

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Electronic Diversity Visa Lottery (EDV) Entry Form OMB Number 1405-0153 DS-5501

A. JUSTIFICATION

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

The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1011 *et seq.*, statutorily mandates the application and eligibility requirements for aliens seeking to obtain immigrant visas and alien registration. INA Section 203(c), 8 U.S.C. § 1153(c), provides for a class of immigrants known as “diversity immigrants,” from countries with historically low rates of immigration to the United States. Under regulations set out in Title 22 of the Code of Federal Regulations (CFR), beginning in FY-95, diversity immigrants under Section 203(c) are entitled to immigrant classification. *See* 22 CFR § 42.52. For diversity visa applicants to qualify for immigrant status, they must provide any information in their petition or documentary evidence prescribed by the Secretary of State by regulation per INA Section 204(a)(1)(I)(iii), 8 U.S.C. § 1154. This includes, but is not limited to, the petitioner’s name, date and place of birth, sex, native country, if other than country of birth, education, and/or work experience. *See* 22 CFR § 42.33(b)(1); *see also* 8 U.S.C. § 203(c)(2). The Department of State regulations pertaining to diversity immigrant visas are published in 22 CFR 42.33, and the Department is revising that rule, requiring petitioners for the Diversity Immigrant Visa Program to provide valid, unexpired passport information on the electronic form. As a result, the Department must also revise the information collection that corresponds to the proposed rule.

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

The Department of State utilizes the Electronic Diversity Visa Lottery (“EDV”) Entry Form to elicit information necessary to establish the eligibility of the applicant for the diversity immigrant visa program. The information requested on the form is limited to what is necessary to conduct the annual Diversity Visa lottery. The EDV Entry Form is the first step in the diversity visa process. The Department uses the information provided on the entry form to contact the diversity visa winners, and provide them with information on the next steps of the process.

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

The EDV Entry Form is available online at www.dvlottery.state.gov and can only be submitted electronically during the annual registration period. The Department created an electronic registration system to enhance national security, enabling the Department to use facial recognition technology and other means to identify duplicate and fraudulent entries. All available information technology has been incorporated into the design and processing of the EDV Entry Form to reduce the reporting burden.

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

The EDV Entry Form is used to collect specific information required of aliens entering the Diversity Visa lottery to obtain a diversity immigrant visa. The information collected by the form is not duplicative of information maintained elsewhere or otherwise available.

5. *Describe any impacts on small business.*

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

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

The EDV Entry Form is essential for administering the Diversity Visa Lottery Program. An applicant fills out one entry form; it is not possible to collect the information less frequently.

7. *Are there any special collection circumstances?*

No such circumstances exist.

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

The Department will publish a notice in the Federal Register soliciting public comments for a period of 30 days in conjunction with the final rule to require alien petitioners for the Diversity Immigrant Visa Program to provide valid, unexpired passport information on the electronic entry form.

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 INA Section 222(f), 8 U.S.C. § 1202(f), information obtained from applicants in the nonimmigrant or immigrant visa application 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, except that, in the discretion of the Secretary of State, it may be made available to a court or provided to a foreign government if the relevant requirements stated in INA Section 222(f), 8 U.S.C. § 1202(f), are satisfied.

11. *Are any questions of a sensitive nature asked?*

The form does not seek personal information of a sensitive nature.

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

The Department estimates that 14,589,023 individuals will complete this form each year. This number was arrived at by averaging the responses we have received for the past three fiscal years. Although the information collected does not require any special research on the part of the applicant, finding and entering the necessary information to complete the entire form is estimated to take 30 minutes. Therefore, the Department of State estimates that the annual hour burden to visa applicants posed by the additional questions is 7,294,512 hours

(14,589,023 applicants x 30 minutes). The weighted wage hour cost burden for this collection is \$248,567,774, based on the calculation of $\$24.98^1 \times 7,294,511.5 \text{ hours} = \$182,216,909.76$.

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

Although there is no fee to enter the DV lottery, aliens completing the online form must submit a digital image, which, depending on a variety of factors, may result in a minimal cost. There are a number of ways in which aliens will be able to complete the entry. Many individuals may already have access to the necessary equipment to submit a digital image without incurring any additional out-of-pocket costs. Those who do not may rely on a friend or family member in the United States to submit an entry on their behalf, or use a facilitator. The Department estimates that the average cost to an alien of submitting an electronic entry will be \$5.00. The digital image may also be utilized without additional cost for other purposes, including passport and visa photographs. We estimate that approximately 14,589,023 aliens will submit entries at an average cost of five dollars, resulting in a total cost to respondents of approximately \$72,945,115. Due to pervasive fraud and abuse it is no longer feasible for the USG to collect lottery entries in paper format and transform them into electronic records within the available timeframe for administering the DV program. The Department utilizes facial recognition technology and other electronic means to detect multiple entries by the same individual. The Department also proposes to collect valid, unexpired passport information of the principal applicant entering the DV lottery. Derivative applicants are not required to provide passport information at the entry phase, but all derivatives must be listed on the entry form. While there are costs associated with acquiring passports, the Department is not able to speculate on the worldwide costs of obtaining passports.

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

The information from the form is processed by the Kentucky Consular Center. The current annual cost and future expected cost is \$501,793.50, which was provided by the Kentucky Consular Center. This cost includes quantification of hours and operational expenses (such as staff), in addition to the time it takes staff to compare the data submitted on the EDV entry form to DS-260 data and flagging discrepancies. There is no additional cost for collecting and processing passport information.

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

This collection is being revised to include an additional question for EDV applicants. As a result, the burden has increased to reflect the additional requirement of adding passport information. The new required fields will instruct applicants to provide the unique serial or issuance number associated with the petitioner's valid, unexpired passport; the country or

¹ 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.

authority of the passport issuance; and expiration date. Some petitioners may be exempt from the passport requirement pursuant to 22 CFR 42.2(d), (e), and (g)(2).

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

The DV lottery registration takes place each fall. The Department generally issues a press release in June of the subsequent fiscal year indicating the number of DV lottery winners by foreign state of chargeability. A quantitative summary of Department of State visa activities is published in the annual Report of the Visa Office.

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 requirements.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.