

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

## **Electronic Choice of Address and Agent OMB Number 1405-0186 DS-261**

### **A. JUSTIFICATION**

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

Sections 221 and 222 of the Immigration and Nationality Act (“INA”), 8 U.S.C §1201 and 1202, prescribe the eligibility requirements for noncitizens seeking to obtain an immigrant visa and alien registration and requires the submission of an immigrant visa application. The immigrant visa applicant must first be a beneficiary of an approved immigrant visa petition filed with the Department of Homeland Security by the applicant’s U.S. citizen relative, U.S. legal permanent resident relative, or a U.S. employer. Once a petition has been approved, it is forwarded to the Department of State for overseas processing and visa issuance.

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

The National Visa Center (NVC) receives approved petitions from the Department of Homeland Security (DHS) for immigrant visa applicants who will receive their immigrant visa interview overseas. NVC conducts pre-processing on all immigrant visa petitions received from DHS. This includes form, fee, and document collection. NVC begins the pre-processing prior to visa availability that is announced in the Visa Bulletin. Once a case is ready to begin processing, NVC will send the beneficiary instructions explaining how the beneficiary can access the DS-261, Electronic Choice of Address and Agent form. The DS-261 allows the beneficiary to provide his or her preferred email for receiving communications from NVC. The beneficiary may also choose to appoint an agent to receive communications from NVC to assist in the application process. The beneficiary is not required to choose an agent and may elect to receive all communications from NVC directly. The applicant may also indicate that they no longer wish to apply for an immigrant visa or that they have already legally immigrated to the United States and do not need to apply for an immigrant visa. The completion of the DS-261 is essential in determining what, if any, further action NVC needs to take regarding the approved petition.

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

An instruction letter will be mailed to the beneficiary of an approved immigrant visa petition once NVC has determined that the case is current and active for processing. The letter will instruct the beneficiary on how to access the DS-261 through the Department’s secure Consular Electronic Application Center (CEAC). The beneficiary will complete the form online and submit the form electronically to the Department.

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

The information collected from the beneficiary is not otherwise available. The information collected is necessary in determining what further action is necessary concerning the beneficiary's case.

5. *Describe any impacts on small business.*

This information collection does not impact small business or small entities

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

NVC would be unable to efficiently process immigrant visa application without utilizing this information collection. The information collected on this form is not otherwise available and cannot be conducted less frequently.

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 60-day notice in the Federal Register on 6/15/2021 soliciting public comments about this collection and received no comments in response.

The Department will publish a second notice in the Federal Register soliciting public comments on this collection for a period of 30 days in accordance with the requirements of the Paperwork Reduction Act.

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 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. INA section 222(f), 8 U.S.C. § 1202(f), also contains exceptions for providing such confidential information, in limited circumstances, to a court or a foreign government in the Secretary of State's discretion

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

No information of a sensitive nature is collected on this form.

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

The Department expects that approximately 11,000 respondents will complete the DS-261 during fiscal year 2021. It is estimated that an applicant will spend approximately ten minutes filling out the application. Therefore, the annual hour burden to respondents is estimated to be 1,833 hours (11,000 applications x ten minutes).

Based on an average hourly wage of \$25.72,<sup>1</sup> the weighted wage hour cost burden for this collection is \$70,717. This is based on the calculation of \$25.72 (average hourly wage) x 1.5 (weighted wage multiplier) x 1,833 hours = \$70,717.

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

There is no monetary burden to the applicant.

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

The annual cost to the United States government for processing the Choice of Address and Agent form is accounted for in the collection for form DS-260 (OMB Control Number 1405-0185). The Department is unable to separate the costs for the DS-261, as it relates to the immigrant visa process.

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

The number of respondents has been adjusted in line with National Visa Center (NVC) data from the most recent FY, reflecting a decrease in this form's use as IV applications move to the electronic/PIVOT process at NVC. The DS-261 is not used in the electronic/PIVOT process. As a result of this adjustment, the hour burden has also decreased.

*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 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 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 is not requesting any exceptions to the certification statement requirements.

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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)).

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

This collection does not employ statistical methods.