

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

## **Petition to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad, or the Surviving Spouse or Child of an Employee or Former Employee of the U.S. Government Abroad**

**OMB Number 1405-0082  
DS-1884**

### **A. JUSTIFICATION**

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

The Emergency Security Supplemental Appropriations Act, 2021 (“ESSAA”) (Public Law 117-31) was signed into law on July 31, 2021, amending section 101(a)(27)(D) to add a new subparagraph (ii) that extends eligibility for special immigrant status to the surviving spouse and children of an employee of the United States government abroad, provided the employee performed faithful service for not less than 15 years or was killed in the line of duty regardless of years of service. Pursuant to INA section 204(a)(1)(G)(ii), applicants seeking classification under INA 203(b)(4) to obtain special immigrant status under INA section 101(a)(27)(D) must file a petition with the Secretary of State by submitting Form DS-1884. The current Form DS-1884 was designed to collect information from living employees applying for special immigrant status pursuant to INA section 101(a)(27)(D)(i). Form DS-1884 must be amended to collect information about the surviving spouse and children of deceased employees, who can now qualify for SIV status as principal applicants.

Revisions to the Form DS-1884 are urgent, as some of the impacted surviving family member applicants of deceased employees face ongoing harassment and risk to their personal safety as a result of the deceased U.S. government employee’s service. In addition, there are surviving children who risk aging out of eligibility if the updated DS-1884 form remains unavailable.

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

The information collected in the Form DS-1884 will inform the Department of State’s decision to classify an individual a special immigrant under INA section 203(b)(4) so that the individual may apply for a special immigrant visa pursuant to INA section 101(a)(27)(D)(ii). The information requested on the form is limited to that which is necessary for the Department to process the petition for a special immigrant visa.

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

This form can be obtained from posts abroad in person or through the Department's travel.state.gov website. The form available through travel.state.gov allows the applicant to complete the form online and then submit it to post either electronically or in person.

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

The information collected on this form is not otherwise available to the Department and is necessary to process the petition.

*3. Describe any impacts on small business.*

This information collection does not involve small business or other small entities.

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

The Department will be unable to process petitions of persons who are newly eligible for special immigrant status without the information collected on this form.

*5. Are there any special collection circumstances?*

No special circumstances exist.

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

The Department has requested emergency approval to amend the DS-1884 to include additional questions and to allow the DS-1884 to be used by the surviving spouse and/child(ren) of a deceased U.S. government employee overseas with a minimum of 15 years of faithful service, or who was killed in the line of duty. Upon approval of these changes, the Department will commence a regular Paperwork Reduction Act process and publish a 60-day Federal Notice seeking public feedback.

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

No payment or gift is provided to respondents.

*8. Describe assurances of privacy/confidentiality*

In accordance with Section 222(f) of the INA (8 U.S.C. 1202(f)), information pertaining the issuance or refusal of visas or permits to enter the United States is considered confidential and is to be used only for limited enumerated purposes, including 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 a foreign government in certain circumstances.

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

The form does not seek personal information of a sensitive nature.

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

Department expects that approximately 600 respondents will complete the DS-1884 during fiscal year 2022. This estimate is based on the number of respondents from the last three

fiscal years (586 for FY 2018, 590 for FY 2019, and 580 for FY 2020), and the addition of anticipated uses by surviving family members given statistics on the number of U.S. government employees recently killed in the line of duty. 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 100 hours (600 applications x ten minutes). Based on an average hourly wage of \$27.07<sup>1</sup>, the weighted wage hour cost burden for this collection is \$4,060.50. This is based on the calculation of \$27.07 (average hourly wage) x 1.5 (weighted wage multiplier) x 100 hours = \$4,060.50.

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

There is no out of pocket cost associated with submission of this collection. If the petition is approved the individual will be required to pay an immigrant visa fee.

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

The Department estimates that this information collection costs the Federal Government \$10,952 annually. It takes approximately 10 minutes to process the form. Therefore, approximately 100 hours annually will be dedicated to processing the form. According to budget data submitted by foreign posts, the fully burdened hourly rate of a visa clerk is \$109.52. Therefore, we estimate the annual cost to process the form is \$10,952 per year (100 hours x \$109.52 = \$10,952).

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

The number of respondents, the annual hourly burden and the cost to the government reflect in Questions 12 and 14 above has increased slightly to reflect the estimated number of surviving spouse and/or child(ren) the Department anticipates will submit petitions each fiscal year.

In order to accommodate the surviving spouse and/or children petitioned the DS-1884 has been amended as follow:

	<i>Previous DS-1884</i>	<i>Revised DS-1884</i>	<i>Justification</i>
	Petition to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad	Petitioner to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad, or the Surviving Spouse or	Revised to reflect the new respondent population.

<sup>1</sup> 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#23-0000](https://www.bls.gov/oes/current/oes_nat.htm#23-0000)). Retrieved Jan 4, 2021.

		Child of an Employee (or Former Employee) of the U.S. Government Abroad	
	Not Applicable	Type or Print Your Answers in the Space Below. Only provide information for the deceased principal applicant when specifically instructed.	This instruction was added to clarify when a surviving spouse/child petition should provide information related to the deceased employee.
	Name (Last, First, Middle)	<ol style="list-style-type: none"> <li>1. Last Name(s) (List all spellings)</li> <li>2. First Name(s) (list all spellings)</li> <li>3. Middle Name(s) (List all spellings)</li> </ol>	This block has been revised to mirror other petition forms the Department uses.
	Date of Birth of the Applicant	Date of Birth (mm-dd-yyyy)	This block has been revised to mirror other petition forms the Department uses.
	Place of Birth of the Applicant	Place of Birth (City, State/Province, Country)	This block was revised to mirror other Department visa/petition forms.
		<p>Are you applying at the surviving spouse or child of a deceased employee?</p> <p>Yes</p> <p>No</p> <p><i>If yes, provide the following information for the deceased employee (4a – 4c)</i></p>	This block is new. The purpose of this block is collect information on the deceased U.S. government employee.

		<p>4a. Full Name (Last Name(s), First Name(s) (list all spellings)</p> <p>4b, Date of Birth (mm-dd-yyyy)</p> <p>4c. Place of Birth (City, State/Province, Country)</p>	
	Total Number of Years of Employment by United States Government Abroad	Employment History of U.S. Government Employee	This block has been revised to clarify that employment history questions on the form relate to the U.S. government employee and not surviving spouse or child's employment history.
	Location(s) of Employment	Same	
	Currently Employed Honorably Retired	<p>Employment Status</p> <ul style="list-style-type: none"> <li>• Currently Employed</li> <li>• Honorably Retired</li> <li>• Deceased</li> <li>• Other</li> </ul>	Revised to allow for the surviving spouse/child to reflect the death of the U.S. government employee.
	Employing U.S. Government Agency(Name(s))	Same	
	Name of Spouse  Date of Birth (mm—dd-yyy_	<p>Provide information for current and former spouse(s), if any:</p> <p>Name of Spouse (Last Name(s), First Name(s), Middle Name(s) (List all</p>	This block has been added to better address information needed about the spouse(s) of the petitioner.

	Place of Birth	spellings) Date of Birth (mm-dd-yyyy) Place of Birth (City, State/Provide. Country)	
	Name of Child(ren)  Date of Birth (mm-dd-yyyy)  Place of Birth	Provide name and date of birth for children, if any:  Last Name(s), First Name(s), Middle Name(s) (list all spellings)  Date of Birth (mm-dd-yyyy)  Place of Birth (City, State/Province, Country)	This block has been added to better address information need about the child(ren) of the petitioner.

*14. 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.

*15. 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.

*16. 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 requiring any exception to the certifications statement.

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

This collection does not employ statistical methods.

