

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
Application For Additional Visa Pages
OMB Control # 1405-0159 (Form DS-4085)**

A. JUSTIFICATION

1. The Application for Additional Visa Pages (Form DS-4085) has been developed because, the Department of State will shortly issue final regulations that no longer permit the amendment of passports except for the convenience of the U.S. Government. In the past, Form DS-19 (Amendment and Validation Application) was used to amend a U.S. passport or obtain additional visa pages. That collection is approved for use through December 31, 2005, but will be discontinued when the regulations become final. The DS-4085 has been developed to serve one of the functions of Form DS-19 by providing applicants an avenue to add additional visa pages to their valid U.S. passport.

The DS-4085 solicits data necessary for Passport Services to add additional visa pages to a valid U.S. 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 a U.S. passport to U.S. citizens and non-citizen nationals.

The addition of visa pages into valid U.S. passports requires the determination of identity and nationality with reference to the provisions of Title III of the Immigration and Nationality Act (INA) (U.S.C. sections 1402-1504), the 14th Amendment to the Constitution of the United States, and other applicable treaties and laws. Implementing regulations are at 22 CFR Part 50 and 51.

2. The information collected on the DS-4085 will be used to facilitate the issuance of additional visa pages into the valid U.S. passports of U.S. citizens and nationals. The primary purpose for soliciting the information is to establish entitlement to the issuance of additional visa pages, and to properly administer and enforce the laws pertaining to the issuance thereof.

In addition to this primary use of the data, the DS-4085 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 will be posted on the Department's website where it can be filled out on-line and printed for submission. With the completed application, a 2-D barcode will print on each application. This

barcode will be scanned by Passport Services and will automatically populate the applicant's information in our system. This process will save both Passport Services and the applicant time and will reduce the occurrence of errors.

4. Aside from necessary, basic self-identification data, the information requested will not duplicate information otherwise available. The DS-4085 will replace Form DS-19 and will be the sole Department of State form used by U.S. citizens and non-citizen nationals who request to have additional visa pages added to their valid U.S. passports.
5. The collection of information will not involve small businesses or other small entities.
6. The information to be collected on the DS-4085 is needed to establish entitlement to additional visa pages.
7. No such special circumstances exist.
8. One individual commented on the proposed information collection. The commenter first suggested that sections of the warning statement were not relevant. The Department disagrees, and believes it is important that applicants for passports and passport related services understand there are criminal penalties not only for providing false information on the application, but also for altering, mutilating or misusing a passport.

The commenter also asserted that requesting an applicant's middle name is inconsistent with the State Department practice of allowing minor name variances. The Department disagrees that there is any inconsistency between requesting a middle name on the application and permitting a passport in a name that only uses the middle initial, provided the individual can substantiate the variance through his or her evidence of identity or nationality.

The commenter stated that the U.S. State Department could not require an applicant's social security number on the DS-4085 because the form requests issuance of additional visa pages, not issuance of a U.S. passport. The Department will not deny issuance of additional visa pages based on non-submission of an applicant's social security number. However, provision of this information helps to properly identify each applicant.

The commenter further argued that requesting the home and business phone numbers was burdensome and lacked practical utility, and said that disclosure of phone numbers should be voluntary and limited to one daytime phone number. The provision of phone numbers is useful. It allows the Department of State to contact the applicant easily if further documentation is required, which happens fairly often, and to reach the applicant more quickly than communicating by mail, thus enabling quicker issuance of the passport.

The individual commented that requested details regarding the applicant's current passport are unclear. Wording has been changed for clarity.

The commenter also believed that because travel plans do not relate to eligibility for a passport, requesting them lacks practical utility. The travel plans information is useful, as it allows U.S. Department of State Passport Specialists to assess whether sufficient time exists to allow for timely delivery of a passport and citizenship documents before travel and can assist the Department of State in locating U.S. citizens reported missing abroad and abducted children. The commenter noted that provision of this information was previously voluntary.

With respect to the oath, the commenter noted that non-citizen nationals could obtain passports, but were not referenced in the oath or the Acts and Conditions. We have changed both to include them. He noted that the Acts and Conditions did not exactly track 8 U.S.C. 1481 (a) which lists the acts that currently may be expatriating. The definition of which acts are expatriating has changed over the years. If the Acts and Conditions were worded to track the current statute exactly, they might fail to cover acts that were expatriating in earlier time periods. Therefore, the Department of State has worded the "Acts and Conditions" generally. If an applicant indicates that he or she has performed one of the listed acts, he or she is asked to fill out an additional questionnaire to help determine if the conduct he or she engaged in was actually an expatriating act at the time it was performed, whether the conduct was voluntary, and if the individual intended to relinquish U.S. citizenship. The applicants statement about the "Acts and Conditions" does not shift the burden of proof with respect to any ensuing loss of nationality determination, and does not deny the applicant due process.

Finally, the commenter stated that the Privacy Act Statement was legally insufficient. An agency collecting information from an individual is required to inform the individual of the agency's authority to collect the information, the principle purposes for the collection of the information, the routine uses for which the information may be used, and the effect, if any, of not providing the requested information. The Privacy Act Statement addresses all these points. The commenter, however, complains that the citations of legal authorities is too expansive and does not give sufficient notice of the specific legal authorities for the information requests made in the form. The Department of State believes that its statement of legal authorities is adequate. We cite the principle authority for the Secretary of State's authority to issue passports and issue regulations related to the issuance of passports, the passport regulations, the statute that requires provision of a social security number in connection with a passport application, and the "two-parent consent" statute relating to the issuance of passports to minors. There are many authorities that relate to the issuance of passports to minors. There are many authorities that relate to the circumstances under which U.S. nationality is acquired, and that are the basis for some of the information that is sought on the form. We have described these authorities comprehensively without listing each and every statutory or treaty citation.

9. Not applicable. This information collection will 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. Not applicable. The DS-4085 does not ask questions of a sensitive nature.
- 12. The estimated number of minutes required per response is based on a recent sampling of the time required to search existing data sources, gather the necessary information, provide the information required, review the final collection, and submit the collection to Passport Services for processing. The sampling was completed through consultation with a small group of actual respondents utilizing Form DS-19. Passport Services estimates that the average time required for this information collection will be 20 minutes per response. Therefore, the estimated total annual burden for 30,000 respondents is 10,000 hours per year.
- 13. There will be no application fee associated with the DS-4085.

DS-4085 applications will be submitted primarily by mail. Per information received from the United States Postal Service, the cost burden for postage will be approximately \$0.85 per application.

Passport Services estimates that 30,000 respondents will use the DS-4085 annually to apply for additional visa pages. In addition, and based on past demand for additional visa pages, we estimate that 22% (6,600) of all respondents using a DS-4085 will request expedited service at a rate of \$60 per application.

When combining all estimated cost burdens associated with Form DS-4085, the total annual cost burden for approximately 30,000 applicants is \$421,500. A complete breakdown of the involved costs is outlined below.

30,000 – Postage	X	\$0.85	=	\$25,500
6,600 – Expedites	X	\$60	=	\$396,000
Total				\$421,500

- 14. Passport Services estimates the insertion of additional visa pages into 30,000 US passports annually during each of the next three years through the use of the DS-4085. This equates to 0.3% of out total issuance system wide. Passport Services’ total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$298,200.
- 15. Not applicable. This is a new form submission.

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 the use of complex analytical techniques.
17. Not applicable. 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.