

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

## **Adoptive Family Relief Act Refund Application DS-7781**

### **A. JUSTIFICATION**

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

The Adoptive Family Relief Act (Public Law 114-70 (October 16, 2015) amended the Immigration and Nationality Act (INA) to declare that if an immigrant visa was issued on or after March 27, 2013, for a child who has been lawfully adopted, or who is coming to the United States to be adopted, by a U.S. citizen, any statutory immigrant visa fees relating to a renewal or replacement of such visa may be waived or refunded if the child was unable to use the original immigrant visa during the period of its validity as a direct result of extraordinary circumstances, including the denial of an exit permit; and if such inability was attributable to factors beyond the control of the adopting parent or parents.

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

The Department of State will utilize the Adoptive Family Relief Act Refund Application to elicit information necessary to ascertain the applicability of the legal requirements identified in Section 1 for purposes of obtaining a refund. The information requested on the form is limited to that which is necessary to provide this refund.

*3. Is this collection able to be completed electronically?*

Applicants can download and complete the fillable PDF form located on [eforms.state.gov](http://eforms.state.gov), print, and deliver to the consulate/embassy where the original adoption case was processed. A full list of U.S. diplomatic missions can be found at <http://www.usembassy.gov/>.

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

The Adoptive Family Relief Act Refund Application form is used to collect specific information required to locate and confirm visa records and payment history. 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 Adoptive Family Relief Act Refund Application is essential for administering the Adoptive Family Relief Act. An applicant fills out the form once in order to provide information essential to obtaining a refund.

7. *Are there any special collection circumstances?*

There are no circumstances that would cause this information collection to be conducted in a manner inconsistent with guidelines.

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

The Department of State (Office of the Comptroller, Bureau of Consular Affairs) submitted a 60-day notice to the Federal Register, which was published on September 6, 2019, 84 FR 47032. The Department received one public comment in response to the 60-day notice. The commenter said they believe that fees being charged to U.S. citizen adoptive families are too high. This collection, however, allows for the waiver or refund of immigrant visa fees related to adoption in accordance with the Adoptive Family Relief Act. The fees discussed in the comment are set by USCIS, and the Department cannot address the fees USCIS charges for its services. Additionally, the immigrant visa fee collected by the Department is set at the cost of providing the service. Current consular fees can be found in 22 CFR 22.1. The Department generally sets and collects fees for consular services based on the concept of full cost recovery to the U.S. government. The Department uses an Activity-Based Costing (ABC) methodology to calculate the cost of providing consular services.

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

Based on the information on this form, if the respondent qualifies for a visa fee refund under Public Law 114-70, they will receive payment via check for the amount previously paid.

10. *Describe assurances of privacy/confidentiality*

The Department of State solicits information pursuant to the authority granted to the Secretary of State by Section 221 of the INA (8 U.S.C. § 1201), as amended by Public Law 114-70, The Adoptive Family Relief Act, and the authority granted by regulations issued pursuant to 22 CFR part 42. In accordance with Section 222(f) of the INA (8 U.S.C. § 1202(f)), visa records are considered confidential and are to be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, or other laws of the United States. Certified copies of visa records 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 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*

Based on the current pool of respondents soliciting a refund, approximately 20 respondents will complete this form this year. The information collected relates to the petitioner's information, application history, and information concerning previous application fees. It takes approximately 5 minutes to find and record this information. Therefore, the annual hour burden to respondents is estimated to be 1.6 hours (20 respondents x 5 minutes).

According to the U.S. Department of Labor, Bureau of Labor Statistics<sup>1</sup>, the weighted average hourly wage of all employees (chosen because the respondent could be from any occupation) is estimated to be \$24.98 per hour. Therefore, the estimated annual cost to respondents is \$39.97 (1.6 annual burden hours x \$24.98).

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

Most applicants will print and mail the application to the relevant embassy or consulate. The current cost to print a one page document at Staples is \$0.11.<sup>2</sup> The current cost to send a first-class letter internationally is \$1.15.<sup>3</sup> The Department estimates that the majority of respondents submit their application to their local USPS for processing, which is estimated to be an average distance of three miles one way and six miles round trip. To determine the travel cost to the respondent, the Department is factoring in the General Services Administration (GSA) reimbursement rate of \$0.58 per mile for privately owned vehicles (POV).<sup>4</sup>

Therefore, the total additional costs to respondents is:

20 Printed Pages	X	\$0.11	=	\$2.20
20 International Stamps	X	\$1.15/stamp	=	\$23
20 x 6 Miles (120 Total Miles)	X	\$0.58/mile	=	\$69.60
<b>Total Additional Costs</b>			=	<b>\$94.80</b>

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

The Department of State estimates that this information collection costs the Federal Government \$758. It takes approximately three minutes for locally employed (LE) staff to process the form and one minute for a consular officer to review it. Since 20 respondents each year will complete the form, one hour of LE staff time and 20 minutes of consular officer time will be dedicated to processing the form annually. The Bureau of Consular Affairs calculates that the average global hourly cost for LE staff including overhead is \$109.52. This yields a LE staff processing time cost of \$109.52. Based on the Department's Schedule of Fees for Consular Services, the hourly cost of a Foreign Service Officer is \$135<sup>5</sup>. This yields a consular officer processing time cost of \$45 (\$135/hour X

<sup>1</sup> Source: "BLS May 2018 National Occupational Employment and Wage Estimates – All Occupations Mean Wage," [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)

<sup>2</sup> Source: Staples, "Print and Marketing Services," <https://www.staples.com/sbd/content/copyandprint/copiesanddocuments.html>

<sup>3</sup> Source: "United States Postal Service – First Class Mail International," <https://www.usps.com/international/first-class-mail-international.htm>

<sup>4</sup> Source: General Services Administration, "Privately Owned Vehicles (POV) Mileage Reimbursement Rates," <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates/privately-owned-vehicle-pov-mileage-reimbursement-rates>

<sup>5</sup> Source: "Schedule of Fees for Consular Services," (22 CFR 22.1) [https://www.ecfr.gov/cgi-bin/text-idx?SID=2de7f87475f274ce9a40cf7774a6c738&mc=true&node=se22.1.22\\_11&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=2de7f87475f274ce9a40cf7774a6c738&mc=true&node=se22.1.22_11&rgn=div8)

0.333 hours). We estimate the annual cost to process the form is \$154 per year (\$109.52 + \$45). It will cost approximately \$604<sup>6</sup> (\$151 per column x four columns) to publish the 60-day notice in the Federal Register – that cost is included in the overall burden to the U.S government.

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

This is an extension of a current collection. We expect workload to be much lower than when the Department first implemented this form. The majority of people eligible for a waiver or refund of immigrant visa fees, in accordance with the guidelines of the Adoptive Family Relief Act, have already submitted a DS-7781, and their refunds have been processed.

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

The data gathered by this collection will not be published.

*17. If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.*

The Department will display the OMB approval number and expiration date.

*18. Explain any exceptions to the OMB certification statement below.*

The Department is not seeking exceptions to the certification statement.

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

This collection does not employ statistical methods.

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<sup>6</sup> Source: Government Printing Office, “Circular Letter No. 1003, March 28, 2018,” <https://www.gpo.gov/how-to-work-with-us/agency/circular-letters/new-federal-register-publishing-rates>