

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**AFFIDAVIT OF PHYSICAL PRESENCE OR RESIDENCE, PARENTAGE
AND SUPPORT**

**OMB NUMBER 1405-0187
DS-5507**

A. JUSTIFICATION

1. The information collection is intended to be completed by the U.S. national biological parent(s) of a child born abroad, in the context of an application for a passport or a Consular Report of Birth Abroad, to assist in determining whether the child acquired U.S. nationality at birth. The information collection is undertaken pursuant to authority in [8 U.S.C. 1104\(a\)](#), [8 U.S.C. 1401](#), [8 U.S.C. 1408](#), [8 U.S.C. 1409](#), [22 U.S.C. 211a](#), [22 U.S.C. 213](#) and [22 U.S.C. 2705](#). Additional information is in the accompanying documents.

2. The information gathered is necessary to assist in determining whether a U.S. national biological parent(s) of a child born abroad or in a United States territory has met the statutory physical presence or residence requirements for his or her child to acquire U.S. nationality at birth; and whether a U.S. national father of a child born abroad out of wedlock has met additional requirements of 8 U.S.C. § 1409(a) with respect to biological parentage and legal relationship with and financial support of his child born abroad out of wedlock, in order for such child to acquire U.S. citizenship at birth.

3. The parent(s) will have two options for filling out the form. The form may be accessed online, completed electronically, printed and signed by hand **or** the form may be downloaded, printed, and filled out and signed by hand. If this form is submitted to a U.S. embassy or consulate abroad as part of an application for a first time U.S. passport only, it is to be signed under oath before a consular officer or other U.S. person authorized and empowered by the Secretary of State to administer oaths pursuant to 22 USC 213. For a DS 5507 completed only in connection with a CRBA application (DS-2029), a U.S. notary or other U.S. person authorized to administer oaths may also witness the person's signature. In the case of electronic notarization of a DS-5507, under the E Signature Act, 15 USC 7001, the Department will accept an electronic signature if legally valid in the jurisdiction in which it was executed. As a practical matter in birth abroad cases, both a first time passport application and the DS-2029 are submitted at the same time such that the Department will accept a duly notarized (by a U.S. notary or other U.S. person authorized to administer oaths) DS-5507 in connection with an application for a U.S. passport and/or CRBA. The DS-5507 will be made available on the following public website: <https://eforms.state.gov/>.

4. The form DS-5507 is the form used solely by the U.S. Department of State for the purpose outlined in item 2. The information collected is duplicative of information collected on the DS 2029. 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 by the U.S. citizen parent and signed before a U.S. notary (or other person authorized to take oaths or affirmations) along with the DS-2029. 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 or impact small businesses or other small entities.

6. The information collection provides a mechanism for determining if the U.S. national biological parent(s) of a child born abroad meet(s) the statutory requirements for a child to acquire U.S. nationality at birth. The information collection is a statutory responsibility of the Department of State. If the collection were not conducted, the Department could lack the necessary information to make the appropriate determination on a child's U.S. nationality status at birth, potentially amounting to considerable hardship to children born abroad to a U.S. national and to their families.

7. No such circumstances exist.

8. The Department of State published a 60-day Federal Register notice on August 9, 2018. 83 FR 39493. The Department received seven comments on the information collection package. None of the comments were related to the information collection and did not need to be addressed.

9. No payment or gift is provided to respondents.

10. The Department maintains all information collected in accordance with the Privacy Act and Department of State rules and practices concerning personally identifiable information.

11. The Department must ask about whether the U.S. citizen was born in or out of wedlock, which is sensitive in nature. The Immigration and Nationality Act provides different requirements for derivative citizenship acquisition based on whether the child was born in-wedlock or out-of-wedlock. Accordingly, the Department must obtain this information to determine which statutory provision would apply for the child to demonstrate acquisition of U.S. citizenship.

12. The estimated number of respondents who will submit the form annually is 17,950. The estimated burden per respondent is 30 minutes; therefore, the total annual hour burden to complete the form for all respondents is 8,975 hours. A U.S. national father of a child or children born abroad out-of-wedlock generally will be asked to complete the form if the citizenship claim is through the U.S. national father. The information collection is intended for U.S. national parents of a child born abroad regardless of whether in or out of wedlock, and regardless of whether the other parent is a U.S. national or an alien.

To determine an estimate of the possible number of respondents to this form, the Department utilized the Consular Workload Statistical System (CWSS). The system provided an estimated

total number of consular reports of births abroad. U.S. Consular offices abroad provided estimated percentages of children born abroad out of wedlock to a U.S. national parent or parents. U.S. Consular offices abroad also provided an average estimated time of burden per respondent to complete a form of this type.

After testing the DS-5507, the Department found that the average length of time it will take respondents to complete the form, including the time it takes to gather the necessary information, is 30 minutes. The total estimated burden is 8,975 hours per year (17,950 responses x 30 minutes/60 minutes).

The annualized cost to all respondents for the hour burden for collections of information, based on appropriate wage rate categories, is \$299,765. 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; \$24.34 is the average mean hourly civilian earnings. The hourly wage rate was taken from the Bureau of Labor Statistics for "all occupation". \$24.34/hr. was multiplied by 1.4 to get a weighted hourly wage of \$34.07/hr. \$34.07/hr. was then multiplied by 8,975 burden hours. The final calculation equals \$304,832.10.

13. There are two potential costs associated with this collection that individuals may incur. The first cost would consist of sending in the affidavit via express mail to the Department of State agency/embassy/consulate handling the case. The second cost would consist of the mileage travel costs for submitting the form in person to the relevant U.S. government office or diplomatic mission.

The average cost to individuals to mail the form via international express mail is approximately \$100.00. The average rates were based on data for FedEx express mail shipments. An estimated 900 individuals per year would send the form by express mail. Multiply 900 persons by \$100.00 and the estimated total overall cost for express mail is \$90,000.

Mileage costs vary based on how far a person has to travel. If the travel is ten miles, the overall total cost based on 5,684 individuals who drive is \$31,830. If the travel is 25 miles, the overall total cost based on 5,683 individuals is \$79,562. If the travel is 50 miles, the overall total cost based on 5,683 individuals is \$159,124. The grand total mileage cost is \$270,516 based on an estimated total of 17,050 individuals that travel by vehicle. The number of people traveling by vehicle per number of miles shown in the table below was determined by dividing 17,050 individuals by 3 which gives you 5,683.33 individuals. The driving cost per mile of \$0.56 was determined using the Bureau of Transportation Statistics (BTS) calculation from 2017. The BTS calculation is an adequate source because the method for calculating vehicle operating costs represent the real-world personal use of a vehicle over a five-year and 75,000-mile ownership period. The total cost of owning and operating an automobile include fuel, maintenance, tires, insurance, license, registration and taxes, depreciation, and finance.

| Total # of Respondents | | 17,950 | | |
|---|------------|---------------|--|-----------|
| Total # of Respondents that Travel by Vehicle | | 17,050 | | |
| # of People | # of Miles | Cost Per Mile | Total cost for mileage listed for one person | Totals |
| 5,684 | 10 | \$0.56 | \$5.60 | \$31,830 |
| 5,683 | 25 | \$0.56 | \$14.00 | \$79,562 |
| 5,683 | 50 | \$0.56 | \$28.00 | \$159,124 |
| | | | | \$270,516 |

The estimated total cost for all individuals is \$360,516 (\$90,000 + \$270,516).

14. The projected annual cost to the federal government is as follows: for Calendar Year (CY) CY 2019 - 2020, 17,950 applicants x \$135 x .25 hours per form is \$605,812.50. The hourly rate for Consular Officer time (\$135/hour) is used because the most forms are processed by overseas Foreign Service Officers at embassies and consulates overseas. The dollar amount of \$135 per hour 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.

15. The number of respondents varies from year to year depending on the number of children born abroad to U.S. nationals in a given year. Based on the average number of respondents in the past three years, the number of respondents is estimated to have increased to 17,950 from 17,716 with an associated increase in burden to 8,975 hours (17,950 respondents per year x 30 minutes burden per respondent/60 minutes = 8,975 hours).

The costs to the government projected fiscal numbers has decreased because the hourly rate for Consular Officer time has changed since the last renewal.

The following changes have been requested to the form:

On page 1: Changed “applicants” to “affiants” in the “Part I” shaded heading.

On page 1: Bold-faced the three lines beginning “That I am a ...” (but don’t bold the italicized parts).

On page 1: Changed the subscript on the line beginning “2)” to read “Name of Court or USCIS Office, State” .

On page 2: Bold-faced the two lines beginning “That I have been ...”, the line beginning “That the other ...” and the line beginning “If the other parent ...”.

On page 2: Above the first table, we changed “Place (City, State)” to “Place (City, State)”.

On page 2: Changed the “Purpose” line above the first table to read: “(Indicate purpose(s) of stay: vacation, family visit, business trip, studies, employment, residence, etc.).”

On page 2: Added the following beneath the first table shown: “Note: If claiming a residence in the United States during any of the above periods, please also provide in the Place block above the address address (street and house or apartment number) in which this was your principal actual dwelling place (place of general abode). You may be asked to provide supporting evidence with respect to your residential address. Examples of documents that can help demonstrate residence include, but are not limited to: property rental leases and payment receipts; deeds; utility bills; property tax records; automobile registrations; professional licenses; employment records or information; income tax records; stamped school transcripts; military records; income records, including W-2 salary forms; vaccination and medical records.”

On page 2: Above the second table, we changed the wording to say, “That I have been physically present or have had a residence abroad as follows:”.

On page 2: Above the second table, we changed “Place (City, State)” to “Place (Address, City, State)”.

On page 2: Changed “Purpose” line above the second table to read: “(Indicate purpose(s) of stay: vacation, family visit, business trip, studies, employment, residence, etc. If working abroad, provide the name of employer. Specify if in U.S. government employment or military service or on orders as a dependent.)”

On page 2: Changed the subscript on the line beginning “2)” to read “Name of Court or USCIS Office, State”.

On page 3: The first sentence at the top of page 3 has been changed to “The other biological parent has been physically present or has had a residence in the United States as follows: PROVIDE ONLY IF THE OTHER PARENT IS A U.S. CITIZEN OR U.S. NON-CITIZEN NATIONAL)”.

On page 3: The wording “(Continue on a separate sheet, if necessary)” has been changed to say “(See Note on previous page about Address information to be provided if claiming a residence in the United States. Continue on a separate sheet, if necessary)”.

On page 3: The parenthetical writing under the words “Part II” in the shaded area will read “All U.S. National Fathers of a Child Born Abroad Out of Wedlock”.

On page 3: Above the table, we changed “Place (City, State)” to “Place (City, State)”.

On page 3: For “Purpose” line above the table, we change to read: “(Indicate purpose of stay: vacation, family visit, business trip, studies, employment, residence, etc.).”

On page 3: Deleted the words “My child was born out of wedlock, and” from the first sentence of the statement in part II.

On page 4: Changed “applicants” to “affiants” in the Part III shaded heading.

On page 4: Changed “blood relationship” to “biological relationship” in the body text.

On page 5: Revised the “AUTHORITY” section to read: “The Department of State is authorized to collect this information pursuant to 8 U.S.C. §§ 1104(a), 1401, 1408 and 1409, and 22 U.S.C. §§ 211a, 213 and 2705.”

On page 5: Changed the “PURPOSE” section to read: “The principal purpose of the information gathered is to assist in determining whether a U.S. national biological parent of a child born abroad or in a United States territory has met the statutory physical presence or residence requirements for his or her child to acquire U.S. nationality at birth; and whether a U.S. national father of a child born abroad out of wedlock has met additional requirements of 8 U.S.C. §

1409(a) in relation to biological parentage and legal relationship with and financial support of his child born abroad out of wedlock, in order for such child to acquire U.S. citizenship at birth.”

On page 5: Revised the “ROUTINE USES” section to read: “The information solicited on this form may be made available to Federal government entities such as the Social Security Administration, the Department of Homeland Security, and Department of Justice, in connection with determinations of citizenship status, administration of federal benefits, and law enforcement purposes as set forth in the System of Records Notices for Overseas Citizens Services Records and Other Overseas Records, State-05, 81 FR 62235-62239 (2016); Passport Records, State-26, 80 FR 15653 (2015); and the Department-wide Prefatory Statement of Routine Uses, 73 FR 40649-40651 (2008). Information also can be made available to appropriate federal, state, local or foreign government entities, such as state law enforcement agencies, state prosecutors, judicial staff, and Interpol, in connection with law enforcement, safety, welfare and related matters, as set forth in the aforementioned System of Records Notices.”

On page 5: Changed the postal code at the end of the PRA statement to “20522-1710.”

16. No information will be published from this collection.

17. The expiration date will be displayed.

18. No exceptions are requested.

B. STATISTICAL METHODS

This collection does not employ statistical methods.