SAMPLE DOCUMENTS FOR INDIA

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. Under the Registration of Births and Deaths Act of l969, births are required to be registered in almost all of the States and Union Territories of India. Birth certificates are available to any applicant born on or after April l, l970, upon payment of a nominal fee to the appropriate authority.
Prior to l970, the reporting of births was voluntary. Birth certificates of Europeans, Anglo-Indians, Armenian Christians, Jews and Parsis born prior to l970 may be obtained from the State Registrar General of Births, Deaths, and Marriages. No standard or uniform certificate is issued by the authorities. In addition, acceptable certificates may often be obtained from the municipal and rural registration records, which are maintained under the state laws. Europeans, Anglo-Indians, and Indian Christians are usually able to obtain church baptismal certificates.

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. Please 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 additional documents, in addition to the birth certificate:

1. Secondary evidence: Please provide the oldest available evidence establishing your birth and parentage and the information above, such as the following:

    a. hospital birth records which name you and both of your parents;
    b. medical records which name you and both of your parents;
    c. school records which name you and both of your parents (sample at **https://www.jackson-hertogs.com/?p=9370**);
    d. census records which name you and both of your parents; and/or
    e. religious records in the form of a certificate under the seal of the organization where the baptism, dedication, presentation or comparable rite occurred following the birth, showing your date and place of birth, the date of the religious ceremony, and both of your parents' names.

2. A "birth affidavit" (sample at **https://www.jackson-hertogs.com/?p=9370**) sworn to before a First Class Magistrate or notary by at least 2 people (parents preferred) stating:

    a. relationship between the person providing the affidavit and you;
    b. how well the person providing the affidavit knows you;
    c. the names of both of your parents;
    d. your complete name;
    e. that you are, in fact, their child;
    f. your date of birth; and
    g. your place of birth.

Note: If the birth certificate contains inaccurate information, then the affidavits 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. Secondary evidence: Please provide the oldest available evidence establishing your birth and parentage and the information above, such as the following:

a. hospital birth records which name you and both of your parents;
b. medical records which name you and both of your parents;
c. school records which name you and both of your parents (sample at **https://www.jackson-hertogs.com/?p=9370**);
d. census records which name you and both of your parents; and/or
e. religious records in the form of a certificate under the seal of the organization where the baptism, dedication, presentation or comparable rite occurred following the birth, showing your date and place of birth, the date of the religious ceremony, and both of your parents' names.

3. A "birth affidavit" on (sample at **https://www.jackson-hertogs.com/?p=9370**) Rs 20/ - stamp paper sworn to before a First Class Magistrate by at least 2 people (parents preferred) stating:

a. relationship between the person providing the affidavit and you;
b. how well the person providing the affidavit knows you;
c. the names of both of your parents;
d. your complete name;
e. that you are, in fact, their child;
f. your date of birth; and
g. your place of birth.

Note: If the birth certificate contains inaccurate information, then the affidavits 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 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.

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, then 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 **https://www.jackson-hertogs.com/?p=9370**) on Rs 20/ - 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; and
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.