

# **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)**

### **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. § 1401 and 1409 prescribe the legal requirements for a United States citizen to transmit U.S. citizenship at birth to his or her child born abroad. 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 C.F.R. § 50.5 and 50.7. The Application for a Consular Report of Birth Abroad (DS-2029) is an official Department of State form.

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. Instead, the Consular Report of Birth Abroad is a consular declaration of the fact of acquisition of U.S. citizenship at birth based upon proof of the child's birth, identity and citizenship. 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, although exceptions may occur.

Documentary evidence to be submitted with the application as stated in 22 C.F.R. 50.5 generally includes: proof of child's birth, proof of child's birth usually consists of, but is not limited to, an authentic copy of the record of the birth filed with local authorities, a baptismal certificate, a military hospital certificate of birth, or an affidavit of the doctor or the person attending the birth. If no proof of birth is available, the person seeking to register the birth shall submit his/her affidavit explaining why such proof is not available and setting forth the facts relating to the birth. Proof of child's citizenship, evidence of parent's citizenship and, evidence of parent's physical presence in the United States as required for transmittal of claim of citizenship by the Immigration and Nationality Act of 1952 shall be submitted.

**3.** The Department intends to incorporate 2D Barcode technology into the on-line DS 2029 form. The applicant will complete the form on-line, and all the form's information will be captured in a 2D barcode (on the form) upon printing. The form is then presented with proper documentation to a consular officer who administers the oath, witnesses the signature and scans the data immediately from the 2D barcode into the Department database. Because of fraud concerns, personal appearance of the applicant is an absolute necessity. This approach provides an electronic option while complying with Federal regulations.

**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 and their children who 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.** The 60-day notice for the current OMB approval for this information collection was published in the Federal Register in Vol. 74, No. 122 / Friday, June 26, 2009, page 30,660. The purpose of the FR publishing was 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 21,458 hours per year is based on estimates that the form is completed by approximately 64,374 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 total cost to the Federal Government is based on the most recent Consular Cost of Service Study. The Consular Cost of Service Study provides current total costs for FY06, FY07 and FY08 along with projected costs for FY09 and FY10.

	Fiscal Year	Total Costs
	FY06	12,161,025
	FY07	12,405,988
	FY08	13,399,405
<i>Projected Costs</i>	<i>FY09</i>	<i>14,533,257</i>
	<i>FY10</i>	<i>15,868,872</i>

- 15.** The number of respondents has increased from 52,000 to 64,374. As a result of this increase in respondents the hour burden has increased from 17,333 to 21,458. This change in respondents has also resulted in a concurrent increased cost to respondents from \$3,380,000 to \$4,184,310.
- 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.