

## Special advisory memo to India-born persons



This memo is to clarify requirements by the USCIS regarding evidence of birth for permanent residency applicants born in India. All Indian-born permanent residency applicants are required to submit a **governmentally-issued certificate**. It will be one of the two documents as described below:

1. A birth certificate issued by the local municipal or village authorities (*gram panchayat* or *mamlatdar*); or
2. A certificate or letter that there is no record of your birth from the local municipal or village authorities.

The USCIS will **not** accept documents issued by any other authority including the Indian Consulate General in the United States.

### IF YOU HAVE A BIRTH CERTIFICATE

- A. Does it accurately and completely show these four items? (1) Your date of birth; (2) your place of birth; (3) the names of both your parents; and (4) your complete name. If your birth certificate has **all four** of these items, we do not need any other document. Furnish a copy of the birth certificate to our office.
- B. If your birth certificate does not *accurately* have **all four** of the above-mentioned items, and many do not, then we need two additional documents, as well as the birth certificate:
  1. A "school leaving certificate" (sample at <http://www.jackson-hertogs.com/jh/memos/6900.pdf>); and
  2. A "birth affidavit" on (sample at <http://www.jackson-hertogs.com/jh/memos/6900.pdf>) Rs 5/ - stamp paper sworn to before a First Class Magistrate by at least one of your parents (mother preferred) stating:
    - a. the names of both of your parents;
    - b. your complete name;
    - c. that you are, in fact, their child;
    - d. your complete date of birth; and
    - e. your complete place of birth.

*Note:* If the birth certificate contains inaccurate information, then the affidavit should include a correction of that information.

*Note:* If your parents are deceased, then another relative such as an aunt or uncle can be asked to write the affidavit but the affidavit should address why this other relative is writing instead of your parent.

### IF YOU DO NOT HAVE A BIRTH CERTIFICATE AT ALL

We will need **three** documents:

1. A certificate or letter from a government office (local, municipal or village authorities) in India stating clearly that there is no record of your birth;
2. A "school leaving certificate" (sample at <http://www.jackson-hertogs.com/jh/memos/6900.pdf>); and
3. A "birth affidavit" (sample at <http://www.jackson-hertogs.com/jh/memos/6900.pdf>) on Rs 5/ - stamp paper sworn to before a First Class Magistrate by your parents (mother preferred) stating:
  - a. the names of both of your parents;
  - b. your complete name;
  - c. that you are, in fact, their child;
  - d. your complete date of birth;
  - e. your complete place of birth; and
  - f. that no governmentally-issued birth certificate is available.

*Note:* If your parents are deceased, then another relative such as an aunt or uncle can be asked to write the affidavit but the affidavit should address why this other relative is writing instead of your parent.

**IF YOU FAIL TO FOLLOW THESE INSTRUCTIONS, YOU WILL CAUSE DELAYS IN THE PROCESSING OF YOUR CASE AND WE WILL NOT BE ABLE TO FILE THE APPLICATION UNTIL YOU PROVIDE THE APPROPRIATE BIRTH EVIDENCE.**

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**EVIDENCE OF MARRIAGE**

This section is to clarify the USCIS requirements regarding evidence of marriage for permanent residency applicants who were married in India.

Marriage certificates from India are available. Although some marriages may not be registered, some may be voluntarily registered under the Hindu Marriage Act of 1955, the Special Marriage Act of 1954 or the Christian Marriage Act.

Marriage certificates for marriages registered under the above-referenced acts may be obtained from the offices of Government Registrars of Marriages which are located in the headquarters of each district. The certificate will be issued by the Registrar only if the bride and bridegroom personally appear before the official and pay a nominal fee.

A certificate for marriages between Muslims is usually issued by the religious body of the priest who performs the ceremony. The document is in Urdu and a certified translation is required. J&H can provide translations as necessary for a fee. Marriages between Christians are usually obtainable from Church records, either free, or for a small fee.

If the marriage has not been officially registered, two sworn affidavits are acceptable. The affidavits must be executed by one of the parents of each party, or if the parents are deceased, by the nearest relative of each party who was present at the wedding. The affidavits must state the following (sample at <http://www.jackson-hertogs.com/jh/memos/6900.pdf>) on Rs 5/ - stamp paper sworn to before a First Class Magistrate:

1. Names of bride and groom;
2. Dates and places of birth of bride and groom;
3. Date and place of marriage;
4. Names of both parents of both of the parties;
5. That the persons preparing the affidavits were present at the marriage.

*Note:* A document termed as "Marriage Agreement" also "Deed of Marriage" to live as man and wife (under the Registration Act of 1908) is **not** considered as a marriage solemnized legally under the Indian Marriage Acts now in force. Such a document does not confer upon the contracting parties legal marital status under the law.

***IF YOU FAIL TO FOLLOW THESE INSTRUCTIONS, YOU WILL CAUSE DELAYS IN THE PROCESSING OF YOUR CASE AND WE WILL NOT BE ABLE TO FILE THE APPLICATION UNTIL YOU PROVIDE THE APPROPRIATE MARRIAGE EVIDENCE.***