

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

## **Adoptive Family Relief Act Refund Application DS-7781 OMB 1405-0223**

### **A. JUSTIFICATION**

1. The Adoptive Family Relief Act (Public Law 114-70 (10/16/2015)) amended the Immigration and Nationality Act (INA) to declare that if an immigrant visa was issued on or after March 27, 2013, for a child who has been lawfully adopted, or who is coming to the United States to be adopted, by a U.S. citizen, any statutory immigrant visa fees relating to a renewal or replacement of such visa may be waived or refunded if the child was unable to use the original immigrant visa during the period of its validity as a direct result of extraordinary circumstances, including the denial of an exit permit; and if such inability was attributable to factors beyond the control of the adopting parent or parents.
2. The Department of State will utilize the Adoption Refund Form to elicit information necessary to ascertain the applicability of the legal requirements identified in Section 1 for purposes of obtaining a refund. The information requested on the form is limited to that which is necessary to provide this refund.
3. This collection is a paper form that is to be completed and mailed, emailed, or hand-delivered to the consulate/embassy where the original adoption case was processed. A full list of US diplomatic missions can be found at <http://www.usembassy.gov/>.
4. The Adoptive Family Relief Act Refund Application form is used to collect specific information required to locate and confirm visa records and payment history. The information collected by the form is not duplicative of information maintained elsewhere or otherwise available.
5. The information collection does not involve small business or other small entities.
6. The Adoptive Family Relief Act Refund Application is essential for administering the Adoptive Family Relief Act. An applicant fills out the form once in order to provide information essential to obtaining a refund.
7. No such circumstances exist.
8. The Department of State published a notice in the Federal Register on April 12, 2016 (81 FR 21643) notifying the public of the Department's request for emergency OMB approval and public comment. No comments were received. The Department also published a Federal Register notice on May 25, 2016 (81 FR 33317) soliciting public comments for a period of 60 days. No comments were received.
9. There is no payment to respondents for completing this form. Based on the information on this form, if the respondent qualifies for a visa fee refund under Public Law 114-70, they will receive payment via check for the amount they previously paid.

10. The Department of State solicits information pursuant to the authority granted to the Secretary of State by Section 221 of the INA (8 U.S.C. § 1201), as amended by Public Law 114-70, The Adoptive Family Relief Act, and the authority granted by regulations issued pursuant to 22 CFR part 42. In accordance with Section 222(f) of the INA (8 U.S.C. § 1202(f)), visa records are considered confidential and are to be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, or other laws of the United States. Certified copies of visa records may be made available to a court that certifies that the information is needed in a case pending before the court. Visa records can also be shared with foreign governments in certain circumstances.
11. The form does not seek personal information of a sensitive nature.
12. Based on the current pool of respondents soliciting a refund, up to approximately 600 respondents will complete this form this year. The information collected relates to the petitioner's information, application history, and information concerning previous application fees. It takes approximately 5 minutes to find and record this information. Therefore, the annual hour burden to respondents is estimated to be 50 hours (600 respondents x 5 minutes). According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)), the weighted average hourly wage of all employees on private payrolls (chosen because the respondent could be from any occupation) is estimated to be \$35.55 per hour (\$25.39 average wage x 1.4 multiplier). Therefore, the estimated annual cost to respondents is \$1,778 (50 annual burden hours x \$35.55).
13. There is no other cost to respondents.
14. The Department of State estimates that this information collection costs the Federal Government \$3,624 annually. It takes approximately 3 minutes for locally employed staff to process the form and one minute for a consular officer to review it. Since 600 respondents each year will complete the form, 30 hours of local employed staff time and 10 hours of consular officer time will be dedicated to processing the form annually. The Bureau of Consular Affairs calculates that the average global hourly cost for locally employed staff in FY 2016 including overhead is \$53.32. This yields a processing time cost of \$2.67 per application. Based on recurring costs in the Bureau of Budget and Planning New Position Cost Model, the hourly cost of a Foreign Service Officer in FY 2016 is \$202.39. This yield a processing time cost of \$3.37 per application. The total cost per application is \$6.04. Thus, we estimate the annual cost to the Federal Government to process the form is \$3,624 per year.
15. There haven't been any changes since the collection's last approval.
16. The data gathered by this collection will not be published.
17. The Department will display the OMB approval number and expiration date.
18. The Department is not requesting any exception to the certification requirements.

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

This collection does not employ statistical methods.