

Puerto Rico Birth Certificates Law 191 of 2009 Fact Sheet

March 1, 2010

In December 2009, the government of Puerto Rico enacted a new law (Law 191 of 2009) aimed at strengthening the issuance and usage of birth certificates to combat fraud and protect the identity and credit of all people born in Puerto Rico. The 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 services.

In the past, many common official and unofficial transactions in Puerto Rico unnecessarily required the submission, retention, and storage of birth certificates. As a result, hundreds of thousands of original birth certificates were stored without adequate protection, making them easy targets for theft. Subsequently, many birth certificates have been stolen from schools and other institutions, sold on the black market for prices up to \$10,000 each, and used to illegally obtain passports, licenses, and other government and private sector documentation and benefits. The common Hispanic names of most individuals born in Puerto Rico made the birth certificates highly desirable on the black market.

As a result of this growing problem, approximately 40 percent of the passport fraud cases investigated by the DOS Diplomatic Security Services in recent years involved birth certificates of people born in Puerto Rico. This left Puerto Rico-born citizens vulnerable to identity theft, ruined credit, stolen Social Security benefits, and increased "random" security checks at airports, among others.

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 birth certificates and to better protect the public from fraud and identity theft.

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

- 1) On July 1, 2010, the law will invalidate all birth certificates issued before that date by the Puerto Rico Health Department, through its Vital Statistics Record Office. Until that date, all birth certificates will remain valid.
- 2) 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 the date of validity for the current birth certificates may be

extended by the Puerto Rico Health Department if the new birth certificates are not ready to be issued on July 1, 2010. Public notice of such an extension will be provided.

3) 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 the documentation but are, for instance, traveling during the July 1, 2010 change over date.

4) As of January 1, 2010, the law also establishes that no public or private entity within the jurisdiction of Puerto Rico may retain an original copy of a Puerto Rico issued birth certificate. Local agencies in Puerto Rico, as well as private employers, may request to inspect birth certificates and even copy them, but cannot retain the original under any circumstance.

Frequently Asked Questions

Q: Why invalidate all birth certificates from Puerto Rico?

A: All birth certificates of people born in Puerto Rico issued before the date of July 1, 2010, needed to be made more secure because of the proven risks of identity fraud that existed with the old birth certificate forms and procedures. This extraordinary measure had to be taken to protect the integrity of the identity, credit and citizenship of all individuals born in Puerto Rico. In addition, this measure was necessary to protect the security of all passports and to protect the nation against criminals who might try to appropriate the identity of a citizen by using a stolen birth certificate from Puerto Rico.

Q: On July 1, 2010, will everyone need to run out and get a copy of the new birth certificate right away?

A: No. The government of Puerto Rico recommends that only people who have a specific need for their birth certificate related to the usage of this document for official purposes (such as passport application, etc.) request a new birth certificate. Those people who want to obtain a copy of the new birth certificates for their records are encouraged to do so at a later date to prevent an unnecessary rush of applications and to ensure that those individuals who have a specific need for the birth certificates are able to obtain them in a timely fashion.

Q: How much will the new birth certificates cost?

A: All new birth certificates will cost \$5. If multiple copies are requested with one application, all additional copies after the first will cost \$4. The fees will be waived for all veterans and people over the age of 60. Most people will actually save money with this change because the new birth certificates issued after July 1, 2010, will have no expiration and citizens will no longer be required to submit multiple, original copies of their birth certificates for common transactions in Puerto Rico.

Q: How do I obtain a copy of the new, more secure birth certificate if I live outside of Puerto Rico?

A: Citizens born in Puerto Rico but residing elsewhere may obtain a copy of the **new** birth certificate by filling out a Birth Certificate Application form from the Puerto Rico Vital Statistics Record office *on or after July 1, 2010*. Application forms can be obtained at:

<http://www.salud.gov.pr/Programas/RegistroDemografico/Pages/RequisitosparasolicituddeNacimiento.aspx>

Once an applicant completes and signs the form, they should follow these steps:

1) Applicants residing outside of Puerto Rico may mail the completed application to the following address:

Puerto Rico Vital Statistics Record 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 drivers license may be used; all other forms of government issued photo I.D. 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 envelope with paid postage.

To send applications through premium mail services (such as: FedEx, Express Mail, Registered Mail, UPS, etc.), correspondence should be directed to the following street address:

Puerto Rico Vital Statistics Record Office

(Registro Demográfico)

171 Quisqueya Street

Hato Rey, PR 00917

For additional information, please call (787) 767-9120. The Puerto Rico Vital Statistics Record Office's hours of operation for Monday through Thursday are from 7:30 a.m. –

6:00 p.m. (Puerto Rico Time); Fridays from 7:30 a.m. – 5:00 p.m. (Puerto Rico Time); and Saturdays from 9:00 a.m. – 3:00 p.m. (Puerto Rico Time).

Q: Who can obtain a birth certificate?

A: An individual may obtain their own birth certificate as long they are 18 years or older and were born in Puerto Rico. Interested parties may also obtain copies of an individual's birth certificate if they are the individual's parents, legal guardians, heirs or a person duly authorized by the courts.

Q: What happens if someone asks me for an original birth certificate and tells me that they will need to keep it to process a transaction?

A: The law clearly establishes that in Puerto Rico, for any purpose for which a birth certificate is needed as proof of identity, it will be sufficient for an individual to present (not give) the original copy of the birth certificate issued by the Vital Statistics Record Office. The law allows for the submission, retention and filling of photocopies, in either digital or paper format, of the birth certificate, but expressly prohibits any public or private entity from retaining an original birth certificate under any circumstance. Under the laws of the Commonwealth of Puerto Rico, any entity that violates this prohibition will be subject to a criminal misdemeanor, and could be held liable in civil court for the totality of any damages that may be incurred by any interested party affected by the violation of this law.