# SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT EMERGENCY SUBMISSION

# Visa Fraud Reporting Form

Visa Fraud Reporting Form OMB Number 1405-XXXX

## A. JUSTIFICATION

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

The Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., charges the Secretary of State with the administration and enforcement of the immigration and nationality laws relating to the functions of consular officers. INA section 212(a) [8 U.S.C. § 1182(a)] establishes the grounds of inadmissibility, and section 212(a)(6)(C) specifically renders inadmissible any alien who has procured, or sought to procure, a visa by fraud or willful misrepresentation of a material fact. Section 221(i) [8 U.S.C. § 1201(i)] vests in the Secretary of State the exclusive authority to revoke a nonimmigrant or immigrant visa at any time, in his discretion.

No dedicated channel currently exists for the public to report suspected visa fraud directly to the Bureau of Consular Affairs (CA). The Department's only current means of collecting such tips is a manually monitored email inbox that cannot scale nationally or globally. The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) maintains a "Secure Tip Portal," but that mechanism is designed for different purposes—criminal investigations and DHS benefits determinations—and is not structured to route information efficiently to CA offices for timely visa-specific action, such as revocation.

Detecting and disrupting visa fraud promptly is a national security imperative, consistent with Executive Order 14161, "Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats," which directs the Secretary of State to review visa programs to prevent misuse by hostile actors, and Executive Order 14165, "Securing Our Borders," which directs federal agencies to achieve operational control of U.S. borders. The Department has determined that establishing a dedicated, visa-fraud-specific public tip form is essential to closing this gap and enabling CA to act on credible information—including exercising the Secretary's exclusive revocation authority—more quickly than is possible when information must first pass through DS or USCIS channels before reaching CA.

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

Department of State consular officers use the information provided to investigate suspected visa fraud and misuse. When an investigation confirms fraud, the information collected is used to revoke the associated visa(s) under the Secretary's exclusive authority under INA section 221(i) [8 U.S.C. § 1201(i)] and to refer the case to law enforcement or other executive Departments and agencies where appropriate, which may result in criminal investigations or other responsive actions depending on the nature of the fraud. The information requested on the form is limited to that which is necessary for CA to efficiently identify and investigate suspected fraudulent visa activity. These determinations would not be possible without collecting this information.

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

Respondents are able to electronically complete and submit the form online at travel.state.gov/reportvisafraud. The Department does not require or offer a paper-based alternative. Once the form is complete, the respondent may submit it, including anonymously if the respondent chooses not to provide identifying information.

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

This collection does not duplicate any other Department of State information collection. The Diplomatic Security Service (DSS) hosts a “crime tips” form on their public-facing website to accept tips in relation to prosecutable criminal activity, but tips that come in via that portal are typically relevant to only a subset of fraud and misuse of visas and immigration benefits. USCIS operates a "Secure Tip Portal" that also allows individuals to report certain categories of visa-related fraud, including religious worker, employment (H-1B, H-2A, H-2B), investor, student, and fiancé(e) visa fraud. However, that portal is designed for DHS benefits adjudication and criminal investigation purposes and does not route information to CA for timely visa-specific action, such as revocation. This collection closes that gap.

**5. Describe any impacts on small business.**

This information collection does not involve small businesses or other small entities as respondents, although respondents may report suspected fraud involving small business entities (e.g., schools, law offices, restaurants).

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

This information collection is essential for CA to identify and act on suspected visa fraud. Without this collection, CA will continue to rely on a manually monitored email inbox that cannot sustain or scale to national or global demand, and credible fraud tips will continue to be lost, delayed, or misdirected through channels not built for visa-specific action. It is not possible to collect this information less frequently or through a less time-sensitive mechanism, as consular officers need timely information to determine efficiently whether a visa should be revoked.

Should this emergency petition be denied, those engaged in criminal activity will continue to defraud the American people and continue to potentially jeopardize our national security until the normal PRA process is complete.

**7. Are there any special collection circumstances (e.g., responding in less than 30 days, excessive record retention, or requiring submission of proprietary trade secrets)?**

No special circumstances exist.

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

The Department intends to publish a public notice in the Federal Register soliciting public comment on this collection. The Department will use any comments submitted to inform its request to make this collection permanent, consistent with normal Paperwork Reduction Act compliance procedures, before the emergency approval expires.

This is a new information collection. The Department is submitting this request under emergency review procedures because the urgent need to close an existing gap in the Department's ability to receive and act on visa fraud tips does not allow for the standard 60-day notice-and-comment timeline.

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

No payment or gift is provided to respondents.

**10. Describe assurances of privacy/confidentiality.**

In accordance with section 222(f) of the INA (8 U.S.C. § 1202(f)), information obtained from applicants in the 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. Section 222(f) also contains certain limited exceptions for providing such confidential information, including in limited circumstances, to a court that certifies the information is needed in a case pending before it. The form may be submitted anonymously. Where a respondent's records are covered by the Privacy Act of 1974 (5 U.S.C. § 552a) and/or the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), disclosure will be handled in accordance with those authorities.

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

Beyond basic case information necessary to identify and investigate potential visa fraud, the form does not contain questions of a sensitive nature. However, the form contains free-text fields in which a respondent may choose to provide information of a sensitive nature. Respondents are warned that knowingly providing false information may subject them to fines, imprisonment, or both (18 U.S.C. § 1001).

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

The Department estimates that approximately 100,000 respondents will complete this form annually. This estimate is derived based on Department of Homeland Security's experience that they receive between 400 and 500 reports per day to their tip form; since the Department has a more narrow scope of authorities when compared to DHS, the estimate is less. Since the Department has never provided a similar online form, we do not have a separate estimate, though part of the purpose of the pilot is to better understand realistic form usage.

Completing the form takes the average respondent approximately 15 minutes. Therefore, we estimate that the annual time burden to respondents is 25,000 hours (100,000 respondents x 15 minutes, divided by 60).) .Based on the U.S. median hourly wage of $24.51, the weighted wage hour cost burden for this collection is $919,125. This is based on the calculation of $24.51 (average hourly wage) x 1.5 (weighted wage multiplier) x 25,000 hours = $919,125.

**13. Describe any monetary burden on the respondent needed to complete this collection.**

There is no monetary burden to respondents who complete this collection. The form does not require submission of supporting documentation, photographs, or any fee.

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

The Department estimates that the initial capital cost for developing the online portal is $1,409,000. The estimated annual cost to the federal government associated with form review, records management, system checks, and related activities is $14.09. Consistent with the Department's policy of full cost recovery for consular services, this collection is expected to be funded through existing Consular Affairs resources, resulting in no net cost to the American taxpayer.

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

This is a new information collection with no prior Paperwork Reduction Act submissions.

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

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

**17. Explain the reasons for seeking approval to not display the OMB expiration date.**

Not applicable. The Department will display the expiration date for OMB approval on the information collection.

**18. Explain any exceptions to the OMB certification statement.**

The Department is not requesting any exception to the certification statement.

## B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.