

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, proof of the

parents' citizenship, evidence of the transmitting parent's applicable physical presence or residence in the United States, and/or evidence that all other statutory transmission requirements have been met. Proof of child's birth may consist 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 actively working on 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. This activity is part of the Department's ConsularOne modernization project. The current schedule shows it as complete in the third quarter of Fiscal Year 2017. The applicant will have the ability to complete the form and submit it along with the capability to upload supporting documentation in electronic format. The applicant will also have the ability to pay the relevant fee and to schedule an appointment to appear at the adjudicating post for an interview through this online application. The Department has polled its posts around the world, and its findings are that posts are highly supportive of this endeavor, 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 appropriate technological literacy to successfully submit an application online, the Department has a duty to provide U.S. citizens with the choice to use a paper form.

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 to document citizenship of children born abroad to U.S. citizen parent(s). In accordance with 22 U.S.C. § 2705, the Department of State should 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 Department of State published a 60 day *Federal Register* notice for public comments, see 80 FR 55708, dated September 16, 2015. The Department of State received one public comment which did not relate to the form DS-2029, The Consular Report of Birth Abroad of a Citizen of the United States of America. The Department will publish a 30 day notice in the *Federal Register* and solicit public comments.

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 questions of a sensitive nature are asked.

12. The hour burden of 23,758 hours per year is based on the form being completed by an average of 71,275 persons per fiscal year, and only one response is permitted per applicant per child. The form takes each respondent an average of 20 minutes to complete. The number of respondents constitutes the three-year average of respondents to the form for fiscal years FY12, FY13, and FY14 (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.

Fiscal Year	Total # of Respondents to the CRBA Application
FY14	72,573
FY13	71,244
FY12	70,010

The annualized cost to all respondents for the hour burden for collections of information, based on appropriate wage rate categories, is \$742,675. The annualized cost to respondents for the hour burdens for collections of information, based on appropriate wage rate categories, was determined by figuring out the average hourly wage; \$22.33 is the average mean hourly civilian wage. \$22.33/hr. was multiplied by 1.4 to get a weighted hourly wage of \$31.26/hr. \$31.26/hr. was then multiplied by 23,758 burden hours. The final calculation equals \$742,675.

13. The cost associated with this application that respondents may incur is the mileage travel costs for submitting the form to the U.S. diplomatic mission in person. Mileage costs for traveling by various methods of transportation will vary based on how far the person has to travel. If the driving distance is ten miles, the overall total cost based on 23,758 respondents is \$135,420.60. If the distance is 25 miles, the overall total cost based on 23,758 respondents is \$338,551.50. If the distance is 50 miles, the overall total cost based on 23,758 respondents is \$677,103.00. The total mileage cost of \$1,151,075.10 is based on a total of 23,758 respondents that traveled by various methods of transportation.

- The following language was added to the last sentence: “A Consular Report of Birth Abroad is not a birth certificate” in the first paragraph of page 1.
- The final sentence of the Routine Uses section includes the SORN number as follows: The title of this notice is Overseas Citizens Services Records, State-05.
- The following changes were made underneath page 2 of 2:
 - 5 and 11. Full Name: Enter Mother/Father/parent's name as it appears on the passport and/or government issued identity document.
 - 6 and 12. All Previous Legal Names: Enter all legal names ever used by Mother/Father/Parent, including name at birth.
 - 7 and 13. Sex: Check (X) box to indicate whether male or female.
- Item 30 in the instructions was changed to say: The U.S. embassy or consulate official approving the issuance of the Consular Report of Birth Abroad will enter the serial number of the Consular Report of Birth Abroad and the date and place of issuance before signing this section.
- The phrase “Other Identity” was changed to “Citizenship” in both fields on page 5 of 5 underneath C. FOR OFFICIAL USE.
- On page 2 of the instructions, item 6 and 12, we changed the language from “Father” to “Mother/Father/Parent”.
- In the application, Section A, item 8, the word “Day” has two parentheses instead of one.
- In items 24 and 25 on page 2 of the application, additional rows were added.
- In the Section B title heading on page 3 and the title heading above item 29, we removed the words “Notary Public”.
- In item 31 on page 5, we changed the wording of “File Date” and “Date of Issuance” to “Date of Issuance” and “Date of Marriage” for the marriage related items and “Date of Issuance” and “Date of Divorce” for divorce related items.
- In the Privacy Act Statement, the paragraph titled “DISCLOSURE”, we added the word “Abroad” after the words “Consular Report of Birth”.
- In the Paperwork Reduction Act Statement we updated the address.

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 at the National Archives and Records Administration and filed in accession libraries. Electronic copies of the Consular Report of Birth are maintained by the Department of State, Passport Services.

17. The OMB expiration date will be displayed.

18. No exceptions are requested.

B. STATISTICAL METHODS

This collection does not employ statistical methods.