

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Request for Entry into the Children's Passport Issuance Alert Program
OMB # 1405 – 0169
DS-3077**

A. JUSTIFICATION

1. The information requested will be used to support entry of a minor's (unmarried person under the age of 18) name and other identifying information into the Children's Passport Issuance Alert Program (CPIAP). Additional information and documentation provided by the requestor facilitates contact with the requestor and establishes the requestor's identity and custodial relationship to the minor. CPIAP provides a way for parents (other than parents whose parental rights have been terminated by court order) or other persons having legal custody of a minor to obtain information regarding whether the Department has received a passport application for a minor. This program was developed as a means to prevent international abduction of a minor, as well as to help prevent issuance of passports against the wishes of a custodial parent/legal guardian, or in violation of the terms of a valid court order. When the Department receives an application for a new, replacement, or renewed passport for a minor whose name has been entered in CPIAP, the passport office will place a hold on the application for up to 60 days and inform the Department of State's Passport Services. Passport Services will in turn notify the requestor that the Department has received the application, thus permitting the requestor an opportunity to object to passport issuance and/or to provide any necessary additional supporting documents to the Department for further consideration. The Department will decide whether or not it has on file documentation sufficient to deny passport issuance.

The Department of State's statutory authority to issue passports and to publicize regulations regarding their issuance is provided in 22 U.S.C. § 211a *et seq.*, 22 U.S.C. § 2651a(a)(4) and Executive Order 11295 (August 5, 1966). Regulatory support for CPIAP can be found in the 22 C.F.R § 51.28, which implements the statutory two-parent consent requirement and prescribes the basis for an exception. In particular, 22 C.F.R. § 51.28(c)(1) provides that a

person having legal custody of a minor or other authority to object may object to issuance of a passport to that minor any time prior to issuance, and that the Department may deny issuance upon receipt of a written objection to issuance. In addition, 22 C.F.R. § 51.28(a)(3) provides that a passport may be denied to a minor on the basis of a court order prohibiting the minor's travel without permission of both parents or the court, or where a parent with sole or joint legal custody objects to issuance, or where a court order requires permission of both parents or a court for important decisions regarding the minor. Parents are permitted access to the passport records of their minor children pursuant to both 22 C.F.R. § 51.28(c)(5) and 22 C.F.R. § 171.32(c)(1) and (2).

Finally, the requirement in U.S. statutes at P.L. 106-113, Div. B, §1000(a)(7) [Div. A., Title II, §236], Nov. 29, 1999 (Two parent requirements for children under 14) and in passport regulations at 22 C.F.R. § 51.28, that, in most instances, both parents execute or consent to issuance of a passport application for a minor under age 16, provides additional justification for CPIAP by providing a method to help ensure that passports are not issued to minors under 16 without the consent of both parents, unless an exception to the two-parent consent rule is established.

2. Passport Services will retain completed DS-3077 forms in its files as a record attesting to a person's request to enter the minor's name and identifying data into CPIAP. Passport Services will incorporate data from the completed DS-3077 forms into the Consular Lookout and Support System (CLASS), an electronic database used worldwide for various purposes, including cross-checking passport application data before a passport is issued or reissued. Passport Services will first ascertain whether a passport has already been issued to the minor and, if so, will utilize information provided on Form DS-3077 to notify the requestor. Once the data is incorporated into the CLASS database, an electronic "hit" on this data during subsequent passport processing will trigger a hold on the application and notice to Passport Services. Passport Services will use the information provided on Form DS-3077, and maintained in the Office's database, to notify the requestor that a passport application has been received or processed for a minor.

3. Responders will be able to access and complete Form DS-3077 online at the Department of State's website at http://travel.state.gov/family/abduction/resources/resources_554.html. The responder will be required to print out the completed online DS-3077 form and manually sign in the designated location before submitting the form via fax, e-mail or mail to Passport Services.
4. The information in this form is not duplicative of information maintained elsewhere or otherwise available.
5. This information collection is not expected to have an impact on small businesses or other small entities.
6. Information will be provided solely at the initiative of a requesting person. If a requestor does not use this standard form, he/she will be required to provide the necessary information in another format, such as a letter to the Department, in order for a minor's name to be entered into CPIAP. Form DS-3077 asks only for the minimum information and identifiers needed to establish requestor's authority to be notified, to search and maintain Department passport records on the minor in the CLASS system and to establish a useful record in CPIAP for use by Passport Services. If this information were not collected, the Department would not have a means of contacting requestors to help prevent issuance of passports to minors against the wishes of a custodial parent/legal guardian (or other person or entity with legal custody), or in violation of the terms of a valid court order.
7. Not applicable. No such special circumstances exist.
8. The 60-day notice for the current OMB approval for this information collection was published in the Federal Register in Vol. 74, No. 83 / Friday, May 1, 2009, page 20,357. The purpose of the FR publishing was to solicit comments from the public. No comments were received.
9. No payment or gifts to respondents will be made in connection with this information collection.

10. The information provided on Form DS-3077 is covered under the Privacy Act. No unauthorized use or dissemination of this information will be permitted.
11. The collection instrument does not contain questions of a sensitive nature.
12. Based on previous CPIAP experience, approximately 85 individuals are expected to return the DS-3077 form each week; 4,420/year. After testing the DS-3077, we found that the average length of time it will take respondents to complete the form, including the time it takes to gather the necessary information, is 30 minutes. The total estimated burden is 2,210 hours per year (4,420 responses x .50 hours).
13. There is no application fee. Nor are there any other costs associated with the application other than the de minimis costs of mailing or fax transmission of the form incurred by applicants.
14. The annual cost to the U.S. Government per year for processing this form is estimated at \$33,940 (CI hourly pay average approximately \$20.57 x 1,650 hours required annually).
15. The estimated annual number of respondents to this information collection has increased from 2,400 to 4,420. The primary reason is that the CPIAP webpage located under the travel.state.gov website has provided greater awareness to U.S. citizens. There has been an increase in the number of international/intercultural marriages involving U.S. citizens; an increase in the number of child passport holders as a result of the Western Hemisphere Travel Initiative (WHTI) and other new travel requirements; increased awareness in the American population of the problem of international parental child abduction, and the positive role the Children's Passport Issuance Alert Program can play.

The reason there is a change in burden from 1,992 (current OMB record) to 2,210 hours is twofold:

- Minor changes were done to the form: adding 2 check boxes, one for Passport number, one for objection to the issuance of a Passport; and, the previous generic phone contact information section was modified to specify home, cell, work. Even with these changes, the testing procedure determined that the time for completion is actually 30 minutes (a decrease from the previous 50 minutes). This would result in a decrease in burden hours, however;

- As detailed in the first paragraph, the number of respondents has nearly doubled (from 2400 to 4420). This increase in respondents offset the completion time decrease noted and has actually resulted in an overall increase in burden of 218 hours to 2210.

16. The results of this collection will not be published.

17. Expiration date of OMB approval will be displayed.

18. No exception to the certification statement of OMB Form 83-I is sought.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.