

**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) is used by citizens and non-citizen nationals (hereinafter, collectively referred to as “nationals”) of the United States who are applying for additional visa pages in a 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, nationality, and eligibility 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, other applicable treaties and laws, and implementing regulations at 22 CFR Part 50 and 51.

2. The information collected on the DS-4085 is 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.

The DS-4085 is retained in the files of the Department of State, along with other documentation related to passport applications, adjudication, and issuance. Among other uses, these records are consulted when a U.S. passport has been lost and the bearer has no evidence of nationality available or in support of any derivative claims to nationality made by an applicant’s children. The records may also be consulted by consular personnel in the event of an emergency abroad involving Americans: the application has a block for the name, address, and telephone number of a person to notify in the event of an emergency. Information from the DS-4085 may also be shared with outside users, and for uses, as provided for in the Privacy Act or set forth in the Department of State’s Prefatory Statement of Routine Uses relative to the Privacy Act (Public Notice 6290 of July 15, 2008) or the Department’s System of Records Notice (State-26) for passport records.

The DS-4085 becomes part of the applicant's passport file, which is covered by the Privacy Act. The information contained in this file cannot be released except as provided by the Privacy and Freedom of Information Acts.

Intentionally making a false statement on the DS-4085 may constitute a violation of 18 U.S.C. sections 1001 and 1542.

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. This form is posted on the Department's website where it can be filled out on-line and printed for submission. The DS-4085 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. With the completed application, a 2-D barcode is printed on each application. This barcode is scanned by Passport Services and automatically record the applicant's information in our system. This process saves both Passport Services and the applicant time and reduces errors. 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-4085 is the sole Department of State form used by applicants requesting 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 collected on the DS-4085 is needed to establish entitlement to additional visa pages.
7. No such special circumstances exist.
8. The Department received two comments 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.

The second comment received criticized a recently established fee of \$82 for additional visa pages placed in a U.S. passport subsequent to issuance. The Department has addressed similar comments in the interim final rule setting forth the Schedule of Fees for Consular Services, Public Notice 7068, 75 Fed. Reg. 36522, 36528 (June 28, 2010), and will address this comment in the forthcoming final rule setting forth the Schedule of Fees.

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 generally explaining the routine uses of the information collected under the Act and referencing the Prefatory Statement and Passport SORN.
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 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. Passport Services found that the overall average for the estimated time required for this information collection is 20 minutes per response. Therefore, the total annual burden for 146,000 respondents is 48,667 hours per year.
13. The application fee for the DS-4085 is \$82.

DS-4085 applications are submitted primarily by mail. Per information received from the United States Postal Service, the cost burden for postage is approximately \$1.05 per application.

Passport Services estimates that 146,000 respondents will use the DS-4085 annually to apply for additional visa pages. Furthermore, based on demand data from the 2009 fiscal year, we estimate that 63% (92,000) of all respondents using a DS-4085 will request expedited service at a rate of \$60 per application.

When combining all of the individual estimated cost burdens associated with the Form DS-4085, the total annual cost burden for approximately 146,000 applicants is \$17,645,300. A complete breakdown of the involved costs can be found below.

146,000 DS-4085 Applications	X	\$82	=	\$11,972,000
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146,000 – Postage	X	\$1.05	=	\$153,300
92,000 – Expedite Service	X	\$60	=	\$5,520,000
Total				\$17,645,300

14. Passport Services estimates that additional visa pages will be inserted into 146,000 U.S. passports on an annual basis during the next three years through the use of the DS-4085. . This amount equates to 1% of our total issuance system wide. Passport Services’ total operating budget including equipment, overhead, printing, and support staff employed for this information collection is \$12,320.

15. The adjustments indicated reflect an increase in the number of respondents from 60,000 to 146,000 respondents because the demand for a U.S. passport has continued to increase. Postage costs have also been adjusted to reflect the increase in postage fees since 2007. The cost burden has also changed, in part, because Passport Services began charging \$82 for visa pages on July 13, 2010. Passport Services also underestimated the number of respondents who would request expedited service. In 2007, Passport Services projected approximately 22% of DS-4085 applicants requested expedited service, we now estimate 63% (92,000) of all respondents using a DS-4085 will request expedited service. On July 13, 2010 the Department implemented a new schedule of fees that raised the fee associated with the passports, including the DS-4085. The fee for extra visa pages on a U.S. passport book was set at \$82.

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.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.