



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

September 2, 2025

Senior Regulatory Coordinator
Visa Services
Department of State
600 19th St. NW
Washington, DC 20006

Submitted via <http://www.regulations.gov>

**RE: 60-Day Notice of Proposed Information Collection: Application for
Immigrant Visa and Alien Registration (Docket Number: DOS-2025-0073)
Public Notice 12758**

To Whom it May Concern:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the 60-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration.

Established in 1946, AILA is a voluntary bar association of more than 18,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. AILA's mission includes the advancement of the law pertaining to immigration and naturalization, and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. The collective expertise and experience of our members make us especially well-qualified to offer comments on the proposed changes to several immigration forms that will benefit both the public and the agency. We therefore appreciate the opportunity to comment on the notice regarding the Department of State (DOS) Electronic Application Form DS-260.

AILA urges DOS to adopt clarifying language in the proposed DS-260 that would reduce confusion for applicants and advocates using the form. Below, AILA offers specific suggestions to improve the clarity of questions and elicit the information that DOS seeks from the applicant.

Countries the Applicant Has Visited

The Form DS-260 asks the applicant to list all the countries visited in the past 5 years but does not list the U.S. as an option. To distinguish this question from similar questions elsewhere on the form, AILA recommends the rephrasing the question: "Have you traveled to any countries/regions other than the United States within the last five years?"

Security and Fraud Questions

The security and fraud questions use sophisticated language and complex phrases that may not be clear to everyone and could lead to more than one interpretation. In turn, an applicant's response may not provide the information DOS requires to assess eligibility. The question below, among others, illustrates AILA's concern:

Question: 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?

This question has words and phrases (e.g., "abuse of governmental or political position," "converted for personal gain," and "claim of ownership,") which could lead to less comprehension on the part of the applicant and even the attorney in some cases. It is unlikely that a member of the general public will understand what "expropriated property" is, and the phrase "foreign nation" is a relative term depending on the nationality and home country of the applicant. Additionally, please clarify if this question is asking whether the individual has illegally smuggled U.S. property, or whether it refers to something else. These same concerns apply to the related question as it applies to a child.

Present and Previous Address Information

Form DS-260 requires the applicant to provide detailed information on all addresses where the applicant has lived since the age of sixteen. This section asks for complete street addresses. To the extent that this information is used to determine the countries from which the applicant is required to obtain a police certificate (hence, the "since the age of sixteen" language), the full address is unnecessary. For older applicants whose residential history may be remote or who spent years in student accommodation it can be difficult to recall or reliably track this information. For this reason, AILA recommends that DOS change the form so that only the city, state/province, country, and dates are mandatory fields, and the street addresses can be ticked as "unknown," where applicable. The country and dates are the only information that DOS actually requires to determine police certificate requirements.

Family Information

Questions pertaining to family members and their immigration intentions could be rephrased in a more direct manner. For example, the question "Is your spouse or civil/domestic partner immigrating to the U.S. with you?" could be interpreted in more than one way.

Some applicants may be unsure whether the question means "moving to the U.S. with you" or "applying for a visa with you." In family-based petitions where the spouse, domestic partner, or child are already U.S. citizens or legal permanent residents, they may be relocating together to the U.S., but do not require an immigrant visa.

The question "Is your spouse/child immigrating to the US at a later date to join you?" causes confusion for the same reason. AILA recommends clarifying these questions to reduce confusion.

For example, you could change “immigrating” to “applying for an immigrant visa or adjustment of status.”

Additional Work/Education/Training/Travel Information Page

AILA recommends that DOS consider ways to better define the information you are trying to capture in the following question: “Have you belonged to, contributed to, or worked for any professional, social, or charitable organization?”

Applicants could read this question in one of several ways and may not understand the nature of the question or the information you seek to gather. For example, would minor donations to a charity count (e.g., dropping off old clothes at Goodwill)? Does membership in a gym count? If DOS provides additional context to the question, then applicants will list relevant information rather than provide information that would be overinclusive or underinclusive.

Security and Background Information

The DS-260 form asks, “Has the Secretary of Homeland Security of the United States ever determined that you knowingly made a frivolous application for asylum?”

This question is inconsistent with INA§208(d)(6) (which states: “If the **Attorney General** determines that an alien has knowingly made a frivolous application for asylum...”) and 9 FAM 302.13-4 (which states: “The frivolous asylum application ineligibility only applies if a final order from an **Immigration Judge** or the **Board of Immigration Appeals** specifically finds that the individual knowingly filed a frivolous asylum application, consistent with 8 CFR 208.20 and 8 CFR 1208.20”). The Secretary of Homeland Security has nothing to do with this provision, and the question should be updated to reflect this.

Signature and Submission

The substance and organization of the signature page is not precise. AILA recommends renaming it “Notice” or “Attention” as the E-Signature section below it addresses the actual signature and submission. The opening sentence, “Read the following information carefully before dating, electronically signing and submitting the application,” suggests that the applicant has to date and electronically sign the application. Dating of the application is done automatically; the applicant e-signs to submit the application.

In addition, AILA notes an error in the following sentence:

Your application is now ready to be submitted. Please note that this does not necessarily mean that your application for a immigrant visa is complete, as additional information may be needed after Department of State personnel have reviewed the application.

There is a grammatical error (“a immigrant” should be “an immigrant”) and the language is vague. It would be helpful to applicants’ understanding of the process to add further information about the significance of the DS-260 here, such as, “Submitting Form DS-260 does not formally execute a visa application. The visa application is not formally made until the visa applicant(s) is

interviewed by a U.S. consular officer.” This language currently appears here, <https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process/step-5-collect-financial-evidence-and-other-supporting-documents/step-6-complete-online-visa-application.html>.

The signature page also contains this statement:

By clicking “Sign and Submit Application” you are electronically signing the application. You are required to electronically sign your application yourself, unless otherwise exempt by regulation, even if the application has been prepared by someone other than yourself. Your electronic signature certifies that you have read and understood the questions in this application and that your answers are true and correct to the best of your knowledge and belief.

AILA believes that this language is unnecessary and redundant with the language under the E-Signature section where the actual click-to-sign button appears. Moreover, applicants are not in a position to confirm they have “understood” the questions. There is no resource for applicants to refer to when they find a question confusing, and they might not even realize they haven’t understood a question at the point of submission. Removing these sentences would help emphasize the warnings regarding false statements in the following sentences.

E-Signature

The language in the E-Signature section is not intuitive and seems misplaced. The specific language at issue appears below.

Immigrant visa applicants are required to undergo a medical examination with an authorized physician to assess visa eligibility consistent with INA Sections 212(a) and 221(d). I understand that failure to provide required information may cause delay or denial of my visa application. If required to undergo a medical examination, I understand that my medical examination information may be collected and temporarily stored in the eMedical system hosted, operated, and maintained by the Australian Department of Home Affairs. If my medical examination is collected in eMedical, I understand and consent to its collection and temporarily being stored in such system, and being transferred to the U.S. Government for the purposes of enabling the U.S. Department of State to determine my medical eligibility and for the U.S. Centers for Disease Control and Prevention to undertake public health functions under the Public Health Service Act Section 325 and INA Section 212(a). I understand that if I am issued a visa, I am required to display my visa to the United States Immigration Officer at the port of entry where I apply to enter the United States and that 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 law.

This section does not relate to e-signatures and should be moved to the Warnings section, if it is actually required. Moreover, the language suggests that all applicants, even applicants with no nexus to Australia, may have their medical information reported to the Australian Department of Home Affairs (the language appears regardless of the applicant’s nationality or consular post). If

this is indeed the case, this has significant privacy and security implications for applicants. If this is not the case, then the language should be clarified to make clear only applicants applying for an immigrant visa in Australia are affected.

Accessibility

The persistent accessibility and technical issues with the DS-260 form undermine its effectiveness as a tool for immigrant visa applications. AILA members have highlighted frequent timeouts during form completion, particularly when entering multiple addresses or extended histories, causing data loss and requiring applicants to restart sections. These timeouts occur even after short periods of inactivity, exacerbating frustrations for attorneys and clients managing complex cases. Such disruptions severely limit accessibility, forcing repeated attempts that consume excessive time and resources, often deterring or delaying applications from individuals with limited digital literacy or unstable internet connections. Consequently, the Department of State collects incomplete or hastily entered data, as applicants rush to avoid further losses, compromising the accuracy and completeness of biographical information essential for visa adjudication.

Further, the inability to amend the DS-260 post-submission creates significant barriers, especially amid processing delays of one to two years. Once submitted and reviewed by the National Visa Center, the form cannot be reopened by applicants, leading to outdated information on travel, addresses, or family status by the time of interview. Consular officers may annotate changes, but this ad hoc process burdens both applicants and officials, risking errors or misunderstanding of facts due to inconsistencies. AILA's prior comments on proposed DS-260 revisions have urged enhancements for usability, including better mechanisms for updates and error handling, yet these concerns remain unaddressed in practice. This rigidity impairs accessibility by locking applicants into initial submissions without recourse for life changes, disproportionately affecting those in dynamic situations. The resulting data quality suffers, as DOS receives stale or inaccurate details that hinder informed decision-making and increase the likelihood of administrative processing or refusals based on discrepancies.

Earlier DOS instructions acknowledged widespread access difficulties, including error messages during login or submission, but such guidance has not evolved to prevent recurrence. These technical hurdles reduce accessibility by creating unpredictable barriers, particularly for non-English speakers or those in regions with poor infrastructure, leading to abandoned applications. In turn, the Department gathers lower-quality submissions, with omitted documents undermining the reliability of evidence used in visa evaluations.

These challenges are not isolated to legal professionals; general applicants echo similar complaints across public forums. Users report persistent CEAC login errors, such as "Your request cannot be processed" messages requiring incognito mode bypasses, and failures to sign/submit the DS-260 despite complete entries. Upload errors, including "invalid image detected" for valid PDFs, and site downtime during peak periods further delay processes. Overall, these issues erode accessibility and foster inequality in the application process, while degrading data quality through inconsistencies that complicate adjudication and strain departmental resources.

To enhance accessibility in the proposed revision, the Department could prioritize auto-save features, extended form-filling sessions, and facilitate editable post-submission options for non-material changes. Integrating user feedback from AILA and public sources would ensure the DS-260 supports equitable access, reducing administrative burdens and improving the precision of collected information for all stakeholders.

General Data Collection

One of the main problems encountered with Form DS-260 is the general inability to enter additional explanatory information. With the old paper DS-230 version of the form, applicants were able to enter explanatory information into the form fields or simply provide an overflow sheet with additional relevant information. Therefore, we suggest adding either a tick box next to each question on the DS-260 that allows for the provision of more information, similar to that which is now provided for disclosure of criminal history, or a stand-alone final page that allows the applicant to enter any additional information he or she deems necessary to fully explain the answers to the questions solicited by the form.

Conclusion

To summarize, we have requested modifications to sections on the DS-260 to improve clarity and the quality of the information elicited from applicants. We believe these changes would benefit the public and DOS's information gathering process. We have also provided information on challenges faced by our members and applicants in accessing, completing, and submitting the DS-260. We anticipate that these suggestions would be easy to implement, with little cost relative to the inordinate benefit they would provide to all stakeholders.

AILA appreciates the opportunity to comment on this notice, and we look forward to a continued dialogue with DOS on issues concerning this important matter.

Sincerely,

The American Immigration Lawyers Association