

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 satisfied the applicable statutory criteria. 8 U.S.C. §§ 1401 and 1409 prescribe the legal requirements for a child born abroad to a U.S. citizen parent or parents to acquire U.S. citizenship at birth. 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 Abroad 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 Abroad 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 U.S. citizen parent's applicable physical presence or residence in the United States, and/or evidence that all other applicable statutory 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 indicates the online DS-2029 was to be piloted in March 2019. 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; 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 technological ability 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. Some information requested on the DS-2029 is duplicative of information requested on Form DS-5507, Affidavit of Physical Presence, Parentage, and Support. The DS-2029 is designed so that both parents of the child born abroad can provide their information on the same form, including, for the U.S. citizen transmitting parent, dates of physical presence or prior residence in the United States or other qualifying time as provided by the birth abroad statutes. If a non U.S. citizen parent is submitting the DS-2029 at a U.S. Embassy or Consulate and the transmitting U.S. citizen parent is not present for that appointment, the parents are permitted in many cases to submit a DS-5507 completed before a U.S. notary (or other person authorized to take oaths or affirmations) along with the DS-2029. The DS-5507 requests the same information regarding parentage and dates of physical presence or prior residence in the United States as the DS-2029. Additionally, for a citizenship claim by birth abroad out of wedlock to a U.S. citizen father, both the DS 2029 and the DS 5507 request acknowledgement of paternity under oath and a statement agreeing to support the child financially until the age of 18.

It is not expected that a transmitting U.S. citizen parent who completes the DS 2029 would also be required to complete the DS 5507 or vice versa.-

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). 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 notice in the *Federal Register* to solicit public comments on December 14, 2018 (83 FR 64424). No comments were received.

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 24,549 hours per year is based on the form being completed by an average of 73,647 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 FY15, FY16, and FY17 (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 post CRBA Applications
FY15	72,426
FY16	76,423
FY 17	72,091

The estimated cost to respondents is based on the weighted civilian hourly wage rate from the Bureau of Labor Statistics website multiplied by the annual time burden (24,549 hours). The wage rate is estimated to be \$36.32 per hour (\$24.91 average wage + 11.41 benefits). The Department used the Employer Costs for Employee Compensation released by the Bureau of Labor Statistics in 2019.ⁱ

$$\$36.32/\text{hr.} \times 24,549 \text{ burden hours} = \$891,619.68 \text{ annual cost burden.}$$

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.

The number of people traveling by vehicle per number of miles shown in the table below was determined by dividing 73,647 individuals (number of respondents) by 3 which gives you 24,549 individuals. The driving cost per mile of \$0.59 was determined using the Bureau of Transportation Statistics (BTS) calculation from 2018.ⁱⁱ

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 24,549 respondents is \$144,839.10. If the distance is 25 miles, the overall total cost based on 24,549 respondents is \$362,097.75. If the distance is 50 miles, the overall total cost based on 24,549 respondents is \$724,195.50. The total mileage cost of \$1,231,132.35 is based on respondents that traveled by various methods of transportation.

		Total # of Respondents that Traveled by Various Methods of Transportation		
			73,647	
# of People	# of Miles	Cost Per Mile	Total cost for mileage listed for one person	Totals
24,549	10	\$0.59	\$5.90	\$144,839.10
24,549	25	\$0.59	\$14.75	\$362,097.75
24,549	50	\$0.59	\$29.50	\$724,195.50
				\$1,231,132.35
				5

14. The annual cost to the federal government is calculated with the recurring costs in the Bureau of Budget and Planning New Position Cost Model (NPCM) for overseas Foreign Service positions. This total is \$202.73 per hour. The dollar amount is not an hourly wage, but reflects the amount of resources attributed to Consular Officer time based on the activity-based costing model used at overseas posts. These forms are processed by overseas Foreign Service Officers at U.S. embassies and consulates overseas. Overseas Citizens Services believes it takes a Foreign Service Officer

approximately 15 minutes to process the form. The cost for 15 minutes is \$50.68 ($202.73 \times 0.25 \text{ min} = \50.68).

73,647 applications per year \times \$50.68 = \$3,732,429.96 annual cost to the federal government.

15. The average number of respondents has increased from 71,275 to 73,647. As a result of this increase in respondents, the hour burden has increased from 23,758 to 24,549. The number of respondents increased because the number of respondents vary from year to year depending on the number of citizens in need.

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.

ⁱ Source: Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2018,” <https://www.bls.gov/news.release/ecec.toc.htm>.

ⁱⁱ Source: Bureau of Transportation Statistics, “Average Cost of Owning and Operating an Automobile,” <https://www.bts.gov/content/average-cost-owning-and-operating-automobile>.