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Informational Letter

Transmittal:	10-OCFS-INF-10
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 8, 2010
Subject:	Law 191 Invalidating Puerto Rican Birth Certificates
Suggested Distribution:	Directors of Services Foster Care Supervisors Child Care Supervisors Adoption Supervisors Preventive Supervisors Protective Supervisors
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Attachments:	No
Attachment Available Online:	NA

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			18 NYCRR 351.5(a)	NYS OCFS Eligibility Manual for Child Welfare Programs	

I. Purpose

The purpose of this Informational Letter (INF) is to provide social services districts and voluntary authorized agencies with information related to action by the government of Puerto Rico, enacting Law 191 of 2009 (As Amended) invalidating Puerto Rican birth certificates effective October 1, 2010.

II. Background

In December 2009, the government of Puerto Rico enacted Law 191 of 2009 (Amended June 2010), 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 by the Puerto Rican government without adequate protection, making them easy targets for theft. As a result, many birth certificates issued by the Puerto Rican government 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, and which was amended in June 2010, implements the following changes:

- Starting July 1, 2010, the Puerto Rico Department of Health began issuing new, more secure birth certificates through the Vital Statistics Record Office, incorporating state-of-the-art technology to limit the possibility of document forgery.
- On October 1, 2010, the law will invalidate all birth certificates issued prior to July 1, 2010. The purpose of this three-month overlap in the validity of the old and the new birth certificates is to provide those Puerto Rican-born, who may need a birth certificate for documentation, a three-month window to apply for and receive their new birth certificate.

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 fee for a new birth certificate. The fee is waived for people over 60 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 websites 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 application 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 applicants complete and sign the application form, they need to follow these steps:

1. Mail the completed and signed application to:

Puerto Rico Vital Statistics Office
(Registro Demográfico)
P.O. Box 11854
San Juan, PR 00910
2. Include a photocopy of a valid government-issued photo identification document. A passport or driver's license may be used; all other forms of government-issued ID will be subject to approval.
3. Include a \$5 money order payable to the Secretary of the Treasury of Puerto Rico.
4. Include a self-addressed, postage-paid envelope.

III. Program Implications

Title IV-E and TANF-EAF foster care cases opened after September 30, 2010

Birth certificates may be used to verify the eligibility factors, including:

- Identity
- Age of the child
- Citizenship of the child
- Minor child

If districts, voluntary authorized agencies or workers are unable to verify the eligibility factors from an alternate source, as indicated in the NYS OCFS Eligibility Manual for Child Welfare Programs*, a new Puerto Rican birth certificate or similar document is required.

TANF-EAF family cases (in-home) opened after September 30, 2010

Birth certificates may be used to verify the eligibility factors including:

- Identity
- Age of the child
- Citizenship of the child
- Minor child

If districts or voluntary authorized agency caseworkers are unable to verify the eligibility factors from an alternate source, as indicated in the NYS OCFS Eligibility Manual for Child Welfare Programs*, a new Puerto Rican birth certificate or similar document is required.

Title XX-200% cases opened after September 30, 2010

Attestation of U.S. citizenship is usually sufficient. However, if proof is required, a new Puerto Rican birth certificate or similar document is required.

Child Care Assistance Eligibility Factors

Birth certificates may be used to verify the eligibility factors, including:

- Identity
- Age of the child
- Citizenship of the child

If district caseworkers are unable to verify the eligibility factors from alternate documents or sources of information, including previous case notes, a new birth certificate issued by the Puerto Rican government or an appropriate alternate source of verification must be pursued.

* The Eligibility Manual for Child Welfare Programs can be accessed at:
<http://www.ocfs.state.ny.us/main/publications/eligibility/>

Individuals born in Puerto Rico who maintain active or open cases do not have to obtain a new birth certificate or provide alternate proof of U.S. citizenship for continued eligibility or re-certification. For all new cases and previously closed cases that are being re-opened, a new birth certificate issued by the Puerto Rican government or alternate source of verification must be acquired if being used to determine eligibility.

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 fee if the applicant is unable to pay. It is strongly recommended that for each Puerto Rican born child currently in foster care that a new birth certificate be obtained. The cost can be authorized in WMS using POS code 71 (Gifts).

/s/ Nancy W. Martinez

Issued By:

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