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Center for Employment & Economic Supports

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

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

SUBJECT: Amendment to Law 191 Invalidating Puerto Rico Birth Certificates

EFFECTIVE DATE: July 1, 2010

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This message is an update to 10/TA/DC016 Regarding Puerto Rico Law 191 Invalidating Puerto Rico Birth Certificates.

On June 28, 2010 the government of Puerto Rico approved an amendment to Law 191 that **extends the validity of current Puerto Rico birth certificates through September 30, 2010**. The three month extension for current birth certificates was enacted to provide a transition period as the Puerto Rico Health Department Vital Statistics Record Office staffs up to begin issuing new, more secure birth certificates starting July 1, 2010.

The three month extension is intended to provide a smooth transition from the old to the new birth certificate. It will enable Puerto Ricans born on the Island and currently living stateside an opportunity apply for the new secure birth certificate, while their current birth certificate is still valid for official transactions.

Law 191 (as Amended) implements the following changes:

1. Starting on July 1, 2010 the Puerto Rico Department of Health through its Vital Statistics Record Office will begin issuing the new security enhanced birth certificates.
2. On September 30, 2010 the law will invalidate all birth certificates issued prior to July 1, 2010. Until September 30, 2010 all birth certificates issued prior to July 1, 2010 remain valid.

The information in GIS 10TA/DC016 on how to apply for a new Puerto Rico birth certificate remains valid. The government of Puerto Rico encourages individuals to utilize its upgraded on-line application process on its E-Government website www.pr.gov. The \$5.00 fee for a new birth certificate may be paid by credit card.

Program Implications

Temporary Assistance and Food Stamps

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

- Birth certificate showing birth in Puerto Rico issued prior to July 1, 2010
- New secure 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
- Valid Enhance NYS Non-Driver Photo ID Card
- Hospital Records showing birth in Puerto Rico
- U.S. Military Service Records

Applicants for Food Stamps only, who are U.S. citizens do not have to verify their citizenship, but do have to verify their identity. **Identity verification is not limited to the documents listed above.** Any document that reasonably proves an applicant's identity is acceptable for Food Stamp eligibility purposes.

Beginning on October 1, 2010 Puerto Rico birth certificates issued prior to July 1, 2010 are no longer valid proof of U.S. citizenship. All alternative proofs of U.S. citizenship listed above remain valid on October 1, 2010.

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 **October 1, 2010** would need a new Puerto Rican birth certificate or one of the alternate documents listed above. Food Stamps recipients from Puerto Rico recertifying after October 1, 2010 must have their identity verified, if it was previously verified by birth certificate issued before July 1, 2010.

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 **October 1, 2010** in obtaining a new birth certificate including paying the \$5.00 fee if the applicant is unable to pay.

Clarification of Food Stamp Eligibility Factors

Food Stamp regulations require local districts to verify a Food Stamp applicant's identity as a condition of eligibility. Food Stamp regulations also recognize that available documentation will vary by household circumstances and provide flexibility in meeting the verification requirements. Local districts are required to accept any "reasonable" documentary evidence, and assist households in obtaining verification if necessary. Any documents which reasonably establish an applicant's identity must be accepted and no requirement for a specific type of document, such as a birth certificate may be imposed. Identity may be verified through readily available documentary evidence, or if such evidence is not available through collateral contact. **Due to Law 191 as of October 1, 2010 voided Puerto Rico birth certificates may not be used to verify the identity of a Food Stamp household member. However, under no circumstances**

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may a household member be denied Food Stamps based solely on possessing a voided Puerto Rico birth certificate.

Food Stamp applicants, under the penalties for perjury attest to the citizenship of the members applying for benefits by signing the statement on the application form. The attestation of U.S. citizenship status on the application generally is sufficient documentation for Food Stamp eligibility purposes. Verification of household members' citizenship is not required **unless questionable**. Requiring an applicant to verify citizenship cannot be based on race, religion ethnic background or national origin, but must be based on discrepant information or documentation. Districts also may not target a particular group for verification of citizenship.

Verification of Age

Although age is not a mandatory eligibility factor for Food Stamps, it may be relevant in determining if a household member is elderly or subject to Food Stamp work requirements and therefore may have an impact on the eligibility or benefit amount. While voided Puerto Rico birth certificates cannot be used to verify identity and citizenship they may be used to verify age when no other verification is available.