

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Application for Immigrant Visa and Alien Registration
OMB Number 1405-0185
DS-260, DS-230

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. § 1101 *et seq.*, mandates the application and eligibility requirements for noncitizens seeking to obtain an immigrant visa and alien registration. INA section 221(a) (8 U.S.C. § 1201(a)) provides that a consular officer may issue an immigrant visa to an individual who has made a proper application.

INA section 222(a) (8 U.S.C. § 1202(a)) specifically requires that an applicant provide the following information in an application for an immigrant visa: full and true name; any other names he/she has used or by which he/she has been known; age; sex; date of birth; place of birth; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

INA section 222(b) (8 U.S.C. § 1202(b)) further identifies other documentary evidence needed to obtain an immigrant visa. Every individual applying for an immigrant visa shall furnish to the consular officer, with his/her application, a copy of certification from appropriate police authorities as to what their records show concerning the applicant, prison records, military records, and record of birth, as well as any other documentation that the consular officer may require.

INA section 221(b) (8 U.S.C. § 1201(b)) requires that a photograph accompany the application.

INA section 222(e) (8 U.S.C. § 1202) requires that an applicant sign the application in the presence of the consular officer under oath.

Grounds for the ineligibility of certain individuals to receive a visa or to be admitted to the United States are detailed in INA section 212(a) (8 U.S.C. § 1182(a)), INA section 208(d)(6) (8 U.S.C. § 1158(d)(6)), and other statutes. Among the grounds of ineligibility are those related to the health of the applicant, the applicant's past and present criminal activities, security concerns, potential for the applicant to become a public charge, and previous violations of the INA by the applicant. In the visa application form, applicants are asked to indicate whether any of the various inadmissibility grounds may apply to them.

Department of State regulations pertaining to immigrant visas are published in 22 CFR Part 42. The regulations pertaining to the filing of the online DS-260, [Electronic Application for Immigrant Visa and Alien Registration](#), and the paper-based DS-230, Application for Immigrant Visa and Alien Registration, are located at 22 CFR 42.63.

In 2007, the Department of Homeland Security (DHS) announced the Cuban Family Reunification Parole (CFRP) Program in furtherance of the U.S.-Cuba Migration Accords. See

72 Fed. Reg. 65588 (Nov. 21, 2007). As a part of this process, DHS will only grant discretionary parole to individual applicants when, among other criteria, an applicant meets the eligibility criteria for an immigrant visa. See USCIS, The Cuban Family Reunification Parole Program, available at <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-family-reunification-parole-program>.

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

Department of State consular officers use forms DS-260 (Electronic Application for Immigrant Visa and Alien Registration) and DS-230 (Application for Immigrant Visa and Alien Registration), in conjunction with a personal interview, to elicit information necessary to fulfill the legal requirements for the issuance of an immigrant visa. The information required on the form is limited to what is necessary for the consular officer to determine the eligibility and classification of an individual seeking an immigrant visa to the United States. A consular officer cannot approve such a visa without collecting this information.

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

Applicants electronically fill out and submit the DS-260 online via the Consular Electronic Application Center at <http://www.travel.state.gov>. The Department employs industry standard encryption technology to maintain a secure connection during the online application process. Once the application is complete and the applicant has verified the answers provided, the applicant will electronically sign and submit the application. The applicant may print a copy of the application for record keeping purposes, but no paper copy of the application is separately submitted to the Department. The applicant will present to the consular officer a paper application confirmation page which will contain a record locator in the form of a barcode. The consular officer will scan the barcode to retrieve the electronic record of the application from the database. The electronic form will provide consular officers information needed to determine the eligibility of the applicant for a visa and will significantly reduce the need to solicit information during the applicant's interview. The electronic submission of the application to the Department will allow the information to be reviewed prior to an interview. The consular officer obtains the applicant's sworn affirmation and biometric signature at the time of the interview.

The Department retains the paper-based DS-230 principally for the CFRP. The CFRP is a type of Special Public Benefit Parole, granted to certain Cuban citizens residing in Cuba, by U. S. Citizenship and Immigration Services (USCIS). USCIS will review the evidence provided by the petitioner with the CFRP application. If the application appears approvable, it will be forwarded to an appropriate post by the National Visa Center (NVC). Applicants will complete the DS-230 and submit it to a designated post. Internet connectivity in Cuba is limited and therefore electronic collection is not ideal for this program. A consular officer will interview the beneficiary to determine whether the applicant is eligible for an immigrant visa, as required for the parole program.

In addition, the Department may authorize immigrant visa applicants to complete the DS-230 in lieu of the DS-260 under rare circumstances when the DS-260 is unavailable.

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

This collection is not duplicative of another existing collection.

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?

This information collection is essential for determining whether an applicant is eligible for an immigrant visa. An applicant completes the form once per visa application. It is not possible to collect the information less frequently, as consular officers need up-to-date information to determine whether an applicant is eligible to receive a visa.

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 September 9, 2021, soliciting public comments for a period of 60 days in accordance with the requirements set by the Paperwork Reduction Act. The Department received one comment on the collection. The comment was related to technical issues and made no suggestions on improvement.

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 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.

The same safeguards and confidentiality provisions that protect information in a visa application that is received by the United States will remain in effect for social media platforms and identifier information. The collection of social media platforms and identifiers will not be used to deny visas based on applicants' race, religion, ethnicity, national origin, political views, gender, or sexual orientation. Consular officers will not request user passwords and will not attempt to subvert any privacy controls the applicants may have implemented on these platforms. As noted above, such information once collected is confidential under INA section 222(f), 8 U.S.C. § 1202(f).

11. Are any questions of a sensitive nature asked?

The questions in the collection are designed to elicit the information necessary to determine whether an applicant is eligible for an immigrant visa under the INA, 8 U.S.C. § 1101 *et seq.* Consular officers may not issue a visa to noncitizens who are ineligible under applicable provisions of INA section 212, 8 U.S.C. § 1182, or any other provision of law, unless where authorized under the INA or the Department of Homeland Security grants a waiver. To adjudicate visa eligibility, the application form specifically asks for biographical information on

a variety of issues, including information concerning the noncitizen's health, criminal offenses, narcotics addiction, political affiliation with subversive organizations and participation in genocide or terrorist activities. In addition, questions concerning the applicant's marital status, employment, social media use, and financial support are necessary to identify the applicant and to assist in determining eligibility for an immigrant visa. As noted in paragraph 10 above, such information is confidential under INA section 222(f), 8 U.S.C. § 1202(f).

The Department recognizes the sensitivity of social media information for some visa applicants. Consular officers are already directed not to engage or interact with individual visa applicants on or through social media when conducting assessments of visa eligibility; not to violate or attempt to violate individual privacy settings and platform terms of service; and to adhere to Department guidance limiting use of social media and assessments of an individual's social media presence. Consular officers will be mindful that, unlike some other forms of personal information required from visa applicants, social media identifiers may afford the user anonymity. Consular staff will be directed in connection with this collection to take particular care to avoid collection of third-party information.

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

The Department estimates that 730,000 applicants annually will complete this collection. The Department estimates that each applicant will spend 155 minutes to complete this collection. Therefore, the Department of State estimates that the annual hour burden to visa applicants posed by the collection is approximately 1,885,833.33 hours (730,000 applicants x 155 minutes). The weighted wage hour cost burden for this collection is \$76,574,262.36 based on the calculation of \$27.07¹ (average hourly wage) x 1.5 (weighted wage multiplier) x 1,885,833.33 = 76,574,262.36.

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

The applicant must submit a digital photo, which may result in a cost. Based on a survey of various overseas embassies, the Department estimates that the average cost to a noncitizen of obtaining a digital photograph will be five dollars. We therefore estimate that the total cost burden for the collection is \$3,650,000 (\$5 x 730,000 applicants).

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

The annual cost burden to the federal government for the DS-260 in fiscal year 2019 is approximately \$196,782,000. This estimate is based on the Consular Affairs fiscal year 2018 update to the Cost-of-Service Model, which calculates the cost to the U.S. government of providing consular services including visas. This estimate includes all immigrant visa types that use the DS-260. The application fees, which vary based on the immigrant visa category, generally are computed to recover the costs associated with immigrant visas.

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

¹ Source: Data from the U.S. Bureau of Labor Statistics' May 2020 National Occupational Employment and Wage Estimates for all occupations (https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

The DS-230 is being updated to collect the five years of phone numbers and social media identifiers already requested by the DS-260, and the time burden estimate for completing the DS-230 is being updated accordingly. We have also removed some duplicate questions that appeared multiple times under the screening questions of the DS-230.

The Department is not seeking any changes to the DS-260.

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

The data gathered 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 2020. The link to the site is: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html>.

17. If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date. Otherwise, write “The Department will display the OMB expiration date.”

The Department of State will display the expiration date for OMB approval on the information collection.

18. Explain any exceptions to the OMB certification statement below. If there are no exceptions, write “The Department is not seeking exceptions to the certification statement”.

The Department of State is not requesting any exceptions to the certification statement requirements.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.