

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

1405-0015, Application for Immigrant Visa and Alien Registration (Form DS-230)

A. JUSTIFICATION

1. The Immigration and Nationality Act (“INA”), 8 U.S.C. 1101 *et seq.*, establishes the application and eligibility requirements for aliens seeking to obtain immigrant visas 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 alien who has made proper application therefor.

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

Section 222(b) [8 U.S.C. 1202(b)] identifies other documentary evidence needed to obtain an immigrant visa. This section includes, among other things, a requirement that every alien applying for an immigrant visa shall furnish to the consular officer with his application a copy of a certification from appropriate police authorities as to what their records contain concerning the applicant, and certified copies of any existing prison record, military record, and record of birth and other documents required by the consular officer.

Section 221(b) [8 U.S.C. 1201(b)] also requires that a photograph accompany the application.

Section 221(d) [8 U.S.C. 1202(d)] provides that every immigrant shall be required to submit to a physical and mental examination.

Section 222(e) [8 U.S.C. 1202(e)] requires an applicant to sign the application, under oath, in the presence of the consular officer.

Grounds for exclusion of certain aliens are detailed in INA Section 212(a) [8 U.S.C. 1182(a)] as well as in and other pertinent statutes. Grounds for ineligibility include those related to health, criminal activity, security, public charge, and violations of the INA. The grounds for ineligibility are summarily stated on the visa application form.

Department of State regulations pertaining to immigrant visas under the INA are published in 22 CFR Part 42. The requirement that an alien applying for an immigrant visa must make application, as directed by the consular officer, on Form DS-230

(Application for Immigrant Visa and Alien Registration) is specifically provided for in 22 CFR 42.63.

2. Use of the Form DS-230 is a legal requirement. 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 an immigrant visa to the United States. A consular officer is unable to approve an immigrant visa without collecting this information.

3. The dynamic, user-guided electronic version of the DS-230, the DS-260, is live worldwide. However, the Department will retain the DS-230 solely for the Cuban Reunification Parole Program. The Cuban Family Reunification Program (CFRP) is a type of Special Public Benefit Parole, granted to certain Cuban citizens residing in Cuba, by the United States Citizenship & Immigration Services. USCIS will complete a documentary review of the evidence provided by the petitioner with the CFRP application. If the application appears approvable, it will be forwarded to the U.S. Interests Section in Havana, Cuba, by NVC. Applicants will either submit or fill the DS-230 in Havana. USCIS or the Department of State (DOS) will interview the beneficiary in Havana, Cuba, to determine whether to grant parole. Once USCIS grants parole under the CFRP Program, the Department of State or USCIS will issue the necessary travel documents to the beneficiary in Cuba. The web address where the DS-230 can be accessed is http://travel.state.gov/visa/forms/forms_1342.html.

4. The DS-230 is required of all Cuban Reunification Parole applicants. Information is not duplicative of information maintained elsewhere or otherwise available.

5. The information collection does not involve small businesses or other small entities.

6. The DS-230 is essential for determining whether an applicant is eligible for an immigrant visa. An applicant fills out the form 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 60-day Federal Register Notice (80 FR 12, January 10, 2015), 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 [8 U.S.C. 1202(f)], information obtained from the DS-230 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. Consular officers may not issue a visa to an individual who is ineligible under INA section 212(a) [8 U.S.C. 1182(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) [8 U.S.C. 1202(f)].

12. The form is completed by approximately 5,000 respondents each year. Each applicant, whether issued or refused a visa, fills out parts I & II of the DS-230. Although the information collected does not require any special research on the part of the applicant, the detailed background information is estimated to require an applicant spending one hour to fill out the entire form. Therefore, the annual hour burden to respondents is estimated to be 5,000 hours (5,000 x 1 hours). Based on the U.S hourly wage of \$21, the weighted wage hour cost burden for this collection is \$ 105,000 (1 hours x \$21= \$21.00. \$21.00 x 5,000 respondents = \$105,000).

13. Applicants must submit a photograph with their application. Based on a survey of various overseas embassies, the Department estimates that the average cost to an alien of obtaining a photograph is five dollars at a cost of approximately \$25,000 (5,000 x \$5).

14. The Department of State charges a fee of \$325 per immigrant visa application. 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 regional bureaus (African Affairs, East Asian and Pacific Affairs, European Affairs, Western Hemisphere Affairs, Near Eastern Affairs, and South Asian Affairs). The Department of State estimates that the cost to the Federal Government is approximately \$325 to process an immigrant visa application. The estimated annual cost to the Federal Government (which is recouped) is therefore \$1,625,000 (\$325 x 5,000 applications).

15. The number of respondents, hours and cost burden for this collection has changed. Currently, the estimated number of respondents for the DS-230 is 5,000. This is a decrease of 667,000 respondents from the previous collection of 672,000 respondents (667,000-667,000 = 5,000). As a result of the decrease in the number of applicants, the burden hours have changed. The previous collection burden hour estimate was 1,344,000. However, the number has dropped to 5,000 hours (5,000 x 1 hour =5,000 hours). Because of the decrease in the number of respondents and burden hours, there is also a decrease in cost. The cost burden changes are solely due to the decrease in the number of DS-230 respondents. The previous cost burden was erroneously listed by OMB, as \$225,120,000. The correct number should have been \$3,360,000. This error

was never corrected in the OMB database. Based on the correct burden of \$3,360,000, the current decrease in respondents has resulted in a decrease in cost to \$25,000. There are no changes to the form itself.

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 2014. 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. STATISTICAL METHODS

This collection does not employ statistical methods.