

**SUPPORTING STATEMENT FOR  
PAPERWORK REDUCTION ACT SUBMISSION**

**AFFIDAVIT OF PARENTAGE, PHYSICAL PRESENCE AND  
SUPPORT OMB NUMBER 1405-XXXX  
DS-5507**

**A. JUSTIFICATION**

1. The information collection is intended for two U.S. citizen parents in wedlock, one U.S. citizen parent in wedlock and for a U.S. citizen mother or father out of wedlock to assist in determining U.S. citizenship of a child born abroad. 7 FAM 1445.5-3 requires the utilization of the Affidavit of Parentage, Physical Presence and Support by U.S. Consular Offices abroad. The information collection implements the [8 U.S.C. 1104\(a\)\(1\)](#), [8 U.S.C. 1104\(a\)\(3\)](#), [8 U.S.C. 1401 \[INA 301\]](#), [8 U.S.C. 1408](#), [8 U.S.C. 1409\(a\) \[INA 309\]](#), [8 U.S.C. 1409\(a\)\(3\)](#), [22 U.S.C 211\(a\)](#), and [22 U.S.C 213](#). Further information can be found in the attachments below.

2. The information gathered is to determine if the U.S. citizen/national parent(s) possesses the requisite prior physical presence or residence in the United States prior to the child's birth to transmit U.S. citizenship (or U.S. non-citizen nationality) to the child; to establish parentage of the child, and to fulfill the requirements of 8 U.S.C. 1409(a) which requires a written statement of financial support to be provided by U.S. citizen fathers for children born out of wedlock. The affidavit can also be submitted by the U.S. citizen parent(s) to explain why an official birth certificate is unavailable and stating the facts that are relevant to the birth.

3. The Department intends to incorporate 2D Barcode technology into the on-line form to allow an applicant a quasi-electronic alternative to a completely paper-based approach. The applicant will complete the form on-line, and all the form's information will be captured in a 2D barcode (on the form) upon printing. The form is then presented with proper documentation to a consular officer who witnesses the signature and scans the data immediately from the 2D barcode into the Department database. The form is then maintained for the prescribed period. This approach provides an electronic option while complying with Federal regulations.

4. The information in the Authorization for the Release of Information under the Privacy Act form is not duplicative of information maintained elsewhere or otherwise available.

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 parent

(s) of the child born abroad complies with U.S. statute and regulations for acquisition of U.S. citizenship, physical presence in the U.S. and child support. The information collection is a statutory responsibility of the Department of State. If the collection were not conducted, the consequences would be a considerable hardship to parent(s) abroad and their children who are or may be U.S. citizen(s). Without this information collection, the U.S. Consular Offices abroad could lack the necessary information and formal documentation to make the appropriate legal determination on the child's U.S. citizenship.

**7.** Not applicable; no such circumstances exist.

**8.** The [60-day notice](#) for the current OMB approval for this information collection was published in the Federal Register in volume 73, number 229, page 72103 (November 26, 2008), to solicit comments from the public.

**9.** No payment or gift is provided to respondents.

**10.** The Privacy Act Statement on the form tells individuals who complete it that the information provided may be released only in a manner consistent with the Privacy Act, 5 U.S.C. 552a, and describes the authorities, purposes and routine use recipients relevant to this information collection.

**11.** Not applicable; no such questions asked.

**12.** The estimated number of respondents that would submit the form is 15,026. The total annual hour burden to complete the form for all respondents is an estimated 7,513 hours. The estimated annualized burden cost to respondents is zero. The father of a child or children abroad that are born out-of -wedlock will be required to complete the form.

To determine an estimate of the possible number of respondents to this form, the Department utilized the Consular Workload Statistical System (CWSS) system. The system provided an estimated total number of consular reports of births abroad. U.S. Consular Offices abroad provided estimated percentages of children born out of wedlock. 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 7,513 hours per year (15,026 responses x .50 hours).

**13.** The total cost burden to respondents is de minimis. There is no fee charged for completion of the DS-5507.

**14.** The Federal government will incur an annualized estimated cost of \$50,787.88, found by multiplying the estimated total cost of expenses to the

government per respondent by the total number of respondents (\$3.38 x 15,026 respondents = \$50,787.88).

15. This is a new collection.

16. There will not be statistical information published from this information collection.

17. Not applicable; the expiration date will be displayed.

18. Not applicable, no exceptions are requested.

## ***B. STATISTICAL METHODS***

This collection does not employ statistical methods.

## **Attachment 1**

### **8 U.S.C. 1104(a)(1) Secretary of State and the Powers, Duties, and Functions of Diplomatic and Consular Officers of the United States**

the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred upon the consular officers relating to the granting or refusal of visas;

### **8 U.S.C. 1104(a)(3) Secretary of State and the Determination of Nationality of a person not in the United States**

the determination of nationality of a person not in the United States. He shall establish such regulations; prescribe such forms of reports, entries and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out such provisions. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the department or independent establishment under whose jurisdiction the employee is serving, any of the powers, functions, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Department of State or of the American Foreign Service.

### **8 U.S.C. 1401 [INA 301] Nationals and citizens of United States at birth**

States the requirements for acquisition of U.S. citizenship and nationality at birth for a child born abroad to a U.S. citizen or non-citizen national parent(s), including requirements as to prior residence or physical presence in the U.S. of the parent.

### **8 U.S.C. 1408 Nationals but not citizens of the United States at birth**

Sets forth who shall be nationals, but not citizens, of the U.S. at birth. Nationality

of the parents and the location of birth are relevant to acquisition by the child of U.S. non-citizen nationality at birth.

**8 U.S.C. 1409(a) [INA 309] Provisions of paragraphs regarding a person born out of wedlock**

The provisions of paragraphs (c), (d), (e), and (g) of section 1401 of this title, and of paragraph (2) of section 1408 of this title, shall apply as of the date of birth to a person born out of wedlock if—

**8 U.S.C. 1409(a)(3) Father providing financial support regarding a person born out of wedlock**

The father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years.

**22 U.S.C 211(a) Authority to grant, issue, and verify passports**

The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States, and by such other employees of the Department of State who are citizens of the United States as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travelers.

**22 U.S.C 213 Application for passport; verification by oath of initial passport**

Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths.



