Department of State consular officers use Form DS-156K (Nonimmigrant Fiance(e) Visa Application) in conjunction with a personal interview and Form DS-156 to fulfill the legal requirements for a nonimmigrant visa. The information requested on the form is limited to that which is necessary for consular officers to determine the eligibility of an alien applicant for a nonimmigrant fiancé(e) visa. A consular officer is unable to approve such a visa without collecting this information.

3. The DS-156K is made available to download from the Internet from <http://travel.state.gov>. The DS-156K is a supplement to the DS-156, an alternative to the DS-160, Online Nonimmigrant Visa Application, which currently is not available for use by applicants for fiancé(e) visas. Except for basic identifying biographic information collected by the DS-156, information collected by the DS-156K is not duplicative of information maintained elsewhere or otherwise available.

4. The information collected from the applicant is not otherwise available. The information collected is necessary in determining what further action is necessary concerning the application for admission.

5. The information collection does not involve small businesses or other small entities.
6. The DS-156K is essential for determining whether an applicant is eligible for a nonimmigrant fiancé(e) visa. An applicant fills out the form one time; it is not possible to collect the information less frequently.
7. No such circumstances exist.
8. The Department of State (Bureau of Consular Affairs, Visa Services) published a 60 Day Notice on the reauthorization of Form DS-156K in the Federal Register (78 FR 23623, April 19, 2013), as required by 5 CFR 1320.8(d). No comments were received. Visa Services meets regularly with immigration experts of the Department of Homeland Security to coordinate policy, and also holds regularly scheduled formal meetings with representatives of the immigration bar, and student, community, and business groups, 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, information obtained from the DS-156K 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. No information of a sensitive nature is collected.
12. The form is completed by approximately 35,000 respondents each year. Although the information collected does not require any special research on the part of the applicant, the background information and time required to compile and copy relevant documents requires that an applicant spend 60 minutes filling out the entire form. Therefore the annual hour burden to respondents is estimated to be 35,000 hours (35,000 respondents x 1 hour). Based on an hourly wage of \$21, the weighted wage hour cost burden for this collection is \$1,029,000 (\$21 hourly wage 1.4 weigh factor x 35,000 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 is processed with that application and the electronic version of that application, the DS-160. There are no additional costs to the government other than the cost already accounted for in the DS-160.
15. No program change or adjustment is associated with this reauthorization.
16. A quantitative summary of all Department of State visa activities 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 2012. The link to the site is: http://travel.state.gov/visa/statistics/statistics_1476.html.
17. The Department will display the OMB expiration date for this form.
18. The Department is not seeking any exceptions to the certification requirement.

B. STATISTICAL METHODS

This collection does not employ statistical methods.