

A Brief Guide for Families, Organizations and Public Officials

Resources to inform, support and prepare families for a possible return to Mexico

PREVENTION: ACQUIRING DUAL CITIZENSHIP

Under Article 30 of the Mexican Constitution, every child who is born abroad, whose mother or father is born on Mexican territory, is therefore Mexican. Registering a child as a Mexican National will facilitate access to public services once in Mexico. It can also provide a greater level of protection on behalf of the Mexican Consulate for a child during any dependency or custody procedures.

How do I prepare to register a U.S.-born child as a Mexican National while I am in the United States?

In order to register a U.S.-born child as a Mexican national while in the U.S., one should visit the closest Mexican Consulate office to ask for the current requirements.

Generally, the following will be required:

- An appointment made by calling the corresponding Mexican Consulate office
- The mother and father should be present and provide official **photo ID**.
If the parents are currently married only one parent is required to be present, but must bring the original marriage license
- The original Mexican birth certificates for one or both parents who are Mexican born
- The original long version of the child's U.S. birth certificate (the child's birth certificate must match the parent's last names)
- Photo ID for the child who is being registered
- Two adult witnesses with official photo ID

If the second parent cannot be present and the parents are not married, the second parent can send a Power of Attorney to the Consulate Office authorizing the registration of their child as a Mexican national. A Power of Attorney can be sent from Mexico, the United States or anywhere in the world. If the location of the second parent is unknown or the parent does not agree with the registration process, the parent interested in registering the child would then have to pursue a custody case to acquire full custody of the child.

Once a child is registered as a Mexican National and acquires dual citizenship, the child can obtain a Mexican passport and a Clave Única de Registro de Población (CURP), and a Mexican federal identity number, which is similar to a social security number in the United States.

How can I prepare to register a U.S.-born child as a Mexican National once I am in Mexico?

If a family is planning to return to Mexico and is not able to register the U.S.-born child as a Mexican National and will not be able to return to the United States, it is recommended to **apostille** all of the child's documents (see Apostille section) before leaving the country. This includes the original long version of the U.S. birth certificate and school documents. Apostilles are generally issued through the Department of State offices in the state where the child was born.

If a family is not able to apostille the child's documents before leaving the U.S., the bare minimum to take to Mexico is an original long version of her/his U.S. birth certificate. Once in Mexico, the registration of the child's Mexican nationality can be immediately processed at any civil registry office.

To avoid future problems, it is highly recommended to include the last name of the mother and the father when a child of Mexican parents is born in the United States and is first issued a birth certificate by the hospital.

Parents have a right to travel with documents and take them out of the U.S., even if they are deported.

Birth Certificate Corrections

Birth certificates in both the U.S. and Mexico can contain errors that obstruct the process to register a child as a Mexican national and therefore require a correction to be made. This includes instances when the mother, father, or child's names are misspelled and/or when the U.S. birth certificate only includes the mother or father's last name, not both. Due to Mexican naming conventions, civil registry offices in Mexico and Mexican Consulate offices in the U.S. can deny a request to register a child as a Mexican national if the child's U.S. birth certificate does not include both the mother and father's last names.

The offices can also deny a request if the parent's full names on the child's birth certificate are not identical to the names on the official IDs the parents are presenting. If an error has been identified and a change is needed, the procedure to make an official correction on a U.S. birth certificate varies depending on the state that issued the birth certificate. In some states a change can be relatively simple through an administrative fix. In other states a judicial order might be required.

No to double registry

Once in Mexico, the process to obtain a child's U.S. birth certificate can be complicated. However, this should NOT be a reason to register a U.S.-born child as if they were born in Mexico. This includes, in cases when the local authorities might be misinformed or recommend this to make the process "easier." In past years, especially before dual citizenship was permitted under Mexican law, parents opted to register their U.S.-born children as if they were born in Mexico. Currently, parents decide to do this when they face numerous obstacles to obtain basic services for their children in Mexico. However, this is NOT recommended as it can create legal problems for the children, especially once they are adults.

How can one cancel a double registry?

If a U.S.-born individual has a double registry (meaning the person has two birth certificates as if they were born in two different places on the same date) a nullification of the Mexican birth certificate will be needed. Once this birth certificate is nullified, the individual will be able to register as a Mexican National born abroad and obtain dual citizenship. The process to nullify a Mexican birth registry depends on each state in Mexico. Legal counsel will be necessary to be able to go about this nullification process.