

GENERAL INFORMATION SYSTEM
Center for Employment and Economic Supports

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TO: Local District Commissioners, TA Directors, Food Stamp Directors, Employment Coordinators and Staff Development Coordinators

FROM: Russell Sykes, Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: Law 191 Invalidating Puerto Rican Birth Certificates

EFFECTIVE DATE: July 1, 2010

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Food Stamps: Frank Essien 1-800-343-8859, ext. 4-9340

In December 2009, the government of Puerto Rico enacted Law 191 of 2009 designed to strengthen the issuance and usage of birth certificates and to combat identity fraud of all people born in Puerto Rico. This new law was based on collaboration with the U.S. Department of State (DOS) and the U.S. Department of Homeland Security (DHS) to address the fraudulent use of Puerto Rico issued birth certificates to unlawfully obtain U.S. passports, Social Security benefits and other federal and State services.

Many common official and unofficial transactions have unnecessarily required the submission, retention, and storage of birth certificates. Hundreds of thousands of these birth certificates were stored without adequate protection, making them easy targets for theft. As a result, many Puerto Rican birth certificates have been stolen from schools and other institutions and sold on the black market. Since Puerto Rican birth certificates are proof of U.S. citizenship, they are very valuable on the black market and have been used by foreign nationals as a means to illegally enter the U.S. These stolen birth certificates have also been used to illegally obtain licenses and other government and private sector documentation and benefits.

Understanding the enormous risks to all individuals as well as the very significant homeland and national security concerns, the government of Puerto Rico took action to improve the security of all Puerto Rican birth certificates and to protect Puerto Ricans and the public at large from fraud and identity theft.

Puerto Rican Law 191, which went into effect on January 1, 2010, implements the following changes:

- **On July 1, 2010, the law will invalidate all Puerto Rican birth certificates issued before that date by the Puerto Rico Health Department, through its Vital Statistics Record Office. Until July 1, 2010 these birth certificates remain valid and are proof of U.S. citizenship.**

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- On July 1, 2010 the Vital Statistics Record Office will begin issuing new birth certificates incorporating state-of-the-art technology to limit the possibility of document forgery. The law provides that date of validity for current birth certificates may be extended by the Puerto Rican Health Department, if the new birth certificates are not ready to be issued by July 1, 2010. OTDA will advise local districts, if such an extension is granted.
- The law creates a 15 day extended validity transition period for those birth certificates issued after June 15, 2010 and before July 1, 2010. For example, if a birth certificate is issued on June 29, 2010, it will be valid for all purposes until July 14, 2010, providing a grace period for those who need documentation but, are traveling, for instance, during the July 1, 2010 change over date.

Citizens born in Puerto Rico, but residing in New York State may obtain a copy of a new birth certificate by filling out a Birth Certificate Application form from the Puerto Rico Vital Statistics Office **on or after July 1, 2010**. There is a \$5.00 fee for a new birth certificate. The fee is waived for people over sixty and veterans of the U.S Armed Forces.

Applications for a new Puerto Rican birth certificate can be obtained as follows:

Online

Go to www.pr.gov and then click the Certificado de Nacimiento button. Follow the instructions on the screen.

Please note that the Puerto Rican government Web Sites are in Spanish but there is an English version of the instructions for applying online for a new birth certificate.

Mail-in Applications

Puerto Rican birth certificate applications forms are available in Spanish at:

<http://www.prfaa.com/certificadosdenacimiento/>.

Birth certificate applications forms are available in English at:

www.prfaa.com/birthcertificates/

After an applicant completes and signs the application form they need to follow these steps:

1. Mail the completed and signed application to:

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Puerto Rico Vital Statistic Record Office
(Registro Demográfico)
P.O. Box 11854
San Juan, PR 009010

2. Include a photocopy of a valid government issued photo identification document. A passport or drivers license may be used; all other forms of government issued ID will be subject to approval
3. Include a \$5.00 Money Order payable to the Secretary of the Treasury of Puerto Rico
4. Include a self-addressed and postage paid envelope

Program Implications

Temporary Assistance and Food Stamps

Beginning on July 1, 2010 all new applicants for Temporary Assistance and/or Food Stamps who were born in Puerto Rico must have one of the following documents to prove their U.S. citizenship:

- Birth certificate issued by the Puerto Rican Vital Statistics Office on or after July 1, 2010
- Valid U.S. Passport
- Valid U.S. Passport Card
- Valid Enhanced NYS Drivers License
- Hospital Records showing birth in Puerto Rico
- U.S. Military Service Records

Individuals born in Puerto Rico who are currently receiving Temporary Assistance and/or Food Stamps do not have to obtain a new birth certificate or provide alternate proof of U.S. citizenship for continuing eligibility. Previous recipients from Puerto Rico re-applying for benefits on or after July 1, 2010 would need a new Puerto Rican birth certificate or one of the alternate documents listed above.

Puerto Ricans are U.S. citizens and, as required by 18 NYCRR 351.5(a), districts must, when necessary, assist Puerto Rican applicants applying on or after July 1, 2010 in obtaining a new birth certificate, including paying the \$5.00 fee if the applicant is unable to pay.

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Temporary Assistance Category and Eligibility Factors

Birth Certificates may be used to verify Temporary Assistance category and eligibility factors including, but not limited to:

- Identity
- Age
- Relationship
- Household composition

If districts are unable to verify Temporary Assistance category and eligibility factors from alternate documents or sources of information, including previous case notes, a new Puerto Rican birth certificate or appropriate alternate source of verification must be pursued.

Food Stamp Eligibility Factors

Birth Certificates commonly may be used to verify several factors necessary to establish eligibility and benefit amounts and to determine work requirements for the Food Stamp Program. Among these factors are the following:

- Identity
- Age
- Citizenship
- Relationship to other household members

Of the above listed factors, identity is the only one for which documentary evidence always is required. The other factors listed only must be verified if the information provided by the household appears to be questionable to the local district. If such verification is required, we remind the local districts that birth certificates are only one of several forms of documentation that can be used to verify the above factors. Federal food stamp regulations require that the local district “must accept any reasonable documentary evidence provided by the household” or available to the local district that adequately “proves the statements on the application.” If districts are unable to verify such factors from alternate documents or sources of information, including previous case notes, a new Puerto Rican birth certificate or appropriate alternate source of verification must be pursued.