

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**
Petition for Special Immigrant Classification for Afghan SIV Applicant
OMB Number 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) allows the Secretary of State, in consultation with the Secretary of the Homeland Security, to provide eligible aliens with special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA) (8 U.S.C 1101 (a)(27)). The eligible alien, or an agent acting on behalf of the alien, must submit a petition for classification under INA 203(b)(4) (8 U.S.C. 1153(b)(4)) AND the alien must otherwise be eligible to receive an immigrant visa, 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 clear 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 in Afghanistan on or after October 7, 2001 for the required period of time under Section 602(b)(2)(A)(ii); has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the U.S. Government; and, subject to approval by the Chief of Mission (COM) or a designee of the COM, provided faithful and valuable service to the United States Government that is appropriately documented in a positive recommendation or evaluation from the employee's senior supervisor, the person currently occupying that position, or a more senior person thereof if the employee's senior supervisor has left either Afghanistan or the company with which they were employed. AAPA sections 602(b)(2)(B) and (C) further provide that an 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.

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

The Department of State uses Form DS-157 ("Petition for Special Immigrant Classification for Afghan SIV Applicant," formerly, "SUPPLEMENTAL SIV CHIEF OF MISSION APPLICATION") to facilitate the COM approval process required for SIV applicants under Section 602(b) of the AAPA (Public Law 111-8 Section 602), as amended. The information collection is further used as the petition for classification as a special immigrant under Section 203(b)(4) of the Immigration and Nationality Act ("INA") (8 U.S.C. 1153(b)(4)), as provided for under Section 602(b)(1)(A) of the APA.

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

Form DS-157 is available electronically in PDF format at travel.state.gov and must be submitted to the National Visa Center via email at NVCSIV@state.gov.

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

The Department has reviewed this information collection and determined there is no unnecessary duplication. All information collected is necessary for the COM approval evaluation and petition for special immigrant classification process.

5. *Does this collection impact small business?*

Afghan SIV applicants complete Form DS-157. 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 COM to evaluate whether an Afghan SIV applicant under Section 602(b)(1) of the AAPA has qualifying employment in Afghanistan for the required period and provided faithful and valuable service to the United States. An applicant fills out Form DS-157 one time. The single form facilitates the applicant's consideration for COM approval and serves as a petition for special immigrant status classification; 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 COM approval and petition approval.

If the collection is not completed, special immigrant status cannot be determined.

7. *Are there any special collection circumstances?*

No. There are no special collection circumstances associated with this collection.

8. *Did the Department solicit public comments on the collection?*

The Department published a notice in the Federal Register on November 7, 2023 soliciting public comments (88 FR 76888). The Department received one nonresponsive comment.

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

No. No payment or gift is provided to respondents.

10. *Are any assurance of privacy/confidentiality provided to respondents?*

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 qualifies as a special immigrant under Section 602(b) of the AIPA. To determine the applicant's qualification and 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. What is the hour time burden and the hour cost burden on the respondent needed to complete this collection?

For fiscal year 2024, the Department estimates that up to 15,000 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 15,000 hours (15,000 applicants x 1 hour). Based on the average U.S. hourly wage of \$29.761, the weighted wage hour cost burden for this collection is approximately \$44.64 per application, or \$669,600 (1 hour x \$29.76 hour wage x 1.5 weighted wage multiplier x 15,000 respondents = \$669,600).

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

The DS-157 is filed by email, with no capital and start-up cost components. There is no monetary cost burden to respondents completing the DS- 157.

14. What are the cost incurred by the Federal Government to complete this collection?

The cost to the government for review of each case is \$42.94. This cost is determined by averaging the current hourly rates of the seven contract employees within the SIV unit at the National Visa Center (NVC) and multiplying this average wage by the average adjudication time. At last check, the NVC SIV team had one general clerk and six data entry operators in the section. Their current occupational average wages are \$19.78 and \$18.97 for an average hourly wage of \$19.09. Based on the average processing time of 90 minutes per case, a weighted burden wage of \$28.63, and an estimation of 15,000, the total cost is \$644,100 (15,000 cases x \$42.94 per case).

15. Are there any changes/adjustments to this collection since the previous submission?

As a part of this renewal, the Department reviewed this information collection and made slight revisions. Namely, minor edits have been made to the instructions accompanying the

form. Additionally, the estimated number of respondents is adjusted from 8,000 to 15,000 since last information collection. The Department is satisfied that the DS-157 collects all information necessary to make a COM determination for SIV applicants in its current form.

16. Will any 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.

17. Will the OMB expiration date be displayed?

Yes. The Department will display the OMB expiration date on the collection.

18. Are any exceptions to the OMB certification statement being sought?

No. The Department is not seeking exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.