

# **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 (CRBAs) are issued to persons under the age of 18 who acquired U.S. citizenship by birth abroad to a U.S. citizen parent or parents who have met the applicable statutory transmission requirements. 8 U.S.C. §§ 1401 and 1409 prescribe the legal requirements for a U.S. citizen to transmit U.S. citizenship at birth to his or her child born abroad. The Immigration and Nationality Act of 1952, as amended, Section 104(a)(3), 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. 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. 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 the child's birth, proof of the child's citizenship, the parents'

citizenship, and evidence of parent's physical presence, prior residence in the United States, and/or evidence that all other statutory transmission requirements have been met. 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.

**3.** The Department is studying the feasibility of incorporating the substance of the DS-2029 into an online format to provide applicants with the option to complete and submit the form via the Internet. Ideally, the applicant will be able to complete the form and submit it as well as all relevant fees to the adjudicating post while simultaneously making an appointment to appear for an interview. The Department has polled posts around the world, and its findings are that posts are highly supportive, and believe that a properly-designed online application could save substantial time and effort.

An online CRBA application would not supplant the physical DS-2029. In areas where internet access is unreliable, or where the applicant pool may not have the level of technological literacy to successfully submit an application online, we have a duty to provide U.S. citizens with the choice to use a paper application.

The electronic DS-2029 should be launched on official Department of State web pages by the time we submit the 30-Day Package for the next OMB submission.

- 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.** No special circumstances exist.
- 8.** The 60-day notice for the current OMB approval for this information collection was published in the Federal Register under citation number 77 FR 51101 on Thursday, August, 23, 2012. The purpose of the Federal Register notice was to solicit comments from the public. One comment was received. The commenter said, *“The DS 2029 must now require a picture of the claimed birth person and a fingerprint of the claimed birth person. It is time to truly document who is being claimed as a U.S. citizen. There is a lot*

*of lying and fakery and bribery in this entire process. Since citizenship is worth thousands of dollars, it is clear that workers in this area can make money for themselves by allowing people to pay them off for fake documents. We need investigation of the alleged 68,000 births abroad. We want birth pictures of the claimed citizen to be attached to the file, we want indication of the race and color for the claimed new citizen and we want fingerprints. It is clear there is criminality in this area of our gov't."*

Our office responded by stating adjudication of CRBAs require personal appearance of the applicants and are adjudicated in conjunction with passport applications. The Department does not require photos for CRBAs. A CRBA is not a travel document. The Department does require photos for passports. The Department does not require fingerprints for passports or CRBAs.

**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.** No such questions asked.

**12.** The hour burden of 22,876 hours per year is based on the form being completed by an average of 68,627 persons per fiscal year, and only one response is permitted per applicant. The form takes each respondent an average of 20 minutes to complete the form. The data is a three-year average of respondents to the form for fiscal years FY09, FY10, and FY11 (see data chart below). 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.

<b>Fiscal Year</b>	<b>Total # of Respondents to the CRBA Application</b>
<b>FY11</b>	<b>72,661</b>
<b>FY10</b>	<b>66,700</b>
<b>FY09</b>	<b>66,520</b>

The annualized cost to respondents for the hour burdens for collections of information, based on appropriate wage rate categories is \$672,554. The annualized cost to respondents for the hour burdens for collections of information was determined by figuring out the average hourly in earnings which is the average mean hourly civilian earnings at \$21.29/hr., and military workers at \$20.70/hr. Averaging the three totals \$20.99 (rounded to \$21). \$21/hr was multiplied by 1.4 to get a weighted hourly wage of \$29.40/hr. \$29.40/hr. was then multiplied by 22,876 overall hour's burden by the respondents. This final calculation equaled \$672,554.

13. The estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information is zero.

14. The total cost to the Federal Government is based on a Consular Cost of Service Model. The Consular Cost of Service Model provides projected total costs for FY13, FY14 and FY15. The average projected total cost to the government for FY13, FY14 and FY15 is \$8,893,511. The table below indicates the projected total costs for FY13, FY14 and FY15.

FY13	FY14	FY15
\$ 8,551,349	\$ 8,898,230	\$ 9,230,956

The cost to the government has decreased because CA/C changed the methodology for assigning support and processing costs in the 2011 Cost of Service Model from being assigned on a per cost object basis to based on volume. In previous versions of the Cost of Service Model, CRBA was one of 53 OCS cost objects in the model; it received approximately 1/53, or roughly 2%, of the support costs for OCS services. In the 2011 Cost of Service Model, on which the above costs were based, CRBA receives around 1% since the FY10 CRBA volumes represented about 1% of all OCS volumes. CA/C felt this methodology change allowed support costs to be assigned to all CA services on a fairer and more intuitive basis.

15. The average number of respondents has increased from 64,374 to 68,627. As a result of this increase in respondents, the hour burden has increased from 21,458 to 22,876. The cost to respondents has been adjusted to 0. The last submission incorrectly attributed a \$100 fee for processing the DS-2029 to the respondent cost burden. This has now been included in the cost to government.

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 Consular Reports of Birth Abroad applications are maintained in the files of the Department of State, Passport Services, filed alphabetically by the name of the subject.

17. The OMB expiration date will be displayed.

18. No exceptions are requested.

## **B. STATISTICAL METHODS**

This collection does not employ statistical methods.