

JUSTIFICATION FOR EMERGENCY REVIEW

Nonimmigrant Visa Application and Online Nonimmigrant Visa Application OMB 1405-0182 DS-156 and DS-160

The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, mandates application and eligibility requirements for applicants seeking to obtain nonimmigrant visas. INA section 221(a) [8 U.S.C. § 1201(a)] provides that a consular officer may issue a nonimmigrant visa to an applicant who has made proper application therefor. INA section 222(c) [8 U.S.C. § 1202(c)] specifically requires that, “Every alien applying for a nonimmigrant visa and for alien registration shall make application therefor in such form and manner as shall be by regulations prescribed. In the application the alien shall state his full and true name ... and such additional information necessary to the identification of the applicant, the determination of his eligibility for a nonimmigrant visa, and the enforcement of the immigration and nationality laws as may be by regulation prescribed.” 22 CFR part 41 regulates the nonimmigrant visa process. 22 CFR 41.103 regulates the filling of an application for a nonimmigrant visa.

Under INA section 212(d)(5) [8 U.S.C. 1182], the Secretary of Homeland Security may, in his discretion, parole into the United States temporarily under certain conditions for urgent humanitarian reasons or significant public benefit any noncitizen applying for admission to the United States. Consular officers aide the Department of Homeland Security in carrying out this function on a case-by-case basis by issuing boarding foils for Significant Public Benefit Parole (SPBP) or Humanitarian Parole (HP) beneficiaries, after receiving an authorization memo from USCIS and completing required processing steps, including completion of the DS-160 or DS-156 by the beneficiary.

The withdrawal of U.S. forces in August 2021, followed by the Taliban’s takeover of Afghanistan and the subsequent evacuation has significantly increased the need to process boarding foils for purposes of parole. While not all Afghan travelers will be SPBP or HP beneficiaries and not all SPBP or HP beneficiary are Afghans, the increased demand and the pressing need

to process beneficiaries as expeditiously as possible is paramount. If the Department is unable to process boarding foils or the processing of boarding foils is slowed, beneficiaries will be left in limbo in potentially dangerous situations or without access to the protection the parole benefit is designed provide.

The Department has therefore determined that:

1. This collection is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act;
2. This collection is essential to the mission of the Department of State; and
3. The use of normal clearance procedures will prevent the Department from obtaining this information and would severely impact the Department's ability to aid the Department of Homeland Security in exercising its parole authority.

Therefore, the Department of State requests emergency OMB approval for this collection by March 15, 2022.