



IMMIGRATION FACT SHEET

BIRTH AFFIDAVIT REQUIREMENTS

Both U.S. Citizenship and Immigration Services (CIS) and the Department of State (DOS) require applicants to submit evidence of birth as part an application for lawful permanent residence. The availability of birth certificates varies widely depending on the country of origin and that country's procedures at the time of your birth. If birth certificates were issued in your country at the time that you were born, you and any family members applying with you should obtain a copy of the original birth certificate issued by the local government office.

However, please be aware that the CIS and DOS have very specific requirements regarding the format and content of birth certificates. If any of the birth certificates do not conform to CIS and DOS requirements, you may also need to obtain additional proof of your birth in the form of two affidavits of birth. A sample affidavit is on the next page.

What information should be included in a proper birth certificate?

An acceptable birth certificate must be issued by the appropriate local government office in original or certified copy and contain the following information about the person:

- Full name at birth;
- Date of birth;
- Place of birth;
- Full name of both parents;
- Name of issuing government body;
- Date of issuance; and
- Seal or other certification.

An acceptable birth certificate *should not* contain language that indicates it is “an excerpt” or “has been taken from the original record.”

Should you obtain affidavits of birth?

You must obtain birth affidavits if:

- If an original or certified copy of your birth certificate is not available; or
- If your birth certificate is available but does not conform to required specifications as stated above. For example, if your birth certificate does not contain your full name, the full names of both of your parents or if it indicates it is “an excerpt” or “has been taken from the original record,” your birth certificate is insufficient and you should obtain birth affidavits.

SAMPLE AFFIDAVIT

Affidavit of Birth of _____
[first, middle and LAST name of I-485 applicant]

- I, _____, certify:
[first, middle and LAST name of person writing affidavit]
- I am _____'s [name of I-485 applicant] _____ [description of relationship to I-485 applicant, i.e. biological mother, father, aunt, uncle, older sibling].
- I was born on _____ [month, date and year of birth] in _____ [town or province and country of birth].
- I married _____ [full name of spouse] on _____ [date of marriage] in _____ [place of marriage].
- My spouse _____ [name of spouse] was born on _____ [date of birth] in _____ [place of birth].
- My spouse _____ [name of spouse] and I had a child named _____ [first, middle and LAST name of I-485 applicant]. *NOTE: If affidavits are being signed by someone other than the I-485 applicant's parents, the affidavit must still list the full names of both of the I-485 applicant's parents.
- _____ [name of I-485 applicant] was born on _____ [month, date and year of birth] in _____ [town or province and country of birth].
- _____ [name of I-485 applicant] was born at _____ [place of birth, i.e. name of hospital, home] located in _____ [town or province and country] at _____ [time of birth] on _____ [date of birth].
- I know that _____ [name of I-485 applicant] was born on this date because _____
[explanation of how person writing affidavit knows of the birth of the I-485 applicant].
- I currently reside at _____ [address of person writing the affidavit].

I declare under penalty of perjury that the above is a true and correct statement.

[name of person writing the affidavit]

[signature of affiant]

Subscribed and sworn to before me on _____ [date notary signs this document] in _____ [city and country where notary executed the affidavit].

Notary [signature of notary]

Notary stamp

Which documents are required if the birth certificate is unavailable or insufficient?

- **Certificate of non-availability.** If your local government office does not have a record of your birth, you should obtain a certificate of non-availability, which is a statement from the office indicating that your birth record is not available.
- **Two affidavits from individuals who were alive at the time of your birth and were aware of your birth.** Typically, the affidavits are signed by the applicant's parents. However, the affidavits can be obtained from another person who was alive at the time and was aware of the applicant's birth, such as an aunt, uncle or older brother or sister. Please note that an applicant cannot execute a birth affidavit for a family member who is also submitting an application for permanent residence at the same time. For example, an adjustment applicant cannot execute affidavits for his or her children.

What are the requirements for birth affidavits?

Please ensure that your birth affidavits meet all of the following requirements before submitting them to us. If the affidavits do not conform to the following rules, the CIS or DOS will not accept them and it will delay your application.

- The affidavit must state the applicant's full name, place of birth, date of birth, and the full names of both of the applicant's parents.
- The full names of both parents of the applicant must be listed in the affidavits. This is the case even if the affidavit is executed by someone other than the applicant's parents. For example, if an uncle executes an affidavit for you, his affidavit must list both of your parents' names.
- The affidavit must state how the writer knows of the applicant's birth. For example, your mother should state that she knows your date of birth because she gave birth to you. Your father or another family member may indicate they were present for the birth at the hospital.
- The affidavits must list the first, middle and last name of each person whose name appears in the affidavit. This includes the applicant, the person signing the affidavit and both of the applicant's parents' names. Do not use initials even if this is your country's naming custom.
- All names listed in the birth affidavits must appear exactly as they do in the adjustment of status or consular processing forms. Please ensure the order and names used in the birth affidavits conform to those listed in the application.
- Your mother's name should be listed as here current married name. Her name before marriage or maiden name should follow in parenthesis. For example, Barbara Louis SMITH (maiden name Martinez).

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