

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

Application for Immigrant Visa and Alien Registration  
OMB Number 1405-0015  
DS-230

## **A. JUSTIFICATION**

1. The Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, sets out application and eligibility requirements for aliens seeking to obtain immigrant visas. INA section 221(a), 8 U.S.C. § 1201(a) provides that a consular officer may issue an immigrant visa to an individual who has made a proper application, subject to applicable conditions and limitations in the INA and related regulations. INA section 222(a), 8 U.S.C. § 1202(a), specifically requires that an applicant provide the following information in an application for an immigrant visa: full and true name; any other names he/she has used or by which he/she has been known; age; sex; date of birth; place of birth; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.

Visa ineligibility grounds are detailed in INA section 212(a), 8 U.S.C. § 1182(a), INA section 208(d) (6), 8 U.S.C. § 1158(d) (6), and other statutes. Among the grounds of ineligibility are those related to the health of the applicant, the applicant’s past and present criminal activities, security concerns, potential for the applicant to become a public charge, and previous violations of the INA by the applicant. In the visa application form, applicants are asked a series of questions relevant to determinations of the applicability of ineligibilities.

Department of State regulations pertaining to immigrant visas are published in 22 C.F.R Part 42. The regulations pertaining to the filing an application for an immigrant visa are provided for in 22 CFR 42.63.

In 2007, the Department of Homeland Security (DHS) announced the Cuban Family Reunification Parole Program (CFRP) in furtherance of the U.S.-Cuba Migration Accords. *See* 72 Fed. Reg. 65588 (Nov. 21, 2007). As a part of this process, DHS will only grant discretionary parole to individual applicants when, among other criteria, an applicant meets the eligibility criteria for an immigrant visa. *See* USCIS, The Cuban Family Reunification Parole Program, *available at* <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-family-reunification-parole-program>

2. The information is gathered to enable consular officers to adjudicate the visa eligibility requirements referenced in item 1 above. Department of State consular officers will use the information collected in the adjudication process with partner U.S. government agencies to determine applicants’ eligibility for a visa under existing statutory grounds of inadmissibility. These determinations would not be possible without collecting this information.

3. The dynamic, user-guided electronic version of the DS-230, the DS-260, is live worldwide. The Department will retain the DS-230 principally for the CFRP. The CFRP is a type of Special Public Benefit Parole, granted to certain Cuban citizens residing in Cuba, by

United States Citizenship and Immigration Services (USCIS). USCIS will review the evidence provided by the petitioner with the CFRP application. If the application appears approvable, it will be forwarded to an appropriate post by the National Visa Center (NVC). Applicants will complete the DS-230 and submit it to a designated post. Internet connectivity in Cuba is limited and therefore electronic collection is not ideal for this program. A consular officer will interview the beneficiary to determine whether the applicant is eligible for an immigrant visa, as required for the parole program. In addition, the Department may authorize immigrant visa applicants to complete the DS-230 in rare circumstances when the DS-260 is unavailable.

4. To our knowledge, this collection is not duplicative of another existing collection.
5. This information collection does not involve small businesses or other small entities.
6. This information collection is essential for determining whether an applicant is eligible for an immigrant visa. An applicant completes the form once per application. It is not possible to collect the information less frequently, as consular officers need up-to-date information to determine whether an applicant is eligible to receive a visa.
7. No special circumstances exist.
8. The Department of State (Visa Office, Bureau of Consular Affairs) published a 60-day notice in the Federal Register on April 9, 2018 (83 FR 15189) soliciting public comment on this collection. The Department received one comment during this period that raised general concerns about United States immigration policy. The Department considers this comment nonresponsive and will not make any changes as a result.
9. No payment or gift is provided to respondents.
10. In accordance with INA section 222(f), 8 U.S.C. § 1202(f), information obtained from applicants in the immigrant visa application process or for 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, except that, in the discretion of the Secretary of State, it may be made available to a court or provided to a foreign government if the relevant requirements stated in INA section 222(f), 8 U.S.C. § 1202(f) are satisfied.
11. The questions in the collection are designed to solicit the information necessary to determine whether an applicant is eligible for an immigrant visa under the INA, 8 U.S.C. § 1101 *et seq.* Consular officers may not issue a visa to aliens who are ineligible under applicable provisions of INA section 212, 8 U.S.C. § 1182, or any other provision of law, unless where authorized under the INA, the Department of Homeland Security grants a waiver. In order to adjudicate visa eligibility, the application form specifically asks for information on a variety of issues, including information concerning the alien's health, criminal offenses, narcotics addiction, political affiliation with subversive organizations and participation in genocide or terrorist activities. In addition, questions concerning the applicant's marital status, employment, social media use, and financial support are necessary to identify the applicant and to assist in determining eligibility for an immigrant visa. As noted in paragraph 10 above, such information is confidential under INA section 222(f), 8 U.S.C. § 1202(f).

12. The Department estimates that 20,000 applicants annually will complete this collection. Therefore, the Department of State estimates that the annual hour burden to visa applicants is 41,167 hours (20,000 applicants x 125 minutes). According to the Cuban National Office of Statistics, the average monthly salary in Cuba is 776 Cuban pesos, which is equivalent to approximately \$32.00. Assuming an average 40 hour work week, the average hourly salary for Cubans is approximately 20 cents. Based on an average hourly wage of \$0.20, the weighted wage hour cost burden for this collection is \$11,526.76. This is based on the calculation of \$0.20 (average hourly wage) x 1.4 (weighted wage multiplier) x 41,167 hours = \$11,526.76.

13. Applicants must submit a photograph with their application. Based on a survey of various overseas embassies, the Department estimates that the average cost to an alien of obtaining a photograph is five dollars at a total cost of approximately \$100,000 (20,000 x \$5).

14. The annual cost burden to the federal government for the DS-230 in fiscal year 2018 is estimated to be \$2,384,800 (20,000 applicants x \$119.24 cost to adjudicate). This estimate is based on the Consular Affairs fiscal year 2016 update to the Cost of Service Model, which calculates the cost to the U.S. government of providing consular services.

15. The burden estimate is being updated based on the Department’s receipt of applications over the last several years, from 5000 applications to 20,000 applications. Due to the increase in respondents, the overall monetary burden has also increased from \$5,000 to \$100,000. This collection is also being revised to make the questions more succinct and consistent with the electronic immigrant visa application. The time burden was reassessed and updated with this revision, from 1 hour duration to 125 minute duration.

Based on the changes below, the field numbers will change on the current DS-230 for many items. The Department will make the following changes to the form to create consistency with OMB Control Number 1405-0185 (DS-260):

Current	Revision
No question of this nature is asked on the current form	Request for Passport Number, Country of Issuance
7. Nationality (If dual, give both)	Country/Region of Origin (Nationality)  Do you hold or have you held any nationality other than the one you indicated?  - Affirmative response will request country and whether applicant carries a passport from that country
8. Gender	Sex
Page 2 signature block	Signature block will be moved to page 4, below the last question (number 45 currently, but will be updated)
40. United States laws governing the issuance of visas require each applicant to state whether or not he or she is a member of any class of individuals excluded from admission into the United States. The excludable classes are described below in general terms. You should read carefully the following list and answer <b>Yes</b> or <b>No</b>	<b>Please answer the following questions. If you check yes for any of the following, please provide an explanation for each “yes” response.</b>  [A block will be added after the questions for explanation]

<p>to each category. The answers you give will assist the consular officer to reach a decision on your eligibility to receive a visa.</p> <p><b>Except as Otherwise Provided by Law, Aliens Within the Following Classifications are Ineligible to Receive a Visa. Do Any of the Following Classes Apply to You?</b></p>	
<p>40a. An alien who has a communicable disease of public health significance; who has failed to present documentation of having received vaccinations in accordance with U.S. law; who has or has had a physical or mental disorder that poses or is likely to pose a threat to the safety or welfare of the alien or others; or who is a drug abuser or addict.</p>	<p>This will be separated into distinct questions:</p> <ul style="list-style-type: none"> <li>- Do you have a communicable disease of public health significance such as tuberculosis (TB)?</li> <li>- Do you have documentation to establish that you have received vaccinations in accordance with U.S. law?</li> <li>- Do you have a mental or physical disorder that poses or is likely to pose a threat to the safety or welfare of yourself or others?</li> <li>- Are you or have you ever been a drug abuser or addict?</li> </ul>
<p>40b. An alien convicted of, or who admits having committed, a crime involving moral turpitude or violation of any law relating to a controlled substance or who is the spouse, son or daughter of such a trafficker who knowingly has benefited from the trafficking activities in the past five years; who has been convicted of 2 or more offenses for which the aggregate sentences were 5 years or more; who is coming to the United States to engage in prostitution or commercialized vice or who has engaged in prostitution or procuring within the past 10 years; who is or has been an illicit trafficker in any controlled substance; who has committed a serious criminal offense in the United States and who has asserted immunity from prosecution; who, while serving as a foreign government official, was responsible for or directly carried out particularly severe violations of religious freedom; or whom the President has identified as a person who plays a significant role in a severe form of trafficking in persons, who otherwise has knowingly aided, abetted, assisted or colluded with such a trafficker in severe forms of trafficking in persons, or who is the spouse, son or daughter of such a trafficker who knowingly has benefited from the trafficking activities within the past five years.</p>	<p>This will be separated into distinct questions:</p> <ul style="list-style-type: none"> <li>- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon amnesty, or other similar action?</li> <li>- Have you ever violated, or engaged in a conspiracy to violate, any law relating to controlled substances?</li> <li>- Are you the spouse, son, or daughter of an individual who has violated any controlled substance trafficking law, and have knowingly benefited from the trafficking activities in the past five years?</li> <li>- Are you coming to the United States to engage in prostitution or unlawful commercialized vice or have been engaged in prostitution or procuring prostitutes within the past 10 years?</li> <li>- Have you ever been involved in, or do you seek to engage in, money laundering?</li> <li>- Have you ever committed or conspired to commit a human trafficking offense in the United States or outside the United States?</li> <li>- Have you ever knowingly aided, abetted, assisted, or colluded with an individual who has been identified by the President of the United States as a person who plays a significant role in a severe form of trafficking in persons?</li> <li>- Are you the spouse, son, or daughter of an individual who has committed or conspired to commit a human trafficking offense in the United States or outside the United States and have you within the last five years, knowingly benefited from the trafficking activities?</li> <li>- Have you ever committed a serious criminal offense in the United States and asserted immunity from prosecution?</li> </ul>
<p>40c. An alien who seeks to enter the</p>	<p>These will be separated into distinct questions, and in some cases,</p>

<p>United States to engage in espionage, sabotage, export control violations, terrorist activities, the overthrow of the Government of the United States or other unlawful activity; who is a member of or affiliated with the Communist or other totalitarian party; who participated, engaged or ordered genocide, torture, or extrajudicial killings; or who is a member or representative of a terrorist organization as currently designated by the U.S. Secretary of State.</p>	<p>expanded or narrowed:</p> <ul style="list-style-type: none"> <li>- Do you seek to engage in espionage, sabotage, export control violations, or any other illegal activity while in the United States?</li> <li>- Do you seek to engage in terrorist activities while in the United States or have you ever engaged in terrorist activities?</li> <li>- Have you ever or do you intend to provide financial assistance or other support to terrorists or terrorist organizations?</li> <li>- Are you the spouse, son, or daughter of an individual who has engaged in terrorist activity, including providing financial assistance or other support to terrorists or terrorist organizations, in the last five years?</li> <li>- Are you a member or representative of a terrorist organization?</li> <li>- Have you ever ordered, incited, assisted, or otherwise participated in genocide?</li> <li>- Have you ever committed, ordered, incited, assisted, or otherwise participated in torture?</li> <li>- Have you committed, ordered, incited, assisted, or otherwise participated in extrajudicial killings, political killings, or other acts of violence?</li> <li>- Have you ever engaged in the recruitment of or use of child soldiers?</li> <li>- Have you, while serving as a government official, been responsible for or directly carried out, at any time, particularly severe violations of religion freedom?</li> <li>- Are you a member of or affiliated with the Communist or other totalitarian party?</li> <li>- Have you ever directly or indirectly assisted or supported any of the groups in Colombia known as the Revolutionary Armed Forces of Colombia (FARC), National Liberation Army (ELN), or United Self-Defense Forces of Colombia (AUC)?</li> <li>- Have you ever, through abuse of governmental or political position converted for personal gain, confiscated or expropriated property in a foreign nation to which a United States national had claim of ownership?</li> <li>- Are you the spouse, minor child, or agent of an individual who has through abuse of governmental or political position converted for personal gain, confiscated or expropriated property in a foreign nation to which a United States national had claim of ownership?</li> <li>- Have you ever been directly involved in the establishment or enforcement of population controls forcing a woman to undergo an abortion against her free choice or a man or a woman to undergo sterilization against his or her free choice?</li> <li>- Have you ever disclosed or trafficked in confidential U.S. business information obtained in connection with U.S. participation in the Chemical Weapons Convention?</li> </ul>
<p>40I. An alien who has ordered, carried out or materially assisted in extrajudicial and political killings and other acts of violence against the Haitian people; who has directly or indirectly assisted or supported any of the groups in Colombia known as FARC, ELN, or AUC; who through abuse of a governmental or political position has converted for personal gain, confiscated or expropriated property in Cuba, a claim to which is owned by a national of the United States, has trafficked in such property or has been complicit in such conversion, has committed similar acts in another country, or is the spouse, minor child or agent of an alien who has committed such acts; who has been directly involved in the establishment or enforcement of population controls forcing a woman to undergo an abortion against her free choice or a man or a woman to undergo sterilization against his or her free choice; or who has disclosed or trafficked in confidential U.S. business information obtained in connection with U.S. participation in the Chemical Weapons Convention or is the spouse, minor child or agent of such a person; or who has ever engaged in the recruitment of or the use of child soldiers.</p>	

	<ul style="list-style-type: none"> <li>- Are you the spouse, minor child, or agent of an individual who has disclosed or trafficked in confidential U.S. business information obtained in connection with U.S. participation in the Chemical Weapons Convention?</li> </ul>
40d. An alien who is likely to become a public charge.	Are you likely to become a public charge after you are admitted to the United States?
40e. An alien who seeks to enter for the purpose of performing skilled or unskilled labor who has not been certified by the Secretary of Labor; who is a graduate of a foreign medical school seeking to perform medical services who has not passed the NBME exam or its equivalent; or who is a health care worker seeking to perform such work without a certificate from the CGFNS or from an equivalent approved independent credentialing organization.	<p>This will be separated into distinct questions:</p> <ul style="list-style-type: none"> <li>- Do you seek to enter the United States for the purpose of performing skilled or unskilled labor but have not yet been certified by the Secretary of Labor?</li> <li>- Are you a graduate of a foreign medical school seeking to perform medical services in the United States but have not yet passed the National Board of Medical Examiners examination or its equivalent?</li> <li>- Are you a health care worker seeking to perform such work in the United States but have not yet received certification from the Commission on Graduates of Foreign Nursing Schools or from an equivalent approved independent credentialing organization?</li> </ul>
40f. An alien who failed to attend a hearing on deportation or inadmissibility within the last 5 years; who seeks or has sought a visa, entry into the United States, or any immigration benefit by fraud or misrepresentation; who knowingly assisted any other alien to enter or try to enter the United States in violation of law; who, after November 30, 1996, attended in student (F) visa status a U.S. public elementary school or who attended a U.S. public secondary school without reimbursing the school; or who is subject to a civil penalty under INA 274C.	<p>These questions will be separated into distinct questions, and in some cases, expanded or narrowed:</p> <ul style="list-style-type: none"> <li>- Have you ever sought to obtain or assist others to obtain a visa, entry into the United States, or any other United States immigration benefit by fraud or willful misrepresentation or other unlawful means?</li> <li>- Have you ever been the subject of a removal or deportation hearing?</li> <li>- Have you failed to attend a hearing on removability or inadmissibility within the last five years?</li> <li>- Have you ever been unlawfully present, overstayed the amount of time granted by an immigration official or otherwise violated the terms of a U.S. visa?</li> <li>- Are you subject to a civil penalty under INA 274C?</li> <li>- Have you been ordered removed from the U.S. during the last five years?</li> <li>- Have you been ordered removed from the U.S. for a second time within the last 20 years?</li> <li>- Have you ever been unlawfully present and ordered removed from the U.S. during the last ten years?</li> <li>- Have you ever been convicted of an aggravated felony and been ordered removed from the U.S.?</li> <li>- Have you ever been unlawfully present in the U.S. for more than 180 days (but no more than one year) and have voluntarily departed the U.S. within the last three years?</li> <li>- Have you ever been unlawfully present in the U.S. for more than one year or more than one year in the aggregate at any time during the last 10 years?</li> <li>- Have you ever withheld custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court?</li> <li>- Have you attended a public elementary school or a public secondary school on student (F) status after</li> </ul>
40h. An alien who was previously ordered removed within the last 5 years or ordered removed a second time within the last 20 years; who was previously unlawfully present and ordered removed within the last 10 years or ordered removed a second time within the last 20 years; who was convicted of an aggravated felony and ordered removed; who was previously unlawfully present in the United States for more than 180 days but less than one year who voluntarily departed within the last 3 years; or who was unlawfully present for more than one year or an aggregate of one year within the last 10 years.	

	November 30, 1996 without reimbursing the school?
40g. An alien who is permanently ineligible for U.S. citizenship; or who departed the United States to evade military service in time of war.	This will be separated into distinct questions: <ul style="list-style-type: none"> <li>- Are you coming to the U.S. to practice polygamy?</li> <li>- Are you permanently ineligible for U.S. citizenship?</li> <li>- Have you ever intentionally assisted another person in withholding custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court?</li> <li>- Have you voted in the United States in violation of any law or regulation?</li> <li>- Have you ever renounced United States citizenship for the purpose of avoiding taxation?</li> <li>- Have you ever departed the United States in order to evade military service during a time of war?</li> </ul>
40i. An alien who is coming to the United States to practice polygamy; who withholds custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court or intentionally assists another person to do so; who has voted in the United States in violation of any law or regulation; or who renounced U.S. citizenship to avoid taxation.	
40j. An alien who is a former exchange visitor who has not fulfilled the 2-year foreign residence requirement.	Are you a former exchange visitor (J) who has not yet fulfilled the two-year foreign residence requirement?
40k. An alien determined by the Attorney General to have knowingly made a frivolous application for asylum.	Has the Secretary of Homeland Security of the United States ever determined that you knowingly made a frivolous application for asylum?
41. Have you ever been charged, arrested or convicted of any offense or crime? (If answer is Yes, please explain)	This question was moved to earlier in the form.
42. Have you ever been refused admission to the United States at a port-of-entry? (If answer is Yes, please explain)	Have you ever been refused a U.S. visas, been refused admission to the United States or withdrawn your application for admission at the port of entry?
No question of this nature is asked on the current form	Have you travelled to any country outside of your country of residence during the last five years?
No question of this nature is asked on the current form	Have you ever been removed or deported from any country?
<p><b><u>Signature block language:</u></b></p> <p>I understand that I am required to surrender my visa to the United States Immigration Officer at the place where I apply to enter the United States, and that the possession of a visa does not entitle me to enter the United States if at that time I am found to be inadmissible under the immigration laws.</p> <p>I understand that any willfully false or misleading statement or willful concealment of a material fact made by me herein may subject me to permanent exclusion from the United States and, if I am admitted to the United States, may subject me to criminal prosecution and/or deportation.</p> <p>I, the undersigned applicant for a United</p>	<p><b><u>Signature block language:</u></b></p> <p>I understand that I am required to surrender my visa to the United States Immigration Officer at the place where I apply to enter the United States, and that the possession of a visa does not entitle me to enter the United States if at that time I am found to be inadmissible under the immigration laws.</p> <p>I understand all the information I have provided in, or in support of, this application may be provided to other U.S. government agencies authorized to use such information for purposes including enforcement of the laws of the United States. I understand all of the information contained in this form and I certify under penalty of perjury under the laws of the United States of America that the foregoing is complete, true, and correct. I understand that any willfully false or misleading statement or willful concealment of a material fact made by me herein may result in refusal of the visa, denial of admission to the United States, and, may subject me to criminal prosecution and/or removal from the United States.</p>

<p>States immigrant visa, do solemnly swear (or affirm) that all statements which appear in this application, consisting of Form DS-230 Part I and Part II combined, have been made by me, including the answers to items 1 through 45 inclusive, and that they are true and complete to the best of my knowledge and belief. I do further swear (or affirm) that, if admitted into the United States, I will not engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States; in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activities subversive to the national security; in any activity a purpose of which is the opposition to or the control, or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means.</p> <p>I understand that completion of this form by persons required by law to register with the Selective Service System (males 18 through 25 years of age) constitutes such registration in accordance with the Military Selective Service Act.</p> <p>I understand all the foregoing statements, having asked for and obtained an explanation on every point which was not clear to me.</p>	<p>I, the undersigned applicant for a United States immigrant visa, do solemnly swear (or affirm) that all statements which appear in this application, have been made by me, and that they are true and complete to the best of my knowledge and belief. I do further swear (or affirm) that, if admitted into the United States, I will not engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States; in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activities subversive to the national security; in any activity a purpose of which is the opposition to or the control, or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means.</p> <p>I understand that if I am issued an immigrant visa and I am a male between the ages of 18 and 25, I am required by law to register with the Selective Service System in accordance with the Military Service Act.</p>
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<p>Privacy and Paperwork Reduction Act statement will be updated</p>	<p>Confidentiality and Paperwork Reduction Act Statement will be separated.</p> <p><b>Confidentiality Statement</b></p> <p>INA Section 222(f) provides that visa issuance and refusal records shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. The U.S. Department of State uses the information provided on this form primarily to determine an individual's eligibility for a U.S. visa. Certified 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. The information provided may also be released to federal agencies for law enforcement, counterterrorism and homeland security purposes; to Congress and courts within their sphere of jurisdiction; and to other federal agencies who may need the information to administer or enforce U.S. laws. Although furnishing this information is voluntary, individuals who fail to submit this form or who do not provide all the requested information may be denied a U.S. visa or cause processing delays.</p> <p><b>Paperwork Reduction Act Statement</b></p> <p>Public reporting burden for this collection of information is estimated to average 125 minutes per response, including time required for searching existing data sources, gathering the necessary documentation, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: PRA_BurdenComments@state.gov</p>
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16. A quantitative summary of all Department of State visa activities is published in the annual Report of the Visa Office. The Report of the Visa Office is an annual report providing statistical information on immigrant and non-immigrant visa issuances by consular offices, as well as information on the use of visa numbers in numerically limited categories. The Visa Office currently has annual reports available from 2000 to 2016. The link to the site is: <https://travel.state.gov/content/visas/en/law-and-policy/statistics.html>

17. The Department of State will display the expiration date for OMB approval on the information collection.

18. The Department of State is not requesting any exceptions to the certification statement requirements.

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

This collection does not employ statistical methods.