

U.S. CONSULATE TOULOUSE

OBTAINING A REPORT OF BIRTH AND A FIRST U.S. PASSPORT FOR U.S. CITIZENS BORN ABROAD

Children born outside of the United States of a U.S. citizens parent or parents should be registered at the nearest U.S. Consular Office as soon after birth as possible (before the child's first trip to the United States), and in any case before the age of eighteen years. Upon registration, the child will be issued a Consular Report of Birth Abroad of a Citizen of the United States of America (Form FS-240). This document is a basic citizenship document that may be used for passport, school, employment, and other purposes.

Consular Report of Birth cannot be prepared if the child is 18 or older at the time the birth is reported. Persons born abroad who are now 18 years or older and residing abroad and who may have claim to U.S. citizenship, but who have never been documented as U.S. citizens, should apply to the nearest American Consular Office for information and assistance.

Both the child and the two parents should be present for the interview at the American Consular Office.

The parents and the child must come to the Consulate in Toulouse, where they will sign the applications before the Consul. The Consul will check that all required documents are included and will then send the file to the Consulate General in Marseille, where the report of birth (and the passport) will be issued. The Consulate General in Marseille will mail back the documents issued to the applicant by registered mail.

The information summarizing the requirements of U.S. law for the transmission of U.S. citizenship to a child by the U.S. citizen parent(s) is set forth at the end of this information sheet.

You may, if you wish, apply for a social security card number for your child by filling out page 2 of the Application for Consular Report of Birth Abroad (Form DS-2029/SS5). If the child is under 14 the American parent(s) will sign the form. The processing of this request may take several months.

**WHEN YOU COME IN TO REGISTER YOUR CHILD'S BIRTH,
BRING THE FOLLOWING WITH YOU:**

1. A COMPLETED CONSULAR REPORT OF BIRTH ABROAD APPLICATION:

Fill in the application (Form DS-2029/SS-5) by clearly printing your information in black ink.

Please fill in the information requested in section A, numbers 1 to 15 (instructions are on the reverse.) If you have any questions about any of the information requested, please leave those areas blank until you have discussed them with a consular official.

Do not sign the application. You must do this in the presence of the Consul.

SUPPORTING DOCUMENTATION:

Documentary evidence that must accompany the Report of Birth application is listed on the reverse of the form. All documents submitted must be originals or certified copies from the issuing authority. All original documents except the child's birth certificate will be returned to you after the interview.

- BIRTH CERTIFICATE: If the child was born in France, request an original "Acte de Naissance – Copie Intégrale" from the Mairie (we will keep this for your child's file). Neither the "Livret de Famille" nor a "Fiche d'Etat Civil" can be accepted as a French birth certificate.

- PROOF OF PARENT(S) U.S. CITIZENSHIP: A U.S. passport is accepted as evidence of citizenship of the parent(s). Bring as well Certificates of Naturalization, if applicable.

- PROOF OF VALID MARRIAGE: If the parents were married in France, submit the "Livret de Famille" as a marriage certificate. If the parents were married in the U.S., bring the original state marriage certificate issued by the civil authorities, bearing the official seal. If either of the parents were previously married, bring evidence of the termination of all prior marriages.

- PROOF OF PHYSICAL PRESENCE: If you need to show proof of physical presence in the United States, bring original documents such as: employment certificates or letters; official school transcripts; rent receipts; utility bills; salary slips; Military Honorable Discharge showing dates of service, etc. The more evidence you bring, the more likely your application will be processed without delay. Please note that tax returns are not considered primary valid proof of presence in the United States.

Physical presence is counted as the time the parent was actually in the United States. If the parent had a residence in the U.S. but spent most of his/her time traveling or living abroad, only the time actually spent in the U.S. counts as physical presence. Physical presence need not be continuous. Visits of any length to the U.S. count towards fulfilling physical presence requirements. Any periods spent outside the U.S., even short vacations, must be accounted for in listing physical presence.

Time when the parent is not present in the U.S. for the following reasons may also be counted as physical presence in the U.S. for the purpose of transmitting U.S. citizenship: honorable service in the Armed Forces of the United States; employment with the U.S. Government or with certain international organizations; and residence overseas as a dependent unmarried son or daughter and a member of the household of an employee of the U.S. Government or certain international organizations. **These provisions do not apply in the case of a child born out of wedlock to a**

U.S. citizen mother: the continuous year of physical presence must be in the United States and may not be satisfied through time as a U.S. Government employee or dependent overseas.

Naturalized U.S. citizen parent(s): the naturalization must have occurred prior to the birth of the child.

- OTHER: If you have previously registered the birth of a U.S. citizen child born abroad, you do not need to bring proof of physical presence in the U.S. However, you must bring a copy of the other child's/children's Report of Birth Abroad to allow processing. If either parent is deceased, bring a certified copy of the Death Certificate.

REPORT OF BIRTH FEE:

Fee to be paid by credit card (Visa, MasterCard, American Express, Discover/Novus) or, for payment in Euros, by mandat-cash from your local post office to the order of American Consulate General Marseille. Current amounts charged can be found on the Fees document included in this package of information. Personal checks and cash are not accepted.

2. A COMPLETED PASSPORT APPLICATION:

The personal appearance of a minor applicant for a first passport is mandatory, as is the personal appearance of both parents.

Complete the tan passport application form (Form DSP-11) in black ink, but do not sign it.

SUPPORTING DOCUMENTATION:

- PHOTOGRAPHS: Bring two identical and recent photographs of the child. They must be 2x2 inches (approximately 5x5 cm), full face on a light plain background, with eyes opened.

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3. OTHER DOCUMENTS TO BRING WITH YOU:

- IDENTIFICATION: Both parents should bring their own photo identification containing their signature (passport or French identity card).

- ENVELOPE: Bring a self-addressed "recommandé" with 5.00€ postage (registered letter) or Chronopost envelope for return.



DIRECTIONS TO THE CONSULATE

25, allées Jean Jaurès
31000 Toulouse

The "allées Jean Jaurès" are located near Place Wison (downtown). The Consulate itself is located near the Jean Jaurès public parking lot and the Jean Jaurès subway station.

REQUIREMENTS OF THE U.S. IMMIGRATION AND NATIONALITY ACT FOR TRANSMISSION OF U.S. CITIZENSHIP TO CHILDREN BORN ABROAD

CHILDREN BORN IN WEDLOCK

1. Born to Two U.S. Citizens Parents

If either of the parents has resided in the United States prior to the birth of the child, the child acquires U.S. citizenship under the provisions of Section 301(c) of the United States Immigration and Nationality Act (INA). There is no specific period of time required for such prior residence, and it can have been at any time before the birth of the child.

2. Born to One U.S. Citizen Parent and One Alien Parent

a) Birth from December 24, 1952 until November 13, 1986

The U.S. citizen parent must have been physically present in the United States for a period (or periods totaling) ten years before the birth of the child, at least five of which were after he/she reached the age of fourteen. If this requirement is met, the child acquires U.S. citizenship under the provisions of Section 301(g) INA (as amended by Public law 99-653 of November 14, 1986).

b) Birth from November 14, 1986 to the Present

The U.S. citizen parent must have been physically present in the United States for a period (or periods totaling) five years prior to the birth of the child, at least two of which were after he/she reached the age of fourteen. If this requirement is met, the child acquires U.S. citizenship under the provisions of Section 301(g) INA (as amended by Public law 99-653 of November 14, 1986).

CHILDREN BORN OUT OF WEDLOCK

1. Born to a U.S. Citizen Mother

The U.S. citizen mother must have been physically present in the United States for a continuous period of at least one year before the child's birth. This period of residence may have been at any time before the child's birth. If this requirement is met, the child acquires U.S. citizenship under the provisions of Section 309(c) INA.

2. Born to a U.S. Citizen Father and an Alien Mother

In November 1986, the United States Immigration and Nationality Act was amended to permit a child born out of wedlock to a U.S. citizen father and an alien mother to acquire U.S. citizenship at birth based upon clear and convincing evidence of paternity. The father must have fulfilled the appropriate physical presence requirements under Section 310(g) INA, detailed in the previous section "Children Born in Wedlock – Born to One U.S. Citizen Parent and One Alien Parent."

In addition, the United States citizen father must sign a written agreement to provide financial support until the child reaches the age of eighteen years; AND make a statement under oath acknowledging parentage, or legitimate the child under the law of the child's residence or domicile, or have parentage established by court adjudication.

REPLACING A CONSULAR REPORT OF BIRTH

In the event that the Consular Report of Birth Abroad (FS-240) is lost, stolen or mutilated, you may request a replacement copy from the Department of State. The request for a replacement FS-240 should be made by the parent or legal guardian of the concerned U.S. citizen by a notarized letter providing:

- 1) The full name of the child at birth plus any adoptive names;
- 2) Date and place (state/country) of birth;
- 3) Name(s) of the parent(s) and their date and place (state/country) of birth;
- 4) Passport information of requester: name, date of issuance, passport number;
- 5) Location of the consular office that recorded the birth;
- 6) Consular Report of Birth Abroad serial number, if known; and
- 7) A notarized affidavit setting forth the circumstances surrounding the loss or theft of the original Consular Report of Birth Abroad. If mutilated, the original Consular Report of Birth Abroad must be included with the request.

Send the notarized letter along with a copy of a valid photo identification of the child to:

U.S. Department of State
Passport Services
Vital Records Section
1111 19th Street, N.W., Suite 510
Washington, DC 20522-1705
Tel: (202) 955-0307

The fee is \$30.00 payable by check or money order to "Department of State", and must accompany the request for the document. For more information, please go to http://travel.state.gov/consular_records.html.

DUAL CITIZENSHIP

Like Americans who possess only U.S. citizenship, dual national U.S. citizens owe allegiance to the United States and are obliged to obey its laws and regulations. Such persons usually have certain obligations to the foreign country as well. Although failure to fulfill such obligations may have no adverse effect on the person while in the United States because the foreign country would have few means to force compliance under those circumstances, the person might be forced to comply with those obligations or pay a penalty if the person goes to the foreign country. In cases where a dual national encounters difficulty in a foreign country of which the person is a citizen, the ability of U.S. Foreign Service posts to provide assistance may be quite limited since many foreign countries may not recognize the dual national's claim to U.S. citizenship.

Which Passport To Use:

Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185) requires U.S. citizens in most cases to use U.S. passports when entering the United States from Europe. Dual nationals may be required by the other country of which they are citizens to enter and leave that country using its passport, but do not endanger their U.S. citizenship by complying with such a requirement.

The FS-240 is by law proof of U.S. citizenship. It is a valuable document and should be safeguarded with your other important papers. In most circumstances, your child's U.S. passport will serve as proof of citizenship.