

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Statement of Consent or Special Circumstances: Issuance of a U.S. Passport to a Minor
under Age 16
OMB #1405-0129 (Form DS-3053)**

A. JUSTIFICATION

1. The Statement of Consent or Special Circumstances: Issuance of a U.S. Passport to a Minor under Age 16 (DS-3053) is used in conjunction with the Application for a U.S. Passport (DS-11). This form is used only in cases when both parents and/or legal guardian(s) of a child under age 16 cannot be present at the time the application is executed. The form is completed by the non-applying parent or guardian to give his or her statutorily required consent to the issuance of a passport to the minor or by the appearing parent or guardian to explain the absence of the non-appearing parent's or guardian's consent.

The DS-3053 form assists the Department of State to administer the regulations in 22 CFR 51.27 requiring that both parents and/or all guardians consent to the issuance of a passport to a minor under age 16, except where one parent has sole custody or there are exigent or special family circumstances. This regulation was mandated by Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations authorization Act, Fiscal Year 2000 and 2001 (enacted by Public Law 106-113, Div. B, Section 1000 (a) (7)), and helps to prevent international child abduction.

False statements on the DS-3053 are prosecutable under U.S. law, including the provisions of 18 U.S.C. sections 1001 and 1542.

2. Form DS-3053 is used by Passport Services to assist in determining that both parents and/or legal guardian(s) have given consent to the issuance of a passport to a minor under age 16 or if not, that exigent or special family circumstances exist.
3. Due to current law, regulations, and available technology, this form cannot be submitted electronically; however we continue our efforts to improve in this area. The DS-3053 requires the submission of original documents to establish citizenship and identity, as well as photographs, based on 22 CFR 51.20 et seq. Without the originals, we cannot conduct a forensic analysis to ensure that there is no fraud involved and to confirm the identity of the applicant. This form is posted on the Department's website 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.
5. The DS-3053 does not involve small businesses or other small entities.

6. The DS-3053 can serve as the notarized written statement of consent by a parent or guardian, or as the statement describing exigent or special family circumstances which is required if both parents or legal guardians are not present when the passport application is executed for a minor under age 16. If the required statement is not submitted, the minor cannot receive a passport. Use of the DS-3053 is not mandatory. The required statements may be submitted in other formats provided they meet statutory and regulatory requirements.
7. No such special circumstances exist.
8. The Department of State received one comment during the 60-day notice to solicit public comments for the collection in the *Federal Register*.

The first comment received criticizes the forms for failing to explicitly recognize the right to passports of inhabitants of the United States trust territory of American Formosa. The Department feels this comment has no basis. This goes to an argument that has lost in court (ultimately with cert. denied in the Supreme Court) that Taiwan is under US jurisdiction and that the people on Taiwan are entitled to US passports. *Lin v. United States*, 561 F.3d 502 (D.C. Cir. 2009) affirmed the district court's dismissal on political question grounds of a case brought by individuals residing on Taiwan who sought a declaratory judgment that they were non-citizen U.S. nationals and asserted that the United States was exercising sovereignty over Taiwan. Cert was denied subsequently.

Estimates on the time and cost burden associated with this form were acquired through consultations with a small group of actual respondents. Respondents gave feedback on 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.

9. Not applicable. This information collection does not provide any payment or gift to respondents.
10. Not applicable. This form includes a Privacy Act Statement explaining the routine uses of the information collected under the Act.
11. Not applicable. The DS-3053 does not ask questions of a sensitive nature.
12. The estimated time burden for the collection includes both time spent completing and reviewing the form and time required to have it notarized. Passport Services estimates that the overall average time is 60 minutes per response. Therefore, the estimated total annual burden for the collection (1,025,000 respondents x 60 minutes per response) is 1,025,000 hours.
13. There is no application fee associated with this collection. Form DS-3053 is submitted in conjunction with form DS-11, Application for a U.S. Passport. However, due to the

regulatory change that requires notarization of this form, customers may be required to pay a notarization fee. The national average cost to have a document notarized is \$5.00. Since some respondents are expected to have access to cost-free notary services and other respondents will not need to have the form notarized, we have assumed that 50% of respondents will incur a notarization fee. Therefore, the total estimated cost burden is \$2,562,500 (1,025,000 respondents x \$5.00 average fee x .50 probability of incurring a fee).

14. Passport Services estimates 1,025,000 applicants will use form DS-3053 in conjunction with the DS-11, Application for a U.S. Passport annually during each of the next three years. Passport Services' total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$45,660.
15. The adjustment indicated reflects an increase in the number of respondents (from 605,800 to 1,025,000 respondents) partly because the demand for a U.S. passport has continued to increase. The increase in the number of respondents can also be contributed to a greater ability to estimate the use of DS-3053s based on a recent statistically valid audit performed internally by Passport Services. In the last PRA package, submitted in 2007, Passport Services underestimated the number of respondents since the DS-3053 is not specifically tracked internally as it is always submitted in conjunction with the DS-11, Application for a U.S. Passport.
16. Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at: <http://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.

B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.