

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

## **Nonimmigrant Visa Application**

### **OMB No. 1405-0018 Form DS-156**

#### **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(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 therefore 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. The regulations pertaining specifically to the filing of an application using the DS-156 are found at 22 CFR 41.103.

Grounds for exclusion of certain aliens are detailed in INA Section 212(a) (8.U.S. 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 the information provided on Form DS-156 (Nonimmigrant Visa Application) to fulfill the legal requirements identified in section 1, above. The information requested on the form is limited to that which is necessary for consular officers to determine efficiently the eligibility and classification of an alien seeking a nonimmigrant visa to the United States. A consular officer is unable to approve a nonimmigrant visa without collecting this information. With approval of this collection the DS-156 will have integrated the following collections into the DS-156: DS-156-K, Nonimmigrant Fiance(e) Visa Application; DS-157, Supplemental Nonimmigrant Visa Application; and DS-158 , Contact Information and Work History for Nonimmigrant Visa Applicant.

With the integration of the following collections and forms into the DS-156, the Department can discontinue the individual collections and significantly decrease the overall burden time for all applicants.

3. The dynamic, user-guided electronic version of the DS-156, the DS-160, is live worldwide. However, the Department will retain the DS-156, for the following reasons; an applicant has an urgent medical or humanitarian travel and the Consular Officer has received explicit permission from the Visa Office to accept the DS-156; or the applicant is a student exchange visitor who must leave immediately in order to arrive on time for his/her course and the Consular Officer has explicit permission from the Visa Office to accept the DS-156; or the applicant is a diplomatic or official traveler with urgent government business and the DS-160 have been unavailable for more than four hours. If the DS-160 has been unavailable for more than three days; and the officer receives explicit permission from the Visa Office, the DS-156 may be used.

4. The paper form DS-156 is required by regulation of all nonimmigrant visa applicants who do not use the electronic version (DS-160, Online Application for Nonimmigrant Visa). Information collected by the DS-156 is duplicative of information collected by the DS-160, but the DS-156 will only be used in lieu of the DS-160. However, with the integration of the DS-156-K, DS-157, and DS-158 into the DS-156, the Department of State will have eliminated and discontinued four separate collections. As a result, nonimmigrant visa applicants will only have to use one paper based application, if access to the DS-160 is unavailable or for the reasons stated above.

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 DS-156 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) published a 60 Day Notice on the reauthorization of Form DS-156 in the Federal Register (78 FR 247, December 24, 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 (8 U.S.C. § 1202(f)), information obtained from applicants in the 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. The questions on the collection are designed to solicit the information necessary to determine whether an applicant is eligible for a visa under section 101(a)(15) of the INA (8 U.S.C. § 1101(a)(15)). 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. In addition, questions concerning an applicant's marital status, employment and financial support are necessary to identify an applicant and to assist in determining eligibility for a nonimmigrant visa. As noted in paragraph 10, above, such information is considered confidential under section 222(f) of the INA.

12. The Department expects that approximately 1,000 respondents will complete the DS-156 during fiscal year 2014. This is a decrease of approximately 799,000 respondents as most applicants have transitioned to using the electronic version of the form, the DS-160. The DS-156 Nonimmigrant Visa Application will be used only if the DS-160 is unavailable due to an applicant having an urgent medical or humanitarian travel need and the Consular Officer has received explicit permission from the Visa Office; or the applicant is a student exchange visitor who must leave immediately in order to arrive on time for his/her course and the Consular Officer has explicit permission from the Visa Office; or the applicant is a diplomatic or official traveler with urgent government business and the DS-160 have been unavailable for more than four hours; or the DS-160 has been unavailable for than three days and the officer has explicit permission from the Visa Office to accept the DS-156.

It is estimated that an applicant will spend approximately 75 minutes filling out the appropriate section for their application. Therefore the annual hour burden to respondents is estimated to be 1,250 hours.

Based on an average hourly wage of \$21, the weighted wage hour cost burden for this collection is \$36,750. This is based on the calculation of \$21 (average hourly wage) x 1.4 (weighted wage multiplier) x 1,250 hours = \$36,750

13. There is no cost burden to respondents in completing a DS-156.

14. The annual cost burden to the federal government for the DS-156 is \$160,000. This estimate is based on the \$160 application fee that the Department charges per application to hire and train employees and also to process each DS-156 application. By charging \$160 per application, the Department can recoup all fees associated with processing the application. (160 multiplied by 1000 applicants equal \$160,000). The application fee is the cost of recovery for services.

15. The collection has been adjusted for annual reporting and recordkeeping to note the decrease of applicants using the paper-based form. Due to the deployment of the DS-160 (Electronic Application for a Nonimmigrant Visa), the number of applicants using the DS-156 has dropped significantly, from 800,000 to 1,000. The collection has also been adjusted for annual burden cost to note that there is no cost to the respondents for filling out the DS-160, Online Application for Nonimmigrant Visa. A previous collection stated that there was a cost to the respondents but this inaccuracy has been adjusted.

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 officers, 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 2013. 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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.