

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Application to Determine Returning Resident Status
OMB Number 1405-0091
DS-117**

A. JUSTIFICATION

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

Section 221(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. 1201(a) grants consular officers the authority to issue immigrant visas, including special immigrant visas. Section 101(a)(27)(A) of the INA, 8 U.S.C. 1101(a)(27)(A) defines “special immigrant” to include an alien who was previously lawfully admitted for permanent residence or conditional residence and is returning from a temporary visit abroad.

The Department’s implementing regulations at 22 CFR 42.22 provide that an alien may be issued a returning resident visa if:

- The alien had the status of lawful permanent resident or conditional resident at the time of his/her departure from the United States;
- The alien departed the United States with the intention of returning and has not abandoned this intention; and,
- The alien is returning from a temporary visit abroad and, if the stay abroad was protracted, this was due to reasons beyond his or her control and for which he or she was not responsible.

Consular officers must consider the reasons why an alien remained outside the United States to determine a returning resident’s status, and the DS-117 collects the information necessary to conduct that evaluation.

Department of Homeland Security (“DHS”) regulations at 8 CFR 211.1 establish the conditions under which an arriving lawful permanent resident may return to an unrelinquished lawful permanent residence in the United States. An immigrant who has been out of the United States for less than one year may enter with a Permanent Resident Card (Form I-551). However, an alien who has been out of the United States for more than one year must present a valid, unexpired immigrant visa issued pursuant to INA 101(a)(27)(A), 8 U.S.C. 1101(a)(27)(A) and in accordance with the regulatory requirements in 22 CFR 42.22.

The DS-117 is necessary for the Department to determine the eligibility of an alien for the special immigrant classification and issuance of a Returning Resident (SB-1) immigrant visa.

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

When a permanent resident or conditional resident alien who temporarily departs the United States encounters extraneous circumstances beyond his/her control that cause a delay in his/her return to the United States, Form DS-117 is used to elicit the information necessary to determine whether the alien is eligible for a Returning Resident (SB-1) immigrant visa, which is not subject to numerical limitations.

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

The application is an e-fillable PDF, and it is available electronically at <https://eforms.state.gov/>. Aliens are required to submit the completed application to a U.S. Embassy or Consulate, along with a permanent residence card or reentry permit and supporting documentation.

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

This collection does not duplicate any other Department of State information collection.

5. *Describe any impacts on small business.*

The information collection does not impact small businesses.

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

The information collected on Form DS-117 is essential for determining whether an alien is eligible for an SB-1 “returning resident” visa. If this collection is not done, a consular officer cannot fully assess whether the alien is eligible for returning resident status.

7. *Are there any special collection circumstances?*

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

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 November 19, 2025 ([90 FR 52128](#)). The Department received no comments on the collection. The Department is also publishing a Federal Register notice to allow a second round of notice-and-comment for a period of 30 days, as required by the PRA.

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

Payments or gifts are not provided to respondents.

10. *Describe assurances of privacy/confidentiality*

The form includes a confidentiality statement as assurance of privacy and confidentiality. The respondent is informed that, in accordance with INA section 222(f), 8 U.S.C. § 1202(f), information obtained from respondents in the 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. The statement further notes that, at the discretion of the Secretary of State, copies of visa records may be made available to a court which certifies that the information contained in such records is needed in a case pending before the court. A Privacy Act statement is also provided to the respondent.

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

The DS-117 requires aliens to submit evidence to support claims made on the DS-117. Evidence may include sensitive information, such as medical records, as necessary to confirm whether a valid circumstance prevented the alien's timely return to the United States.

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

The Department estimates that approximately 4,200 individuals will respond to the collection each year. This is based on data from the previous fiscal years.

The time burden per response is 30 minutes, with a total hour time burden of 2,100 hours (30 minutes x 4200 responses).

By using the 2024 U.S. Bureau of Labor Statistics' calculation of the median U.S. hourly wage for all occupations (\$23.80/hour) as a marker for the value of the applicant's time, the Department estimates the annualized hour cost burden is \$49,980 (2,100 hours x \$23.80/hour).

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

Respondents may choose to print the completed PDF form for physical submission to the embassy or consulate. Printing two pages in black and white costs approximately 10 cents per page, or 20 cents per application. In the unlikely event every applicant printed physical copies of the application, the monetary burden to respondents would be \$840 (4,200 responses * \$0.20 per response).

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

The Department of State Cost of Service Model estimates that the total cost of data intake and review for the DS-117 is approximately \$133.36 per application. This means the gross annual cost to the federal government is \$560,112 (4,200 responses x \$133.36).

It is important to note that the current filing fee paid by the applicant is \$180 which, in practice, offsets any actual cost to the federal government. The net cost to the federal government is \$0.

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

Beyond the burden changes outlined in questions 12-14, there are no changes or adjustments since the previous submission of this information collection.

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

No. The data gathered by this collection will not be published.

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.”

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

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

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.