

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

## **Nonimmigrant Visa Application**

**OMB Number 1405-0018  
DS-156**

### **A. JUSTIFICATION**

1. The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., mandates application and eligibility requirements for aliens seeking to obtain nonimmigrant visas. INA section 221(a) [8 U.S.C. § 1201(a)] provides that a consular officer may issue a nonimmigrant visa to an alien who has made proper application therefor. INA section 222(c) [8 U.S.C. § 1202(c)] specifically requires that, “Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name ... and such additional information necessary to the identification of the applicant, the determination of his eligibility for a nonimmigrant visa, and the enforcement of the immigration and nationality laws as may be by regulation prescribed.” The Department of State’s regulations pertaining to nonimmigrant visas under the INA are published at 22 CFR part 41. The requirement pertaining to filing an application for a nonimmigrant visa is specifically provided for in 22 CFR 41.103.

2. Department of State consular officers use the information provided to adjudicate the visa eligibility requirements referenced in item 1 above. The information requested on the form is limited to that which is necessary for consular officers to efficiently determine the eligibility and appropriate visa classification of an alien seeking a nonimmigrant visa. These determinations would not be possible without collecting this information.

3. The dynamic, user-guided electronic version of the DS-156, the DS-160, is live worldwide. However, the Department will retain form DS-156 to be used only when:

- An applicant has an urgent medical or humanitarian travel need and the consular officer has received explicit permission from the Visa Office to accept form DS-156;
- The applicant is a student exchange visitor who must leave immediately in order to arrive on time for his/her course and the consular officer has explicit permission from the Visa Office to accept form DS-156;
- The applicant is a diplomatic or official traveler with urgent government business and form DS-160 has been unavailable for more than four hours; or
- Form DS-160 has been unavailable for more than three days and the consular officer receives explicit permission from the Visa Office.

4. Form DS-156 is required by regulation of all nonimmigrant visa applicants who do not use the electronic version (DS-160, Online Application for Nonimmigrant Visa). Information

collected by the DS-156 is duplicative of information collected by the DS-160, but the DS-156 will only be used in lieu of the DS-160 in the circumstances described above.

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

6. This information collection is essential for determining whether an applicant is eligible for a nonimmigrant visa. An applicant completes the form once per visa application. It is not possible to collect the information less frequently, as consular officers need up-to-date information to determine efficiently whether an applicant is eligible to receive a visa.

7. No special circumstances exist.

8. The Department of State (Visa Office, Bureau of Consular Affairs) published a 60-day notice in the Federal Register on May 2, 2017 (82 FR 20527), soliciting public comment on this collection. The Department received one comment suggesting that there would never be an urgent situation which would require use of the form. The comment further suggested that visa application fees should be higher due to the burden on U.S. taxpayers. The Department recognizes that this form will be used only in limited situations, when urgent travel is required. This collection does set the fees for U.S. visas, which are set forth in 22 C.F.R. 22.1, and amended periodically to reflect the cost of consular services. The Department will not make any changes to the collection based on this comment.

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 applicants in the nonimmigrant 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. Section 222(f) [8 U.S.C. § 1202(f)] also contains exceptions for providing such confidential information, in limited circumstances, to a court or a foreign government in the Secretary of State's discretion.

11. The questions in the collection are designed to solicit the information necessary to determine whether an applicant is eligible for a nonimmigrant visa under section 101(a)(15) of the INA [8 U.S.C. § 1101(a)(15)]. Consular officers may not issue a visa to aliens who are ineligible under applicable provisions of section 212 of the INA [8 U.S.C. § 1182] or any other provision of law, unless where authorized under the INA, the Department of Homeland Security grants a waiver. In order to adjudicate visa eligibility, the application form specifically asks for information on a variety of issues, including information concerning the alien's health, criminal offenses, narcotics addiction, political affiliation with subversive organizations and participation in genocide or terrorist activities. In addition, questions concerning the applicant's marital status, employment, and financial support are necessary to identify the applicant and to assist in determining eligibility for a nonimmigrant visa. As noted in paragraph 10 above, such information is confidential under section 222(f) of the INA [8 U.S.C. § 1202(f)].

12. The Department expects that approximately 3,466 respondents will complete the DS-156 during fiscal year 2017. It is estimated that an applicant will spend approximately 90 minutes filling out and submitting the application. Therefore the annual hour burden to respondents is estimated to be 5,199 hours (3,466 applications x ninety minutes).

The Department estimates that the average hourly wage for applicants using the DS-156 to be \$7.50 (US). The Department estimates this based primarily upon historical visa data and

statistics obtained from the UN International Labor Organization, while also utilizing statistics from the U.S. Bureau of Labor Statistics and the Australian government's published labor statistics. Based on an average hourly wage of \$7.50, the weighted wage hour cost burden for this collection is \$54,589.50. This is based on the calculation of \$7.50 (average hourly wage) x 1.4 (weighted wage multiplier) x 5,199 hours = \$54,589.50.

13. Depending on the circumstances justifying the use of the DS-156 in lieu of the DS-160, some applicants may be required to travel to post to file the application. In other circumstances, accommodations may be made which allow filing the application via electronic means. In the latter instance, the applicant will incur no additional costs for the physical filing of the DS-156. If an applicant is required to file the application at post, it is unlikely that any applicant would travel a significant distance in the limited circumstances when the DS-156 is authorized. Therefore, the Department focused its estimate on local commuting costs at the posts that accepted the largest number of DS-156 in fiscal year 2016. Based upon a survey of open source information, local commuting in these regions appear to range from approximately \$.30 to \$3.00 via public transit. Taking into account that some individuals will take more costly modes of transportation, and that some applicants will not physically travel to post, the Department estimates that average additional cost of filing the DS-156 will be approximately \$5. The total cost burden is therefore \$17,330 (3,466 applicants x \$5).

14. The annual cost burden to the Federal Government for the DS-156, in fiscal year 2016 is \$484,494.59. This estimate is based on the Consular Affairs fiscal year 2016 update to the Cost of Service Model, which calculates the cost to the U.S. government of providing consular services including visas. This estimate includes all nonimmigrant visa types that use DS-156. The application fees, which vary based on the nonimmigrant visa classification, for nonimmigrant visas, generally are computed to recover the costs associated with nonimmigrant visas.

15. The collection has been adjusted for annual reporting and recordkeeping to note a change in the number of applicants using the paper-based form. The Privacy Act and Paperwork Reduction Act Statements on the form have been separated into independent Paperwork Reduction Act and Confidentiality Statements.

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 2016. The link to the site is: <https://travel.state.gov/content/visas/en/law-and-policy/statistics.html>.

17. The Department will display the expiration date for OMB approval of the information collection.

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

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

This collection does not employ statistical methods.