

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB #1405-0132
DS-10**

A. JUSTIFICATION

1. The Birth Affidavit (DS-10) is submitted in conjunction with an application for a passport. It is used by Passport Services to collect information for the purpose of establishing the birth in the United States of a passport applicant who has not submitted an acceptable United States birth certificate with his or her passport application. An affiant who has personal knowledge of the facts of the applicant's birth in the United States must execute the affidavit.

The DS-10 solicits data necessary for Passport Services to issue a United States passport in the exercise of authorities granted to the Secretary of State in 22 United States Code (U.S.C.) Section 211a et seq. and Executive Order (EO) 11295 (August 5, 1966) for the issuance of passports to U.S. citizens and non-citizen nationals.

The issuance of a U.S. passport requires the determination of identity and citizenship and/or nationality, with reference to the provisions of Title III of the Immigration and Nationality Act (INA) (8 U.S.C. §§ 1401-1504), the 14th Amendment to the Constitution of the United States, and other applicable treaties and laws. Implementing regulations may be found at 22 C.F.R. Part 50 and 51.

2. The information collected on the DS-10 is used to facilitate the issuance of passports to U.S. citizens and non-citizen nationals. The primary purpose for soliciting the information is to establish the birth in the United States of a passport applicant who has not submitted an acceptable United States birth certificate with his or her passport application.

The DS-10 is retained in the files of the Department of State as a record attesting to the adjudication of citizenship of passport applicants and the subsequent issuance of their passports. These records are consulted when a U.S. passport has been lost and the bearer has no other evidence of citizenship available or in support of a derivative claim to citizenship made by an applicant's children. Consular personnel, in the event of an emergency abroad involving U.S. nationals, may also consult the records. Information from the DS-10 may also be shared with other Federal agencies on a need-to-know basis when personnel from those agencies may lawfully be given access to such information.

The DS-10 becomes part of the applicant's passport file and, thus, of an existing Privacy Act system of records retrievable under the applicant's name. The information contained in this form cannot be released except as provided by the Privacy and Freedom of Information Acts, and Department of State implementing regulations at 22 C.F.R. Part 171. 22 C.F.R. Part 171 designates the Passport System of Records (State 26) as exempt from certain requirements of the Privacy Act. See 22 C.F.R. § 171.36.

In addition to this primary use of the data, the DS-10 may also be used as evidence in the prosecution of any individual who makes a false statement on the application. Such false statements may entail violations of 18 U.S.C. Sections 1001 and 1542.

3. Due to legislated requirements and established regulations, a complete end-to-end electronic submission for this form is currently not an option. However, in an effort to provide customers with an electronic option to this paper-based form, it is posted on the Department's website at www.travel.state.gov where it can be filled out on-line and printed for submission. Efforts will also continue to investigate, test, and deploy more complete electronic options, while continuing to meet legislated requirements.
4. Aside from necessary basic self-identification data, the information requested does not duplicate information otherwise available. The DS-10 is the sole Department of State form used by passport applicants who need to establish their birth in the United States when a certified birth certificate does not exist or is not acceptable.
5. The collection of information does not involve small businesses or other small entities.
6. The information collected on the DS-10 is crucial to establishing the identity and citizenship of the passport applicant and resolving suspected fraud cases. Without it, time-consuming and expensive field investigations could be required.
7. No such special circumstances exist.
8. No public comments were received.
9. This information collection does not provide any payment or gift to respondents.
10. This form includes a Privacy Act statement explaining the routine uses of the information collected under the Act.
11. The DS-10 does not ask questions of a sensitive nature.
12. The estimated number of minutes required per response is based on prior sampling of the time required to complete the form. Passport Services estimated that 154,850 respondents will use Form DS-10 annually, and that the form will require 15 minutes to complete, resulting in an estimated annual burden of 38,713 hours. The increased number of respondents reflects the sharp increase in the number of applications for U.S. passports, directly attributable to Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) which requires that all U.S. citizens entering the United States from travel within the Western Hemisphere do so using a U.S. passport. Previously, U.S. citizens returning to the United States from certain countries in the Western Hemisphere were exempt from the requirement that all U.S. citizens enter and depart the United States on a U.S. passport. Because of the impact on the traveling public, the Western Hemisphere Travel Initiative (WHTI), has been implemented in two

stages. The air stage went into effect on January 23, 2007; and, the land and sea stage will go into effect as early as June 1, 2009. See 22 C.F.R. Parts 41 and 53.

13. There is no cost to the respondent associated with this form.
14. This collection does not add additional expense to the Federal Government. This form is one of several types of evidence that can be submitted as secondary evidence of birth in the United States, in lieu of an acceptable United States birth certificate. This form is processed with Form DS-11, collection #1405-0004, and all associated processing costs are accounted for with that collection.
15. The increase in respondents and burden hours is directly due to the increase in number of respondents requesting passport applications.
16. Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at www.travel.state.gov. Such summaries do not involve use of complex analytical techniques.
17. The expiration date for OMB approval will be displayed.
18. The Department is not requesting any exceptions to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.