

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

## **Application to Determine Returning Resident Status OMB Number 1405-0091 DS-0117**

### **A. JUSTIFICATION**

1. A permanent resident or conditional resident who has remained outside the United States for longer than one year, or beyond the validity period of a Re-entry Permit, requires a new immigrant visa to enter the United States and resume permanent residence under section 101(a)(27)(A) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101(a)(27)(A) and 8 CFR 211.1. Section 221(a) of the INA, 8 U.S.C. § 1201(a), gives consular officers authority to issue an immigrant visa to a returning resident as a special immigrant if the applicant establishes that he or she remained outside the United States due to circumstances beyond his or her control.

The regulations of the Department of Homeland Security (DHS), 8 CFR 211.1 establish conditions under which an immigrant alien may return to an unrelinquished lawful permanent residence in the United States without an immigrant visa. These regulations provide for entry with an Alien Registration Receipt Card (Form I-551) or a reentry permit in lieu of a visa, if the individual is seeking readmission after a temporary absence of less than 1 year in certain circumstances. Aliens not covered by these regulations must obtain a special immigrant visa as a returning resident under INA § 101(a)(27)(A)[8 U.S.C. § 1101(a)(27)(A)].

INA § 101(a)(27)(A)[8 U.S.C. § 1101(a)(27)(A)] includes in the special immigrant definition an alien lawfully admitted for permanent residence who is returning from a temporary visit abroad. The regulations governing the implementation of this section of the law are in 22 CFR 42.22.

2. Department of State consular officers use Form DS-0117 (Application to Determine Returning Resident Status) in conjunction with a personal interview, to elicit information necessary to ascertain the applicability of the legal requirements for a returning resident. The information requested on the form is limited to that which is necessary for consular officers to determine the eligibility of an alien applicant for special immigrant classification as a returning resident. The applicant must provide the reasons he or she was unable to return to the United States, thereby losing permanent resident status. A consular officer is unable to approve such immigrant visa status without collecting this information. Consular officers currently use the form as an indispensable part of adjudicating the cases of approximately 4,400 applicants for returning resident status each year.

3. The form is available to download from the Internet at <http://www.travel.state.gov>. Applicants are able to fill out the form online, print it and submit to their respective consular posts.

4. The information is unique to each applicant and is not a duplication of other data. While the information requested in questions 7, 8 and 9 might be available from the files of the DHS, consular officers abroad do not have direct access to such files.
5. The information collection does not involve small businesses or other small entities.
6. The information collected on Form DS-0117 is essential for determining whether an applicant is eligible for returning resident status. 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 published a 60-day notice in the *Federal Register* on July 20, 2016, soliciting public comments on this collection. 81 FR 47234. The Department received one comment on July 26, 2016. After reviewing the comment, the Department determined that the comment was unrelated to the information collection.
9. No payment or gift is provided to respondents.
10. In accordance with section 222(f) of the INA, information obtained from applicants in the immigrant 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. Certified copies may be made available to a court which 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 DS-0117 does not seek personal information of a sensitive nature.
12. The form is completed by an estimated 4,400 respondents each year. The information collected does not require any special research on the part of the applicant and will require that an applicant spend thirty minutes filling out the entire form. The hour burden is 2,200 hours annually (4,400 x 30 minutes / 60 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 \$32.52 per hour (\$23.23 average wage x 1.4 multiplier). Therefore, the estimated annual wage burden for respondents is \$71,544 (2,200 annual burden hours x \$32.52).
13. There is no cost burden to respondents.
14. The Department of State estimates that this information collection costs the Federal Government \$73,480 annually. It takes approximately 15 minutes for locally employed staff to process the form and one minute for a consular officer to review it. Since 4,400 respondents each year will complete the form, 1,100 hours of locally employed staff time and 73 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 \$13.32 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 yields a processing time cost of \$3.37 per application. The total cost per application is \$16.70. Thus, we estimate the annual cost to the Federal Government to process the form is \$73,480 per year (4,400 x \$16.70).

15. There are adjustments in this collection from the previous renewal due to a more accurate estimate of the number of respondents. From fiscal year 2013 to fiscal year 2015, the Department of State saw an increase in applicants.

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 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 2015. The reports can be found [here](#).

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.