

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

### ***Certificate of Eligibility for Exchange Visitor Status (J-Nonimmigrant), OMB # 1405- 0119, Form DS-2019***

#### **A. JUSTIFICATION**

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

The Bureau of Educational and Cultural Affairs of the U.S. Department of State (DoS) administers the Exchange Visitor Program (J-Visa) under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (MECEA), as amended (Public Law 87-256, 22 U.S.C. 2451 *et seq.*). This program enables U.S. Government agencies and public and private organizations to administer and conduct a variety of educational and cultural exchange activities.

The Form DS-2019 is the document that provides the information needed to identify an individual seeking to enter the U.S. as an Exchange Visitor in J-visa status. The Form DS-2019 is a Certificate of Eligibility for Exchange Visitor Status (J-Nonimmigrant). This form is used by potential Exchange Visitor Program participants to request J-visas at U.S. Embassies and Consulates abroad. See Title 8, Section 101(a)(15)(J) of the Immigration and Nationality Act; 22 CFR Part 62; and the Mutual Educational and Cultural Exchange Act.

This collection of information utilizes one form: Form DS-2019 – The Certificate of Eligibility for Exchange Visitor Status (J-Nonimmigrant).

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

An Exchange Visitor Program sponsor must complete the Form DS-2019. When completed, the form is sent to the prospective exchange visitor abroad who takes it to the U.S. Embassy/Consulate to secure an Exchange Visitor (J-Nonimmigrant) visa. The completed form gives some of the information collected by the SEVIS system that the consular official needs in order to determine whether the individual should be granted a J-visa to enter the United States as an exchange visitor. The Form DS-2019 also may be used to facilitate entry of an exchange visitor's alien spouse or minor unmarried children into the United States. Information collected through the Form DS-2019 is also used by the U.S. Department of State for exchange visitor program administration purposes.

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

The Department has incorporated the data fields from Form DS-2019 into the form produced electronically through the Student and Exchange Visitor Information System (SEVIS). SEVIS, which is administered by the Department of Homeland Security (DHS) to meet the legislative mandate established by Subtitle D, Section 641 of the Illegal Immigration Reform

and Immigrant Responsibility Act of 1996 (IIRIRA) (P.L. 104-208), was developed and made operational in 2002 to collect and submit information on non-immigrants entering the United States on F, J, and M visas. Mandatory national implementation of the system began in 2003.

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

DHS guidance requires sponsors to provide original signatures, in blue ink, on each Form DS-2019. Form DS-2019 is completed online. This serves as a notification and tracking system for each exchange visitor and, where applicable, any accompanying spouse and dependents. Once submitted online, a paper copy of the form is printed from SEVIS, signed by the Responsible Officer or Alternate Responsible Officer and sent to the exchange visitor. This form enables the prospective participant, and accompanying spouse and dependents, if applicable, to apply for a visa at a U.S. Embassy or Consulate. In a few years, when SEVIS is equipped to collect electronic signatures on official documents, this process will move to a completely electronic, paperless format. There is one form per exchange visitor. There is no duplication. This information is not otherwise available

*5. Describe any impacts on small business.*

This collection does not have significant economic impact on a substantial number of small businesses or other small entities.

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

If the collection of information is not conducted or conducted less frequently, the Department would be unable to provide the requested information to Congress and other interested parties. Less frequent collection of the information could affect the reliability of the information on record and could affect the period of time that a sponsor has sponsorship responsibility for an exchange visitor. While most Forms DS-2019 are written to be valid for a period of one year or less, there are circumstances where a Form DS-2019 may result in the issuance of a visa that would be valid for several years in the case of some exchange visitors. If a sponsor does not wish to assume sponsorship responsibility for an individual beyond a single year, that sponsor may limit the period of program to a single year. If at the end of the first year, the sponsor wishes to extend an individual (and spouse and dependents, where applicable) for a second year, the sponsor may extend the period of program for a second year or for several more years, dependent on the regulations governing the category of exchange under which the exchange visitor entered the United States. If the collection of information were not conducted, the Department could not administer the Exchange Visitor Program effectively.

*7. Are there any special collection circumstances?*

There are no special circumstances. The collection of information indicated on the Form DS-2019 is a one-time procedure for each individual exchange visitor.

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

The Department published a 60-day notice in the *Federal Register* on August 14, 2020 (85 FR 49713) to solicit public comments. No comments were received. The Department will publish a notice in the Federal Register soliciting public comments for a period of 30 days.

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

Respondents are not provided with any gifts or payments.

*10. Describe assurances of privacy/confidentiality.*

There is no assurance of confidentiality provided other than that contained in applicable statutes such as the Privacy Act.

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

There are no questions of a sensitive nature included in the data required on the Form DS-2019.

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

The number of responses for Form DS-2019 is estimated at 325,000 annually. The respondents complete a form for each prospective exchange visitor (and related forms for spouse and dependents, where applicable). This Form DS-2019 takes approximately 45 minutes to complete. The result is an estimated burden hour of 243,750 (325,000 x 45 minutes). The average hourly weighted wage for sponsor employees (respondents) is \$31.50 according to the Bureau of Labor Statistics for educational services employees in non-profit and for-profit organizations, the sector in which J-visa sponsors work (See reference below)<sup>1</sup>. Total hour cost burden is thus 325,000 exchange visitors (and related forms for spouse and dependents) x \$23.63 (\$31.50 x .75), or \$7,679,750. There is no increase from the previous submission, as these are the newest Bureau of Labor Statistics data for the hourly wages of education services workers in for profit and non-profit organizations.

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

There is no cost to respondents.

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

Based on the results of an independent fee study, fees of \$3,982 are assessed on program sponsors to obtain designation or re-designation every two years to pay the costs associated with administering the Exchange Visitor Program. The annualized cost to the Federal Government is covered by these fees, all of which are collected in advance of the sponsor's use of the DS-2019 form. As Form DS-2019 is completed by sponsors, there are negligible costs to the Federal Government for this collection. Costs for equipment, overhead, printing

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<sup>1</sup> <https://www.bls.gov/opub/mlr/2016/article/nonprofit-pay-and-benefits.htm>

or other costs associated with the processing of this information collection are also expected to be negligible.

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

The number of designated exchange visitor sponsors has remained the same, around 1,500. There are no changes made to Form DS-2019 except for minor rewording in the section on 212(e) entitled Signature of Sponsor Responsible Officer and Alternate Responsible Officer, which does not increase cost or burden. This change does not impact the hour burden of the collection.

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

The Department will not publish the information collected.

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

The Department will display the OMB expiration date.

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

The Department is not seeking any exceptions to the certification.

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

This collection does not employ statistical methods.