

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
OMB Number 1405-0091
DS-117**

A. JUSTIFICATION

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

Section 221(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1201(a) grants consular officers the authority to issue immigrant visas, which includes special immigrant visas. Section 101(a)(27)(A) of the INA, 8 U.S.C. § 1101(a)(27)(A) defines “special immigrant” as including immigrants who have been lawfully admitted for permanent residence and are returning from a temporary visit abroad. The Department of State regulations at 22 CFR 42.22 further provide that applicants may be issued a returning resident special immigrant visa if he or she remained out of the United States for a protracted period due to reasons outside of his or her control for which he or she was not responsible. Consequently, when evaluating returning resident status, consular officers must consider the reasons for the applicant remaining outside the United States, when he or she remains outside the United States for a protracted period. This information collection solicits information required by consular officers to conduct that evaluation.

Department of Homeland Security (“DHS”) regulations at 8 CFR 211.1 establish conditions under which an arriving lawful permanent resident may return to an unrelinquished lawful permanent residence in the United States without an immigrant visa. For example, an immigrant who has been out of the United States for less than one year may enter with a Permanent Resident Card (Form I-551). An alien who has been out of the United States for more than one year, and who does not satisfy any of the other conditions, must present a valid, unexpired immigrant visa, 8 CFR 211.1(a)(1), issued pursuant to INA § 101(a)(27)(A), 8 U.S.C. § 1101(a)(27)(A), in accordance with the regulatory requirements in 22 CFR 42.22.

This collection is necessary for consular officers to determine the eligibility of an alien for special immigrant classification as a returning resident. In order to qualify for a special immigrant visa for this purpose, the applicant must provide the reasons he or she was unable to return to the United States, and therefore lost permanent resident status. A consular officer is unable to approve such immigrant visa status without collecting this information.

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

Consular officers use Form DS-117 (Application to Determine Returning Resident Status) in conjunction with a personal interview, to elicit information necessary to determine a returning resident’s eligibility for a special immigrant visa. Consular officers currently use

the form as an indispensable part of adjudicating approximately 4,400 applications for returning resident status each year.

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

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

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

The information collected on this form is not otherwise available to consular officers.

5. *Describe any impacts on small business.*

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

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

The information collected on Form DS-117 is essential for determining whether an applicant is eligible for returning resident status. Absent this collection, a consular officer could not fully assess whether the applicant is eligible for returning resident status based on the circumstances that led them to remain outside the United States.

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 July 2, 2019 (84 FR 31655) soliciting public comments within a 60-day period. The Department received one nonresponsive comment on this publication.

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, 8 U.S.C. § 1202(f), information obtained from applicants in the immigrant visa process is considered confidential and may be used under in circumstances described in 8 U.S.C. § 1202(f), including 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 DS-117 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 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). Based on an average hourly wage of \$24.98,¹ the hour cost burden for this collection is \$54,956 (\$24.98 x 2,200 hours).

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

If applicants choose to print this form and submit a physical copy, printing two pages in black and white costs approximately 5 cents per page. As a result, this collection will cost approximately \$440 in total (4,400 applicants x \$0.10).

14. Describe the cost incurred by the federal government to complete this collection.

The Department estimates that this information collection costs the Federal Government \$130,856 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, it will require 1,100 hours of locally employed staff time and 73 hours of consular officer time to process the form annually. The Bureau of Consular Affairs calculates that the average global hourly cost for locally employed staff using the FY 2016 Cost of Service Model (CoSM), which includes overhead, is \$110.² This yields a processing time cost of \$27.50 per application. Based on the Consular Schedule of Fees (2013 CoSM), the hourly cost of a Foreign Service Officer is \$135.00. This yields a processing time cost of \$2.24 per application. The total cost per application is \$29.74. Thus, we estimate the annual cost to the Federal Government to process the form is \$130,856 per year (4,400 x \$29.74).

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

There has been one adjustment made to this collection in the form's oath and signature line. This change allows for applicants to submit this form electronically via email to the consular section ahead of scheduled interview appointments.

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

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 2018. The link to the site is [here](#).

¹ Source: Data from the U.S. Bureau of Labor Statistics' May 2018 National Occupational Employment and Wage Estimates for all occupations (<http://www.bls.gov/oes>). Retrieved April 1, 2019.

² 22 CFR § 22.1 Schedule of Fees for Consular Services (2016).

17. If applicable, explain the reason(s) for seeking approval to not 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.

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.