

SUPPORTING STATEMENT

Application for Replacement Naturalization/Citizenship Document

(Form N-565)

OMB No. 1615-0091

A. Justification.

1. Section 343(a) of the Immigration and Nationality Act (Act) provides that if any certificate of naturalization or citizenship issued to any citizen or any declaration of intention furnished to any declarant is lost, mutilated, or destroyed, the citizen or declarant may make application to the Secretary of Homeland Security for a new certificate or declaration. The Form N-565 is used to apply for a replacement of a Declaration of Intention, Naturalization Certificate, Certificate of Citizenship or Repatriation Certificate, or to apply for a special certificate of naturalization as a United States citizen to be recognized by a foreign country.
2. The form is provided by U.S. Citizenship and Immigration Services (USCIS) to determine the applicant's eligibility for a replacement document. An applicant may file for a replacement if he or she was issued one of the documents described above that was lost, mutilated or destroyed, or if the applicant's name was changed by a marriage or by court order after the document was issued and now seeks a document in the new name. If the applicant is a naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign country, he or she may apply for a special certificate for

that purpose. USCIS made minor edits to Form N-565 instructions. See attached table of changes.

3. The use of this form currently provides the most efficient means for collecting and processing the required data. This form can be completed electronically but cannot be e-filed. This form has been designated for e-filing as part of the Business Transformation Project.
4. A review of USCIS's Forms Inventory Report revealed no duplication of efforts. There is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. Without the Form N-565, USCIS could not provide applicants with a replacement of a Declaration of Intention, Naturalization Certificate, Certificate of Citizenship or Repatriation Certificate, or provide a special certificate of naturalization as a U.S. citizen to be recognized by a foreign country. If an applicant cannot show he or she is a U.S. citizen, they could be denied employment, the ability to petition for other relatives to immigrate to the U.S., and could be denied benefits under Welfare Reform due to their inability to provide evidence of their citizenship. Additionally, a citizen would be denied a U.S. passport for lack of a certificate of citizenship or naturalization.
7. There are no special circumstances applicable to this information collection.
8. On December 23, 2010 USCIS published a 60-day notice in connection with this information collection at 75 FR 80835. USCIS did not receive any comments for the 60-day notice. On March 3, 2011, USCIS published a 30-day notice in connection with this

information collection at 76 FR 11807. USCIS received one comment on the 30-day notice. The following is a discussion of the comment and USCIS response.

USCIS received public comments for Form N-565 during the 30-Day Notice of Information Collection Under Review for Form N-565, Application for Replacement Naturalization/Citizenship Document; OMB Control No. 1615-0091. In Section VIII, Summary and Suggestions, of the December 23, 2010 document titled “Comments on Form N-565, Application for Replacement Naturalization/Citizenship Document; OMB Control No. 1615-0091, 75 FR 80835”, the commenter requests:

1. The form instructions address the justified requests for a change to descriptive personal characteristics to include: height, weight, hair or eye color, or distinguishing features shown in the photograph on the certificate.

In response, USCIS is aware that physical changes occur naturally through the aging process; that is why photographs taken within 30 days of filing Form N-565 must be submitted. At this time and for the purposes of this form, the height and weight of the applicant is not required.

2. The form instructions should also clearly inform the applicant of the inability of USCIS to change a name absent a legal document such as a marriage or divorce document (which does afford a name change) or a court ordered name change.

In response, as indicated in the Form N-565 instructions, if an applicant is applying for a new document because of a name change, marriage certificates or court orders are acceptable.

3. The form instructions should also clearly inform the applicants that a change to the date of birth is prohibited, even if there was some error in the immigration record in the past, if one has completed the naturalization/citizenship process and sworn to the facts, including the wrong date of birth, on their form N-400, or the parent or legal guardian on behalf of a minor applicant on the forms: N-602, N-600, N-643, or N-600K; or any other form ever used in the past.

In response, USCIS has no legal basis to address errors in dates of birth. This is beyond the scope of USCIS' jurisdiction as this is a congressional matter.

All documentation, suggestions and requests provided by the commenter has been reviewed for its logic, judicious, wise, and equitable request. After thorough review, USCIS is amending its form instructions to inform applicants that USCIS does not have legal authority to change names without supporting legal documents (e.g., marriage, divorce, or court-ordered name-change document), nor change dates of birth.

USCIS does not believe they should be incorporated in the form or instructions.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The system of records notice for this information collection is USCIS Benefits Information System. Published in the Federal Register on September 29, 2008 at 73 FR 56596. The related privacy impact assessment is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum.
11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a.	Number of Respondents	29,298
b.	Number of Responses per each request	1
c.	Total Annual Responses	29,298
d.	Hours per Response	.916
e.	Total Annual Reporting Burden	26,836

Annual Reporting Burden

Total annual reporting burden is 26,836. This figure was derived by multiplying the number of respondents (29,298) x(1) frequency of response x .916 hours (55 minutes) per response.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item 14. There is a fee charge of \$345 associated with the filing of this information collection.

14. **Annualized Cost Analysis:**

Printing Cost	\$	8,124
Collecting and Processing	\$	10,099,686
Total Cost to Program	\$	10,107,810
Fee Charge	\$	10,107,810
Total Annual Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents 29,298 x \$345 fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, distributing and processing of this form).

Public Cost

The estimated annual burden cost is \$ 802,156. This estimate is based on the number of respondents (29,298) x (1) number of responses x .916 hours (55 minutes) per response x \$29.89 (average hourly rate).

The estimated annual fee cost is \$10,107,810.

This is based on the number of respondents 29,298 x fee charge of \$345.

15. There has been no increase or decrease in the burden hours previously reported for this collection of information. There is no change in the information being collected.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. USCIS will display the expiration date for OMB approval for this information collection.
18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not Applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Sunday Aigbe

Date

Chief,
Regulatory Products Division,
Office of the Executive Secretariat,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.