

### Requesting an *Apostille*\*

Assumption: 100% correct, original, long form copy of U.S. birth certificate.

Go to the [Secretary of State website for the State](#)\*\* that issued the birth certificate for specific apostille request requirements.

#### STATE-ISSUED REQUEST FORM

- Complete form → Specify for use in Mexico
- Submit payment (personal check from U.S. account, U.S. money order, or U.S. credit card)
- May also require a pre-paid return envelope (to have a document sent to Mexico, use a pre-paid label from a courier service such as FedEx or DHL).
- No identification requirements—anyone with a certified copy of the birth certificate may request an apostille.

**You MUST send a long-form CERTIFIED COPY of the birth certificate with your request**

#### NO STATE ISSUED REQUEST FORM AVAILABLE

- Write a letter (in English) requesting apostille with the following information:
  1. Your name and address where you would like the apostilled document sent
  2. Name of the country where you will use the document
  3. Any other information the state may require
- Submit payment (personal check from U.S. account, money order; cost varies from \$2-\$30 USD per document)
- May also require a pre-paid return envelope (to have a document sent to Mexico, use a pre-paid label from a courier service such as FedEx or DHL)
- No identification requirements—anyone with a certified copy of the birth certificate may request an apostille.

\*An apostille certifies the veracity the signature on a document issued in a foreign country.

\*\*For federally issued documents ONLY, go to the [U.S. Department of State](#) website for requirements.

# When Client Does Not Have a Certified Copy of the U.S. Birth Certificate

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## FIND THE REQUIREMENTS FOR THE STATE WHERE THE CHILD WAS BORN

Go to the state Vital Statistics/Department of Health website for specific request requirements and request form. In general, birth certificate request requirements fall into three categories:

### NOTARY REQUIRED

- In Mexico: Parent or representative must go to U.S. Embassy or 4 consulates with notary services.
- Cost: \$50 USD at the United States Embassy or Consulate. Fee waivers are available.\*
- States: California; New York City; Washington, D.C.; Arizona; Texas; Tennessee; Missouri; Iowa; Idaho.

### IDENTIFICATION RESTRICTIONS

- Types of acceptable identifications vary across states, and most U.S. states have some type of identification requirements.
- If using non-U.S. issued ID's, states usually require multiple proofs of identity, which are often difficult/impossible for migrants in Mexico to obtain.
- Legal representatives may request birth certificates on behalf of clients using their own identification.

### OPEN RECORDS

- In these states, there are no restrictions on who can request birth certificates. Applicants just fill out the required form(s) and include payment.
- States: Washington; Kentucky; Vermont; West Virginia

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## SUBMIT REQUEST

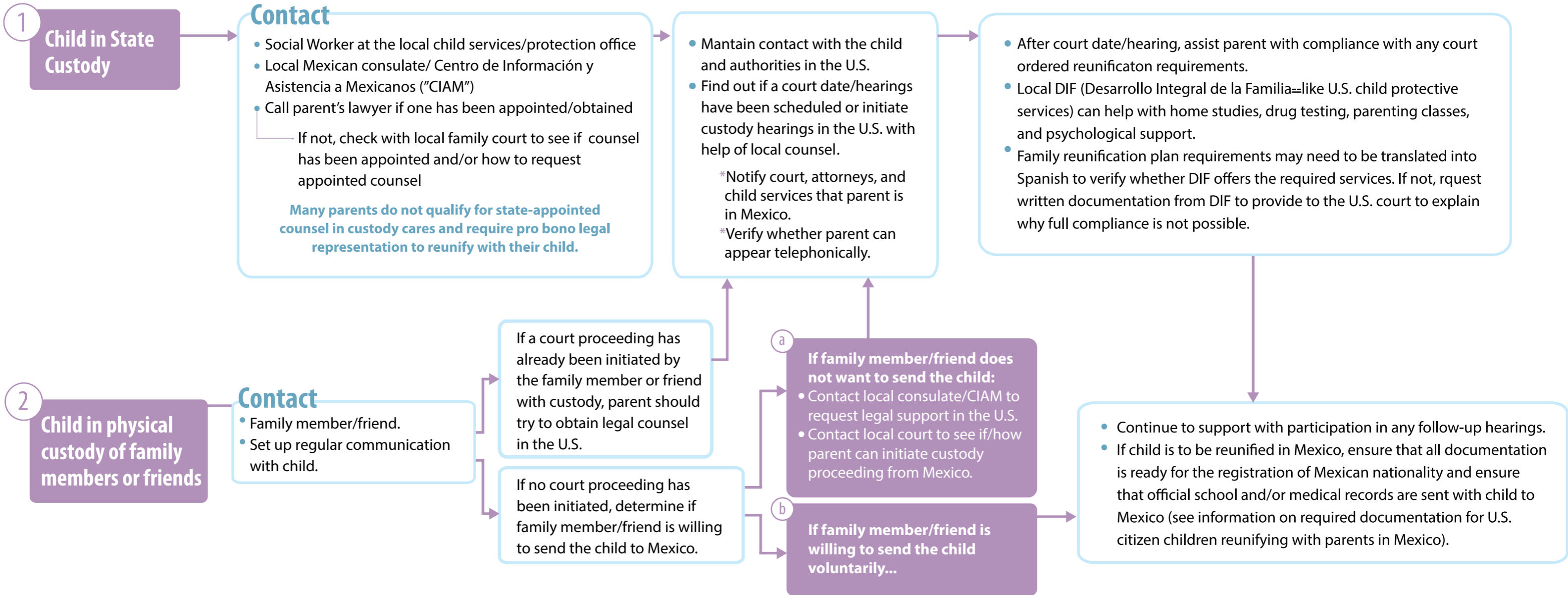
- Payment must be personal check (U.S. account), U.S. money order, or U.S. credit card.
- May also require pre-paid return envelope (use FedEx or other courier service or U.S. stamps if domestic return address).
- Some states only ship to authorized requester.

\*In order to request a fee waiver, the client must contact Mexican officials to complete a fee waiver form. These forms can often be completed by officials at the Migrant Services Centers (*Centros de Atención a Migrantes*) or other government offices that support migrants. The original, signed fee waiver should then be presented at the notary appointment at the U.S. embassy for the fee to be waived.

# Custody Issues with Parent in Mexico and Children in the U.S.

## Litigating Custody in the United States

- If you do not know where the child is, immediately contact the child protection agency in the last known location of the child. ☒  
If you believe the child has been kidnapped, report the crime to local, state, and/or federal police.
- When a parent is separated from their child it is important to establish consistent communication as soon as possible.



# Inscription/Registration of Mexican Nationality\*

## “TRADITIONAL”

### Requirements\*\*:

- U.S. birth certificate
  - Long-form, certified copy
- Apostille
- Certified translation of apostille and birth certificate (“*traducción por perito*”)
- Parents’ birth certificates and identification
- Proof of address (“*comprobante de domicilio*”)
- Presence of mother, father, and/or a legal guardian
- Appointment at local civil registry
- Payment of registration fee (\$0 - \$125 USD estimated cost, payment methods vary by state)

## SOY MÉXICO

- Frequently the same requirements as “*traditional*” route except no apostille required
- Implementation throughout Mexico is uneven, requirements vary by state, and within each state local authorities may have different requirements. To participate in the Soy Mexico program, parents or guardians should go to the State Central Registry.

Through an agreement between NAPHIS (National Association for Public Health Statistics and Information Systems) and RENAPO (Mexican Federal Civil Registry) an initiative is currently in place that allows Mexican civil registries to electronically verify some U.S. birth certificates. The electronic verification may take up to three months to process before the civil registry can move forward with the inscription of Mexican nationality.

\*Assumption: 100% correct U.S. birth certificate

\*\*Vary state by state, but with all of these documents presented as listed, a child should be able to register in any state in Mexico.

## Documentation for U.S. Citizen Children Reunifying with Mexican National Parents in Mexico

Parents will need to sign a notarized permission (for a U.S. passport) or SRE form at a local office in Mexico or consulate in the U.S. (for a Mexican passport) in order for a child to obtain his or her passport.

- 1 **U.S. Passport:** If the child enters Mexico on a U.S. passport, their parent must notify the National Migration Institute once the child is registered as a Mexican citizen to avoid a fine for overstaying a tourist visa.
- 2 Mexican passport (if the child is registered as a Mexican citizen).  
\*It is important to enter Mexico using a Mexican passport when moving there if the child is a Mexican citizen.
- 3 If the child is not registered as Mexican citizen, prepare required documents for registration at a civil registry in Mexico. Ensure that documentation includes the following:
  - a. 100% correct, original, long-form copy of U.S. birth certificate.  
**MAKE SURE TO CHECK FOR ANY ERRORS on the birth certificate and make corrections before the child leaves U.S. (see “When U.S. Birth Certificates Need Corrections”).**
  - b. Apostille on U.S. birth certificates and other official U.S. documents.
- 4 All school records (with Spanish translation if possible). A bi-national transfer document is available from the Mexican consulates. Contact the local consulate for more information on this process and to make an appointment.
- 5 Certified copy of any court order(s) establishing custody. Make sure to also request an apostille for use in Mexico.
- 6 Medical vaccination records.

## When U.S. Birth Certificates Need *Corrections*

### Due To:

- Misspellings/typos
- Missing last names
- Incorrect dates
- No father listed
- Last/middle names reversed

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### FIND THE REQUIREMENTS FOR THE STATE WHERE THE CHILD WAS BORN

Go to the Vital Statistics/Department of Health website or call for specific correction requirements. In general, corrections may be completed administratively or judicially, depending on the change required.

### ADMINISTRATIVE FIX

#### Types of errors:\*

- Acknowledgment of paternity.
- Simple typos/spelling errors. (i.e. Velasquez → Velazquez)
- Adding/correcting parental names.
- Correcting parental dates of birth.

#### Process:

- Print application/form from online PDF.\*\*
- Almost always requires notarized signature.
- Some corrections may be made with supporting documentation only.
- Mail completed form with required payment (check or money order). May also require pre-paid return envelope. If the parent is in Mexico, a pre-paid envelope label should be purchased from a courier service such as FedEx or DHL.

### JUDICIAL ORDER

#### Types of errors:

- Changing/correcting child's name
- Changing mother's name
- Some states also require judicial orders for typos/spelling errors and acknowledgment of paternity

#### Process:

- Requires court order from a competent legal authority
- Often cannot be obtained without retention of **legal counsel** in the U.S. Individuals should contact a local legal services provider or Family Law Section of the state bar association to obtain legal counsel.
- At minimum, often requires a representative to be physically present in the U.S. to file court papers.

\*These examples are for guidance only. Each state has different requirements. For example, in some states, any change requires a judicial order.

\*\*Some states require original forms that must be provided by the local Vital Statistics office via mail.