

**SUPPORTING STATEMENT FOR  
PAPERWORK REDUCTION ACT SUBMISSION  
Birth Affidavit  
OMB Number # 1405-0132 (Form DS-10)**

**A. JUSTIFICATION**

1. The Birth Affidavit is submitted in conjunction with an application for a U.S. passport, and is used by Passport Services to collect information for the purpose of establishing the U.S. nationality of passport applicants who were born in the United States and have not submitted an acceptable United States birth certificate with their passport application.

The Secretary of State is authorized to issue U.S. passports under 22 U.S.C. § 211a et seq, 8 U.S.C. § 1104, and Executive Order 11295 (August 5, 1966). Pursuant to 22 U.S.C. § 212 and 22 C.F.R. § 51.2, only U.S. nationals may be issued a U.S. passport.

Most passport applicants show U.S. nationality by providing a birth certificate showing the applicant was born in the United States. or outlying possession of the United States. Some applicants, however, may have been born in the United States or outlying possession, but were never issued a birth certificate or possessed a certificate that was filed more than one year after the applicant's birth. Form DS-10 is a form affidavit for completion by a witness to the birth of such an applicant. If credible, the affidavit may permit the applicant to show U.S. nationality based on the applicant's birth in the United States or outlying possession. Form DS-10 collects information relevant to establishing the identity of the affiant, and the birth circumstances of the passport applicant. We use this information to determine whether the applicant was, in fact, born in the United States despite having never been issued a birth certificate or possessing a late filed birth certificate. We use the information collected on the person completing the affidavit to confirm that individual's identity, which is relevant to confirming his or her relationship to the applicant and the likelihood that the affiant has actual knowledge of the circumstances of the applicant's birth.

2. The information collected on the DS-10 is used to facilitate the issuance of passports to U.S. nationals. The primary purpose for soliciting the information is to establish the birth of passport applicants who have not submitted an acceptable birth certificate with their passport application.

The DS-10 is retained in the files of the U.S. Department of State as a record attesting to supporting the adjudication of citizenship of passport applicants, and the subsequent issuance or denial of their passports. These records are consulted when a U.S. passport is lost and the bearer has no evidence of citizenship available or in support of derivative claim to citizenship made by an applicant's children. Consular personnel, in the event of

an emergency abroad involving U.S. nationals, may also consult the records. Information from the DS-10 may also be shared with other federal agencies on a need-to-know basis when personnel from those agencies may lawfully be given access to such information.

The DS-10 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.

In addition to this primary use of the data, the DS-10 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, 1542, and/or 1621.

3. The DS-10 is currently available online at <http://www.travel.state.gov>. However, the DS-10 cannot be submitted electronically. Under established regulations, a complete end-to-end electronic submission for this form is currently not an option. Pursuant to 22 C.F.R. § 51.42(b), a statement of birth facts should be made in an affidavit. Therefore, the DS-10 requires signature before a passport agent, acceptance agent, or a notary public. Moreover, the Department will need the original affidavit of birth facts to ensure there is no fraud involved, and also to confirm the identity of the affiant.
4. Aside from necessary basic self-identification data, the information requested does not duplicate information otherwise available. The DS-10 is the sole U.S. Department of State form used by passport applicants who need to establish their birth in the United States, when a certified birth certificate is significantly delayed or does not exist.
5. This collection of information does not significantly impact small businesses or other small entities.
6. The information collected on the DS-10 is crucial to establishing the U.S. nationality of the passport applicant and resolving suspected fraud cases. Without it, time consuming and expensive field investigations would likely be required.
7. No such special circumstances exist.
8. The Department published a notice in the Federal Register on December 9, 2016 (81 FR 89181) soliciting public comments and received two comments. One comment received proposed requiring a "personal visit with much more documentaiton than just a birth certificate to get a us passport if you are not a us citizens" [*sic*]as well as conveyed concern for fraudulent birth documents. The DS-10 must be submitted at the time the applicant submits the DS-11, Application for a U.S. Passport. The DS-11 requires personal appearance by the applicant, so therefore anyone who submits a DS-10 Birth Affidavit must make a personal appearance. In addition, the DS-10 requires a combination of other birth records and, when applicable, a notice from an appropriate authority (usually a vital records office) indicating that no birth record exists. As a result, applicants must submit more documentation than those who are able to provide a certified U.S. birth certificate. The second comment received encouraged approval of the

affidavit remarking that “many in rural America and the deep south, historically were never give birth certificates.” [sic]

9. This information collection does 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. There are no promises of confidentiality to the respondents other than those contained in federal statutes and regulations.
11. The DS-10 does not ask questions of a sensitive nature. The DS-10 collection of information asks the affiant to provide a Social Security number to help confirm the affiant’s identity. Confirming the affiant’s identity is critical in determining whether or not to credit the affidavit.
12. Passport Services estimates that the average time required for this information collection is 40 (minutes) or 0.667 (hour) per response, and a projected average of 22,056 respondents a year. Therefore, the estimated total annual burden for the collection is:

22,056 (number of respondents) x 0.667 (hour) = **14,711** hours per year.

The estimated number of minutes per response is based on a sampling of the time required to search existing data sources, gather the necessary information, provide the information required, travel to a notary public and have the form notarized, make photocopies of the front and back side of the affiant’s identification, review the final collection, and submit the collection to Passport Services for processing.

To estimate the cost to respondents for this form based on the hourly wage and weighted wage multiplier, the Department calculated the following:

\$23.23 (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics) x 1.4 (weighted wage multiplier) = **\$32.52** weighted wage

14,711 (annual hours) x \$32.52 (weighted wage) = **\$478,402** (hour burden cost)

13. To properly complete and submit a DS-10 birth affidavit, the affiant must provide the following as specified in the “Purpose” section on page 1:
  - Proof of Identity - Submit a clear photocopy of the front and back side of affiant’s original identification. (The estimated cost of a black and white copy is based on a quote from a FedEx Office.) While not a new requirement, as it is already stated in the “PURPOSE” section at the top of the form, the proof of identity statement has been repeated in the notary section at the bottom of the form following the word “NOTE:” to emphasize this requirement. It is estimated that 50% of the affiants will have access to a photocopy machine at no cost, while the other 50%

will require travel to a local store or library to make the photocopies of their identification document; and

- Signature of Passport Agent, Acceptance Agent, or Notary Public – The signature of the passport agent or acceptance agent is done upon submission of the DS-10 form at a passport agency or acceptance facility. If the respondent (affiant) visits a notary public to substantiate the identifying document, he or she may be required to pay a notarization fee. The national average cost to have a document notarized is \$5.00. Since some respondents will submit the form at a passport agency or acceptance facility and others are expected to have access to cost-free notary services, we have assumed that 25% of respondents will incur a notarization fee.

There is no application fee associated with this collection. Form DS-10 is submitted in conjunction with Form DS-11, Application for a U.S. Passport. When combining the estimated cost burdens associated with Form DS-10, the total annual cost burden for the percentage of affiants outlined in the table below (0.50 and 0.25 probability of incurring a fee) is **\$32,422**. A complete breakdown of the involved costs is outlined below:

<b>Document</b>		<b>Cost</b>		<b>Total</b>
Proof of Identity - Black & White Copy (11,028 = 0.50 of total respondents/year) (2 @ \$0.22 each)	x	\$ 0.44	=	\$ 4,852
Notary (1) (5,514 = 0.25 of total respondents/year)	x	\$ 5.00	=	\$ 27,570
<b>Total Cost to Respondents</b>				<b>\$32,422</b>

#### 14. Annualized Cost Analysis

- |                                  |                 |
|----------------------------------|-----------------|
| a. Printing Cost                 | \$330.84        |
| <b>Total Cost to the Program</b> | <b>\$330.84</b> |

This was calculated as follows: 22,056 (projected average number of respondents per year) for FY 2017-2019 at a cost of \$15.00 per thousand equals (22,056 x15.00/1,000) \$330.84.

#### 15. The hour burden adjustments indicated reflect an increase in the number of projected respondents from 21,585 (previous FYs 2015 – 2017) to 22,056 (FYs 2017-2019).

Projections are based on information request letters sent to applicants that require the use of the DS-10. This method provides higher numbers than actual forms used since every applicant may not respond to the information request. The yearly projected numbers of respondents are based on demand forecast numbers from statistical models and historical

trends of form usage. The primary driver for form usage is the demand forecast for each fiscal year. The next two fiscal years' forecasts are updated on an annual basis so that each forecast uses the most recent, relevant date to project future demand. Given that projected passport application (DS-11) demand is the primary driver for form usage, as shown below in the table, the DS-10 is expected to increase and decrease steadily in correlation with the DS-11 application estimate through FY 2019.

	<b>Projections</b>		
<b>Fiscal Year</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>
<b>Passport Applications (DS-11)</b>	<b>9,765,773</b>	<b>9,674,039</b>	<b>10,063,573</b>
<b>DS-10</b>	<b>21,903</b>	<b>21,697</b>	<b>22,570</b>

In addition to general format changes, the following content changes have been made to the form:

- Page 1 Form-“Warning” section was moved to instruction Page 2.
- Page 1 Form – In the “Purpose” section, a new sentence has been added: “The affidavit must be signed in front of a notary, unless it is being submitted to an authorized Passport Agent or Passport Acceptance Agent” after “A birth affidavit must be made by an individual who has personal knowledge of the facts of the applicant’s birth in the United States.”
- Page 1 Form – In question 8, a new sentence: “The detailed statement should include the date/time/location of applicant’s birth, individuals present, and any other first-hand knowledge of the event or how you obtained knowledge of the event” has been added after “State all the facts you know about the applicant’s birth.” Also, the last sentence was revised from “List the names of the applicant’s birth parents if you know them” to “List the names of the applicant’s birth parents and your relationship to the applicant and/or birth parents. (Attach a separate sheet of paper if more space is needed.)”
- Page 1 Form – A new field was added after section 8: “STOP! YOU MUST SIGN THIS FORM IN FRONT OF A PASSPORT AGENT, ACCEPTANCE AGENT, OR NOTARY PUBLIC” to prevent affiants from signing the affidavit unless a passport agent, passport acceptance agent or a notary is present to confirm the affiant’s identity.
- Page 1 Form –Statement “NOTE: A clear photocopy of the front and back of the identification you presented to the notary is required with this form.” has been moved from “Identifying Document Submitted” section to underneath the “STOP! YOU MUST SIGN THIS FORM IN FRONT OF A PASSPORT AGENT, ACCEPTANCE AGENT, OR NOTARY PUBLIC” section.

- “Identifying Section” at the bottom was revamped to include now checkboxes for identifying documents as well as “ID Number,” “Place of Issue,” “Issue Dates” and “Expiration Dates.”
- PRA statement was updated to include the new point of contact office and address.

16. Quantitative summaries of Department of State passport activities are published periodically on the Department of State website at [www.travel.state.gov](http://www.travel.state.gov). Such summaries do not involve use of complex analytical techniques.

17. 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.