

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

## **Supplemental SIV Chief of Mission Application OMB 1405-0134**

### **DS-157**

#### **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 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 Section 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-157 (Supplemental SIV Chief of Mission Application) in order to facilitate the Chief of Mission approval process required for special immigrant visa (SIV) applicants under the AAPA. The information requested on the form is requested to facilitate the Chief of Mission's consideration of SIV applicants. The DS-157 is only being used for the Chief of Mission approval process. As a result, SIV applicants who receive Chief of

Mission approval are then also required to submit the DS-260 in order to complete visa processing.

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

The DS-157 is available electronically in PDF format on [Travel.State.Gov](http://Travel.State.Gov).

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

There is some biographical information collected by the DS-157 that is duplicated on the Immigrant Visa Electronic Application, Form DS-260, which the applicant must later complete if the Chief of Mission recommends approval after reviewing an applicant's DS-157. The Department has reviewed this information collection and determined there is no unnecessary duplication. All information collected is necessary for the Chief of Mission evaluation process.

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 the Chief of Mission to evaluate whether an Afghan SIV applicant under Section 602(b)(1) of the AAPA has qualifying employment for the required period of time and has provided faithful and valuable service to the United States. An applicant fills out the form one time per application for Chief of Mission approval; 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 Chief of Mission approval.

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 11/23/2020 soliciting public comments for a period of 60 days and received three total comments, one unsupportive and critical of visa processes unrelated to this collection, and two requesting the information collection instrument: one from the International Refugee Assistance Project (IRAP) and one from the American Immigration Lawyers Association, which the Department provided. IRAP

subsequently asked for clarification as to whether any changes were being made to this information collection. The Department responded that we are not seeking any changes to this collection at this time.

The Department intends to publish a subsequent notice in the *Federal Register* allowing for an additional 30 days of public comment, in accordance with the requirements of the Paperwork Reduction Act of 1995.

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 AIPA. In order to determine the applicant's eligibility for a special immigrant visa, the application form asks for information such as the alien's travel history and previous employment. 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.*

All applicants are required to obtain Chief of Mission approval for purposes of applying for a SIV and must complete the DS-157. For fiscal year 2021, the Department estimates that 4,344 applicants will submit the DS-157. The information collected by the DS-157 relates to the applicant's personal biographic data and personal 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 4,344 hours

(4,344 applicants x 1 hour). Based on the U.S. hourly wage of \$25.72<sup>1</sup>, the weighted wage hour cost burden for this collection is approximately \$167,591.52 (1 hour x \$25.72 hour wage x 1.5 weighted wage multiplier x 4,344 respondents = \$167,591.52).

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

The DS-157 is filed by email. There is no cost burden to respondents completing the DS- 157.

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

The cost to the government for review of each case is \$42.81. This cost is determined by averaging the current hourly rates of the seven contract employees within the SIV unit at the National Visa Center and multiplying this average wage by the average adjudication time. There is one General Clerk III and six Data Entry Operator II in the section and their current burdened rates are \$32.54 and \$28.04 respectively. The average hourly rate divided evenly across all seven employees within the section is \$28.54. Based on the average adjudication time of 90 minutes per case, \$42.81, and assuming 4,344 cases are reviewed each year based on prior year actuals, the total cost is \$185,966.64 (4,344 cases x \$42.81 per case).

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

As a part of this renewal the Department reviewed this information collection and is not seeking any changes to it at this time. The Department is satisfied that the DS-157 collects all information necessary to make a Chief of Mission determination for SIV applicants in its current form.

The Department also reviewed the burden for this collection and found it was lower than previously estimated. This is likely due to the difference in the number of total SIVs issued, which includes derivative visa recipients such as spouses and children, and the number of primary SIV applicants that are required to submit Chief of Mission applications.

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

A quantitative summary of all Department of State visa activities is published in the annual Report of the Visa Office.

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<sup>1</sup> Data from the U.S. Bureau of Labor Statistics' May 2019 National Occupational Employment and Wage Estimates for all occupations ([https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)). Retrieved November 5, 2020.

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.