

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Supplemental Nonimmigrant Visa Application
OMB 1405-0134
DS-157**

A. JUSTIFICATION

1. Section 602(b)(1) of the Afghan Allies Protection Act (AAPA) (Public Law 111-8 Section 602) states that the Secretary of State in consultation with the Secretary of Homeland Security, may provide certain aliens described in section 602(b)(2) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (INA) (8 U.S.C 1101 (a)(27)) if the alien or an agent acting on behalf of the alien, submits a petition for classification under section INA 203(b)(4) (8 U.S.C. 1153(b)(4)); is otherwise eligible to receive an immigrant visa; is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in INA 212(a)(4) (8 U.S.C.1182(a)(4)); and, clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

Section 602(b)(2)(A) of the AAPA, as amended, mandates that alien be a citizen or national of Afghanistan; was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than a year; has provided faithful and valuable service to the United States Government, subject to Chief of Mission (COM) approval, which is documented in a positive recommendation or evaluation, from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government. AAPA sections 602(b)(2)(B) and (C) further provide that the eligible spouse or child or surviving spouse or child of the alien described in 602(b)(2)(A) may also receive special immigrant status.

Section 1244(a) of the Refugee Crisis in Iraq Act of 2007, entitled "Special Immigrant Status for Certain Iraqis" (SISCI) (Public Law 110-181) states that the Secretary of State in consultation with the Secretary of Homeland Security of State, may provide an alien described in subsection 1244(b) with the status of a special immigrant under section 101(a)(27) of the INA (8 U.S.C. 1101(a)(27)) if the alien or agent acting on behalf of the alien, submits a petition for classification under INA 203(b)(4) (8 U.S.C 1153(b)(4)); is otherwise eligible to receive an immigrant visa; is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in INA 212(a)(4) (8 U.S.C. 1153(b)(4)) and cleared a background check and appropriate screening as determined by the Secretary of Homeland Security

Section 1244(b)(1) of the SISCI mandates that the alien be a citizen or national of Iraq; was or is employed by or on behalf of the United States Government in Iraq on or after March 20, 2003 for not less than a year; has provided faithful and valuable service to the United States Government, subject to COM approval, which is documented in a positive recommendation or evaluation from the employee's senior advisor or the person currently occupying that position, or

a more senior person, if the employee's senior supervisor has left the employer or has left Iraq; and has experience or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government. Section 1244(b)(2)(A) and (B) further provides that the eligible spouse or child or surviving spouse or child of the alien described in 1244(b)(1) may also receive special immigrant status.

As indicated above, both the AAPA and the SISI require applicants to receive Chief of Mission Approval.

2. Department of State uses Form DS-157 (Supplemental Nonimmigrant Visa Application) in order to facilitate the Chief of Mission approval process required for special immigrant visa (SIV) applicants under the AAPA and SISI. The information requested on the form is limited to that which is necessary for the Chief of Mission to approve SIV applicants. Previously, applicants submitting the DS-157 were required to fill out the DS-160. However, the DS-157 is only being used by SIV applicants for Chief of Mission approval. As a result, SIV applicants are required to submit the DS-260 and not the DS-160 as previously stated.

3. The DS-157 is available electronically in PDF format on Travel.State.Gov.

4. The information collected by the DS-157 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 to apply for a SIV. An applicant fills out the form one time per application for Chief of Mission approval; it is not possible to collect the information less frequently as up to date information is necessary to efficiently determine whether an applicant is eligible for Chief of Mission approval.

7. No such circumstances exist.

8. The Department of State (Bureau of Consular Affairs, Visa Services) published a 60-day Federal Register Notice (79 FR 217, November 10, 2014), as required by 5 CFR 1320.8(d). No comments were received. Visa Services meets regularly with immigration experts from the Department of Homeland Security to coordinate policy. Visa Services also meets with student groups, business groups, immigration attorneys, and other interested groups to receive their opinions and suggestions regarding visa procedures and operations.

9. No payment or gift is provided to respondents.

10. In accordance with Section 222(f) of the INA, information pertaining to the issuance or refusal of visas or permits to enter the United States 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 determine the applicant's eligibility for a visa, the application form asks for information such as 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. For fiscal year 2015, the Department estimates, that 8,000 applicants will submit the DS-157. The information collected by the DS-157 relates to the applicant's personal biographic data and personal history. Although the information collected does not require any special research on the part of the applicant, finding the necessary background information is estimated to require that an applicant spend one hour to fill out the entire form. Therefore, the annual hour burden to respondents is estimated to be 8,000 hours (8,000 applicants x 1 hour). Based on the U.S hourly wage of \$21, the weighted wage hour cost burden for this collection is approximately \$168,000 (1 hour x \$21 hour wage x 8,000 respondents = \$168,000)

13. This collection is a supplement to the DS-260 (OMB # 1405-0185) and therefore will impose no additional cost burden on the respondent beyond that which was reported in the justification for the DS-260.

14. This collection is a supplement to the DS-260 (OMB # 1405-0185) and processed with that application if applicant receives Chief of Mission approval. It therefore will impose no additional cost burden on the Federal Government beyond that which was reported in the justification for the DS-260.

15. All applicants are required to obtain Chief of Mission approval for purposes of applying for a SIV and must complete the DS-157. For fiscal year 2015, the Department estimates that 8,000 applicants will submit the DS-157. The number of DS-157 applications has decreased from 150,000 to 8,000. As a result, the burden hours for applicants has decreased by 142,000 hours, down from the previous reported total burden hours of 150,000. This number is expected to decrease as more applicants move to the DS-260, Online Application for Nonimmigrant Visa.

16. A quantitative summary of all Department of State visa activities is published in the annual Report of the Visa Office.

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.