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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: Extension of the Validity of Puerto Rico Birth Certificates

EFFECTIVE DATE: October 1, 2010

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This message is an update to 10TA/DCO18 regarding Puerto Rico Law 191 Invalidating Puerto Rico Birth Certificates.

The Governor of Puerto Rico through Executive Order 2010-045 has extended the validity of birth certificates issued before July 1, 2010 for American citizens born in Puerto Rico for **thirty** additional days, until October 30, 2010.

The Governor activated the last thirty-day extension allowed by law to ensure that that no citizen who truly needs a birth certificate for a transaction in the foreseeable future will be left without a valid certificate as a result of the measures taken by the government of Puerto Rico, in coordination with the Federal government, to combat the massive fraud that was causing thousands of American citizens born in Puerto Rico to be the victims of identity theft.

The government of Puerto Rico encourages individuals to apply for a new birth certificate online through its E-Government website www.pr.gov. In addition, the government of Puerto Rico partnered with document provider VitalChek to provide an expedited method for ordering the new certificates. The new birth certificates can be ordered **on line** at www.vitalchek.com or **by phone** through VitalChek's 24/7 bilingual call center at [\(866\) 842-6765](tel:8668426765). An express processing fee and shipping costs apply for this service.

Program Implications

Temporary Assistance and Food Stamps

After October 30, 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:

- 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

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- 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.

After October 30, 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 after October 30, 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 after **October 30, 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 30, 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 after **October 30, 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 after October 30, 2010 voided Puerto Rico birth certificates may not be used to verify the identity of a Food Stamp household member. However, under no circumstances 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.

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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, including whether or not the individual is subject to Able-Bodied Adults Without Dependents (ABAWD) 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.