

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**
Special Immigrant Visa Supervisor Locator
OMB Number 1405-0144
DS-158

A. JUSTIFICATION

1. *Why is this collection necessary and what are the legal statutes that allow this?*

Section 602(b)(1) of the Afghan Allies Protection Act (AAPA) (Public Law 111-8 Section 602) states that the Secretary of State in consultation with the Secretary of Homeland Security, may provide certain aliens described in section 602(b)(2) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (INA) (8 U.S.C 1101 (a)(27)) if the alien or an agent acting on behalf of the alien, submits a petition for classification under section INA 203(b)(4) (8 U.S.C. 1153(b)(4)); is otherwise eligible to receive an immigrant visa; is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in INA 212(a)(4) (8 U.S.C.1182(a)(4)); and, clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

Section 602(b)(2)(A) of the AAPA, as amended, describes an eligible alien as one who is a citizen or national of Afghanistan; has qualifying employment for the required period of time, as further described in Section 602(b)(2)(A)(ii); has provided faithful and valuable service to the United States Government, subject to Chief of Mission approval, which is documented in a positive recommendation or evaluation from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government. AAPA sections 602(b)(2)(B) and (C) further provide that the eligible spouse or child or surviving spouse or child of the alien described in 602(b)(2)(A) may also receive special immigrant status.

As indicated above, the AAPA requires applicants to receive Chief of Mission approval.

2. *What business purpose is the information gathered going to be used for?*

Department of State uses Form DS-158 (Special Immigrant Visa Supervisor Locator) in order to assist applicants in locating their Department of Defense (DoD) supervisor for the purpose of obtaining Chief of Mission approval which is required for special immigrant visa (SIV) applicants under the AAPA. The DS-158 is shared with DoD to locate the applicant's former supervisor. The information requested on the form is requested to facilitate the Chief of Mission approval process.

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*

The DS-158 is available electronically in PDF format on Travel.State.Gov and can be submitted via email to the National Vetting Center (NVC).

4. *Does this collection duplicate any other collection of information?*

The information collected by the DS-158 is not duplicative of information maintained elsewhere or otherwise available.

5. *Describe any impacts on small business.*

The information collection does not involve small businesses or other small entities.

6. *What are consequences if this collection is not done?*

This information collection is essential for determining whether an applicant is eligible to apply for a SIV. An applicant fills out the form one time per request for assistance in locating the DoD supervisor; it is not possible to collect the information less frequently as up to date information is necessary to efficiently determine whether an applicant is eligible for an SIV.

7. *Are there any special collection circumstances?*

No special circumstances exist.

8. *Document publication (or intent to publish) a request for public comments in the Federal Register.*

The Department published a notice in the Federal Register on August 30, 2018 (83 FR 44403) soliciting public comments. The Department received two nonresponsive comments to the collection and one responsive comment from the International Refugee Assistance Project (IRAP). The Department is always seeking to improve its information collections, and has taken IRAP's suggestions into consideration and implemented some of them within the DS-158.

9. *Are payments or gifts given to the respondents?*

No payment or gift is provided to respondents.

10. *Describe assurances of privacy/confidentiality.*

In accordance with Section 222(f) of the INA, information pertaining to the issuance or refusal of visas or permits to enter the United States 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. *Are any questions of a sensitive nature asked?*

The questions on the collection are designed to solicit the information necessary to determine whether a SIV applicant is eligible under Section 602(b)(2)(A) of the AAPA. In order to determine the applicant's eligibility for a special immigrant visa, the application form asks for information such as the alien's previous employment and the name and location of the military base where the alien and their supervisor served together. As noted in item #10 above, such information is considered confidential under Section 222(f) of the INA.

12. *Describe the hour time burden and the hour cost burden on the respondent needed to complete this collection.*

For fiscal year 2019, the Department estimates that 150 applicants will submit the DS-158. This number reflects an estimate based on the past three fiscal year receipts of the DS-158 by the Department. The previous estimates were not representative of the actual volume, thus this new estimate lowers the total hour burden from the previous submission. The information collected by the DS-158 relates to the applicant's personal biographic data and employment history. Although the information collected does not require any special research on the part of the applicant, finding the necessary background information is estimated to require that an applicant spend one hour to fill out the entire form. Therefore, the annual hour burden to respondents is estimated to be 150 (150 applicants x 1 hour). Based on the U.S. hourly wage of \$24.34, the wage hour cost burden for this collection is approximately \$3,651 (1 hour x \$24.34 hour wage x 150 respondents = \$3,651).¹ The Department understands that this estimated wage is likely higher than real wages in Afghanistan, but it is the closest estimate the Department can provide.

13. *Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.*

The DS-158 is filed by email. There is no cost burden to respondents completing the DS-158. The Department does not incorporate costs to internet access as a component of calculating cost burden.

14. *Describe the cost incurred by the Federal Government to complete this collection.*

The annual hour burden to the Federal Government for the DS-158 is estimated to be \$739.50. This is based on an average combined labor rate of \$4.93 per application, multiplied by the anticipated 150 applications received. The combined labor rate estimate is

¹ Source: Data from the U.S. Bureau of Labor Statistics May 2017 National Occupational Employment and Wage Estimates (https://www.bls.gov/oes/2017/may/oes_nat.htm#00-0000). Retrieved March 6, 2019.

based on the average wage and time spent reviewing each application according to the Department of State's National Visa Center cost modeling.

15. *Explain any changes/adjustments to this collection since the previous submission.*

The title of the collection has been updated to reflect the current use of the DS-158. This form was previously used as a supplement for nonimmigrant visa applicants, and was titled to reflect that use; however, the use of the form evolved. The new title more appropriately reflects the current use of this collection.

As a part of this renewal the Department reviewed this form to streamline the collection to remove unnecessary fields and add certain necessary fields. Specifically, the Department removed fields requesting the full names and addresses of the children, parents, and siblings of the applicant; and removed the field requesting at least two contacts in applicant's country of residence who can verify information. The Department added a field for the current email address of the applicant; aliases, including name in local language and "code name" used with supervisor; and is narrowed to primarily collecting work experience information. The Department also added explanatory instructions to portions of the form to aide applicants in providing pertinent information.

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16. *Specify if the data gathered by this collection will be published.*

The data gathered 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. *If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date. Otherwise, write "The Department will display the OMB expiration date."*

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

18. *Explain any exceptions to the OMB certification statement below. If there are no exceptions, write "The Department is not seeking exceptions to the certification statement".*

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.