

date scheduled for the appearance.<sup>14</sup> The Appeals Council will determine whether the appearance, or the appearance of any other person relevant to the proceeding, will be in person, by video teleconferencing, or by telephone.<sup>15</sup>

When the Appeals Council grants a request for review, it will mail a notice to all parties at their last known address stating the reasons for the review and the issues to be considered.<sup>16</sup> Consistent with our regulations, the Appeals Council will consider all the evidence in the ALJ hearing record, as well as additional evidence subject to the limitations on Appeals Council consideration of additional evidence in 20 CFR 404.970 and 416.1470. The Appeals Council will also consider any arguments the claimant or representative made in writing or at the hearing and will also consider any additional arguments submitted to it.

The Appeals Council will either remand the case to a different ALJ; issue a new, independent decision; or, as appropriate, issue an order dismissing the request for a hearing. When the Appeals Council issues a decision, its decision may result in different findings from the ALJ hearing decision that the Appeals Council vacated.<sup>17</sup> When the Appeals Council grants review and issues its own decision, its decision will be based on the preponderance of the evidence.<sup>18</sup>

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## DEPARTMENT OF STATE

[Public Notice: 10684]

### 30-Day Notice of Proposed Information Collection: Application Under the Hague Convention on the Civil Aspects of International Child Abduction

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The

purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) up to April 15, 2019.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email:* [oirp\\_submission@omb.eop.gov](mailto:oirp_submission@omb.eop.gov). You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, 2201 C. St. NW, Washington, DC 20522, who may be reached at [RiversDA@state.gov](mailto:RiversDA@state.gov).

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* Application Under the Hague Convention on the Civil Aspects of International Child Abduction.
  - *OMB Control Number:* 1405-0076.
  - *Type of Request:* Revision of a Currently Approved Collection.
  - *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
  - *Form Number:* DS-3013, 3013s.
  - *Respondents:* Person seeking return of or access to child.
  - *Estimated Number of Respondents:* 565.
  - *Estimated Number of Responses:* 565.
  - *Average Time per Response:* 60 minutes.
  - *Total Estimated Burden Time:* 565 hours
  - *Frequency:* On occasion.
  - *Obligation to Respond:* Voluntary.
- We are soliciting public comments to permit the Department to:
- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
  - Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
  - Enhance the quality, utility, and clarity of the information to be collected.
  - Minimize the reporting burden on those who are to respond, including the

use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

### Abstract of Proposed Collection

The Application Under the Hague Convention on the Civil Aspects of International Child Abduction (DS-3013 and DS 3013-s) is used by parents or legal guardians who are requesting the State Department's assistance in seeking the return of, or access to, a child or children alleged to have been wrongfully removed from or retained outside of the child's habitual residence and currently located in another country that is also party to the Hague Convention on the Civil Aspects of International Child Abduction (the Convention). The application requests information regarding the identities of the applicant, the child or children, and the person alleged to have wrongfully removed or retained the child or children. In addition, the application requires that the applicant provide the circumstances of the alleged wrongful removal or retention and the legal justification for the request for return or access. The State Department, as the U.S. Central Authority for the Convention, uses this information to establish, if possible, the applicants' claims under the Convention; to inform applicants about available remedies under the Convention; and to provide the information necessary to the foreign Central Authority in its efforts to locate the child or children, and to facilitate return of or access to the child or children pursuant to the Convention. 22 U.S.C. 9008 is the legal authority that permits the Department to gather this information.

### Methodology

The completed form DS-3013 and DS 3013-s may be submitted to the Office of Children's Issues by mail, by fax, or electronically accessed through [www.travel.state.gov](http://www.travel.state.gov).

**Michelle Bernier-Toth,**

*Managing Director, Bureau of Consular Affairs, Department of State.*

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> 20 CFR 404.973, 416.1473

<sup>17</sup> 20 CFR 404.979, 416.1479.

<sup>18</sup> *Id.*