

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

## **APPLICATION FOR CONSULAR REPORT OF BIRTH ABROAD OF A CITIZEN OF THE UNITED STATES OF AMERICA**

**(OMB #1405-0011, Form DS-2029/SSN)**

### **A. JUSTIFICATION**

**1.** Consular Reports of Birth Abroad are issued to persons under the age of 18 who are born abroad and acquire U.S. citizenship at birth. The Immigration and Nationality Act, as amended. 8 U.S.C. 1104 (a)(3) charges the Secretary of State with the determination of nationality of a person not in the United States. 22 U.S.C. 2705 provides that a Report of Birth Abroad of a Citizen of the United States issued by a consular officer to document a citizen born abroad shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction. 8 U.S.C. 1504 authorizes the Secretary of State to cancel any United States passport or Consular Report of Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon the Secretary. Department of State regulations pertaining to Consular Reports of Birth Abroad of a Citizen of the United States of America are published in 22 CFR 50.5 and 50.7. The Application for a Consular Report of Birth Abroad (DS-2029/SSN) is an official Department of State form. Attached and included is a Social Security Administration application to secure a social security card. This is done as a courtesy to customers so that they may execute both applications at one time if they wish. The Social Security Administration has agreed to the Department's use of a slightly reformatted version of their application for the Social Security number and card under the Department's OMB number 1405-0011.

**2.** A Consular Report of Birth Abroad of a Citizen of the United States of America is a formal document certifying the acquisition of U.S. citizenship at birth of a person born abroad. Under U.S. law it is full proof of U.S. citizenship. It is not a birth certificate, such as is issued by a government-authorized bureau or office of vital statistics because a consular commission does not empower consular officers to assume a foreign, local, or state vital statistics function. The Consular Report of Birth is a consular declaration of the fact of acquisition of U.S. citizenship at birth based upon: (1) the certification of, or attestation to, the facts of birth by a legally authorized local official; (2) the pertinent affidavit by the parent(s) or legal guardian(s); and (3) consular adjudication of the child's claim to U.S. citizenship. The purpose of issuing a Consular Report of Birth is to provide an accurate record, which has been fully documented, of the acquisition of U.S.

citizenship by a child born in a foreign state that can be used by that citizen throughout life. A child's parent(s) or legal guardian(s) may apply for a Consular Report of Birth by completing the first half of form DS-2029 Application for Consular Report of Birth Abroad of a Citizen of the United States.

An application for a Consular Report of Birth is normally made in the consular district in which the birth occurred. The Department may, however, authorize a birth that occurred in one consular district to be reported in another. In most instances, an application for a Consular Report of Birth is made at a U.S. Embassy or Consulate. In certain circumstances, however, the application is initiated and the affirmation administered before a person other than a consular officer. It is then forwarded to the U.S. embassy or consulate for completion and issuance of the Consular Report of Birth. This most often occurs in cases of children born in U.S. military hospitals abroad and in cases where the applicant finds it impossible or extremely inconvenient to travel to the post to report the birth.

Documentary evidence to be submitted with the application generally includes: the child's birth certificate; evidence of the parent(s)' U.S. citizenship and identity; evidence, usually in the form of an affidavit of the U.S. citizen parent(s)' requisite physical presence in the United States or qualifying presence abroad sufficient to transmit U.S. citizenship to the child; evidence of a biological and legal relationship between the U.S. citizen parent and the child; and evidence of the parent(s)' marriage (if applicable).

3. Portions of the application for the form will be made available to download from the Internet upon OMB approval. Portions are to be completed by the applicant and other portions by Department personnel. Typically, the applicant will complete his/her portion and provide it, along with supporting documentation, to a consular officer, consular assistant, or foreign service national, who will examine the documentation and enter the information provided into the Department of State American Citizen Services (ACS) electronic database. If approved, a form completed in this manner would then be printed, signed, and sealed by the consular officer. At present, the applicant's use of electronic submissions for information collections relating to the Consular Report of Birth Abroad is complicated by fraud concerns, rendering electronic submission not feasible. Personal appearance of the applicant is an absolute necessity.

As the document itself is a controlled form, uncontrolled dissemination threatens the documents viability and increases the risks that human traffickers, terrorists and drug traffickers may assume the identity of an American citizen. CA is working to provide easier dissemination of the application form, which is not controlled. The technical and logistical hurdles make this difficult.

4. The information in the DS-2029 is not duplicative of information maintained elsewhere or otherwise available.

5. The information collection does not involve small businesses or other small entities.

6. The DS-2029 is essential to provide a mechanism for an application for proof of citizenship for children born abroad to U.S. citizen parent[s]. 22 U.S.C. 2705

contemplates that the Department of State will provide such a mechanism. If the collection were not conducted, the consequences would be a considerable hardship to U.S. citizens whose children are born abroad. Since information is collected only once with respect to an individual applicant, the frequency for collection has been minimized.

7. Not applicable; no such circumstances exist.

8. A 60-day notice was published in the *Federal Register* in volume 71, page 33779, to solicit comments from the public. No comments were received.

9. No payment or gift is provided to respondents.

10. Respondents are notified on the form that information provided is protected by the Privacy Act.

11. Not applicable; no such questions asked.

12. The estimated hour burden of 17,333 hours per year is based on estimates that the form is completed by approximately 52,000 persons per year, and only one response is permitted per applicant. The information is based on personal biographic data. The information collected usually does not require any special research, although some complex claims to citizenship may require special research. Completion time for the form is estimated at 20 minutes.

13. There is a \$65.00 fee for an Application for Consular Report of Birth Abroad of a Citizen of the United States of America. There is generally no other cost to U.S. citizens associated with the completion of the form.

14. The estimated cost to the Federal Government is \$650.26. This is based on the number of hours spent processing CRBAs, 123,366 in FY05, which constituted 2.61 percent of the total time spent on consular services. That percentage of the total consular operational budget in FY04/05 (which includes labor and other direct costs plus a cross-cut of indirect costs incurred by the Bureau of Consular Affairs) represented \$56,079,937. That figure is divided by 86,242, the number of CRBA cases processed in those two fiscal years, to obtain the \$650.26. unit cost. For public policy reasons, only ten percent is recovered through the direct fee charged (\$65). The balance of the unit cost (\$585.26) burdens the application fee for the adult passport. In FY04/05, \$50,474,207 of costs associated with processing the CBRA were paid for by adult passport applicants.

15. The number of respondents has increased from 46,000 to 52,000. As a result of this increase in respondents the hour burden has increased from 15,333 to 17,333. This change in respondents has also resulted in a concurrent increased cost to respondents from \$2,990,000 to \$3,380,000.

**16.** General tabulations of information regarding Applications for Consular Report of Birth Abroad of a Citizen of the United States of America are maintained in the “Consular Package,” the Consular Workload Statistical System (CWSS) system. This contains raw data broken down by the Foreign Service post issuing the report. Permanent records of Reports of Birth applications are maintained in the files of the Department of State, Passport Services, filed alphabetically by the name of the subject.

**17.** Not applicable; the expiration date will be displayed.

**18.** Not applicable, no exceptions are requested.

## **B. STATISTICAL METHODS**

This collection does not employ statistical methods.