

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

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

A. JUSTIFICATION

1. 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. 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.
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. NVC conducts pre-processing on all immigrant visa 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. 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 United States 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 the DS-261 through the Department’s secure Consular Electronic Application Center (CEAC).¹ 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.

¹ The Department of State Privacy Impact Assessment for Consular Electronic Application Center (CEAC) (<https://www.state.gov/privacy/pias/index.htm>). Retrieved February 6, 2019.

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 published a notice in the Federal Register on April 23, 2018 (83 FR 17698) soliciting public comments. One nonresponsive comment was received.
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 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. INA 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. No information of a sensitive nature is collected on this form.
12. The Department expects that approximately 300,000 respondents will complete the DS-261 during fiscal year 2018. It is estimated that an applicant will spend approximately ten minutes filling out the application. Therefore the annual hour burden to respondents is estimated to be 50,000 hours (300,000 applications x ten minutes, divided by 60 minutes).

Based on an average hourly wage of \$24.34², the weighted wage hour cost burden for this collection is \$1,703,800. This is based on the calculation of \$24.34 (average hourly wage) x 1.4 (weighted wage multiplier) x 50,000 hours = \$1,703,800.

13. There is no monetary burden to the applicant. The Department does not take into consideration the costs that applicants will incur in accessing or using the internet to submit this form.
14. The annual cost to the United States government for processing the Choice of Address and Agent form is accounted for in the collection for form DS-260 (OMB Control Number 1405-0185), as part of the immigrant visa process. The Department is unable to separate the costs for the DS-261, because the Department calculates the cost to the government for adjudicating visas on the basis of the service provided and not by the individual forms reviewed. The DS-261 is a part of the overall immigrant visa service, and the cost of service model developed by the Department takes the entire immigrant visa process into consideration to calculate the fee for service.
15. The number of respondents has increased due to the number of beneficiaries who have chosen an agent to receive communications from NVC to assist in the application process electronically. As a result, the hour burden has also increased. The costs to the Federal Government are now accounted for in OMB Control Number 1405-0185.

² Source: Data from the U.S. Bureau of Labor Statistics May 2017 National Occupational Employment and Wage Estimates for all occupations (https://www.bls.gov/oes/2017/may/oes_nat.htm#00-0000). Retrieved February 4, 2019.

16. The data from this collection will not be published; however, 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 2017. The link to the site is:
<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.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.