

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

## **Electronic Choice of Address and Agent OMB Number 1405-0186 DS-261**

### **A. JUSTIFICATION**

1. The immigrant visa applicant must first be a beneficiary of an approved immigrant visa petition filed with the Department of Homeland Security by the alien beneficiary's U.S. citizen relative, U.S. legal permanent resident relative, or a U.S. employer. Once a petition has been approved, it is forwarded to the Department of State for overseas processing and visa issuance. Sections 221 and 222 of the Immigration and Nationality Act (INA), 8 U.S.C. 1201 and 1202 prescribe the eligibility requirements for aliens seeking to obtain an immigrant visa and alien registration and requires the submission of an immigrant visa application.
2. The National Visa Center (NVC) receives approved petitions from the Department of Homeland Security (DHS) for immigrant visa applicants who will receive their immigrant visa interview overseas. DHS holds petitions for those applicants who are currently residing in the U.S. and have the legal ability to adjust their immigration status with DHS. NVC conducts pre-processing on all petitions received from DHS. This includes form, fee, and document collection. NVC begins the pre-processing prior to visa availability that is announced in the Visa Bulletin. Once a case is ready to begin processing, NVC will send the beneficiary instructions explaining how the beneficiary can access the DS-261, Electronic Choice of Address and Agent form. The DS-261 allows the beneficiary to choose an agent to receive communications from NVC to assist in the application process and processing any required applicant fees. The beneficiary is not required to choose an agent and may elect to receive all communications from NVC directly. The applicant may also indicate that they no longer wish to apply for an immigrant visa or that they have already legally immigrated to the U.S. and do not need to apply for an immigrant visa. The completion of the DS-261 is essential in determining what, if any, further action NVC needs to take regarding the approved petition.
3. An instruction letter will be mailed to the beneficiary of an approved immigrant visa petition once NVC has determined that the case is current and active for processing. The letter will instruct the beneficiary on how to access to the DS-261 through the Department's secure Consular Electronic Application Center (CEAC). The beneficiary will complete the form online and submit the form electronically to the Department.
4. The information collected from the beneficiary is not otherwise available. The information collected is necessary in determining what further action is necessary concerning the beneficiary's case.
5. This information collection does not impact small business or small entities

6. NVC would be unable to efficiently process immigrant visa application without utilizing this information collection. The information collected on this form is not otherwise available and cannot be conducted less frequently.
7. No special circumstances exist.
8. The Department of State (Bureau of Consular Affairs, Visa Services) published a 60-day notice in the Federal Register on April 3, 2015. No comments were received from the public. 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, the American Immigration Lawyers Association and other interested groups to discuss their opinions and suggestions regarding visas procedures and operations
9. No payment or gift is provided to respondents.
10. In accordance with INA Section 222(f) [8 U.S.C. 1202(f)] , information obtained from the DS-261 will be considered confidential and will only be used for the formulation, amendment, administration or enforcement of the immigration, nationality, or other laws of the United States.
11. No information of a sensitive nature is collected on this form.
12. The form will be completed by approximately 250,000 respondents per year. Each beneficiary of an approved immigrant visa petition will complete this form. The form requires approximately ten (10) minutes of the individual's time and no special research is required. The annual hour burden to respondents is estimated to be 41,667 hours (250,000 x 10 minutes). According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)), the weighted wage rate category for "All occupations" (chosen because the respondent could be from any occupation) is estimated to be \$34.94 per hour (\$24.96 average wage x 1.4 multiplier). Therefore, the estimated annual burden hour cost to respondents "all occupations" is \$1,455,833 (41,667 annual burden hours x \$34.94).
13. There is no monetary burden to the applicant.
14. The annual cost burden to the Federal Government is \$355,000. The information collection is processed by a contractor who performs this function as part of its work under a competitive fixed-unit-price contract to administer NVC. The contractor is paid approximately \$355,000 annually to process the Choice of Address and Agent form.
15. There is a program change associated with this extension. The estimated number of respondents, and therefore the cost burden, for this collection have both been lowered. This new number reflects more accurate recording of the number applicants for an immigrant that need to complete the DS-261.
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](http://travel.state.gov/visa/statistics/statistics_1476.html).
17. The Department will display the expiration date for OMB approval on the information collection.

18. The Department is not requesting any exceptions to the certification statement requirements.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.