REGISTERING AN OVERSEAS BIRTH HANDOUT

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

US personnel who have a baby in USAREUR must submit the documents listed below to register their baby's birth, to document US citizenship and to obtain a US passport. Parents should gather the documents before the baby is born because it sometimes takes several months to obtain properly certified documents. Requirements differ when both parents are US citizens, where one parent is a US citizen and one parent is an alien, where the child is born out of wedlock to a US citizen mother and where the child is born out of wedlock to a US citizen father. The requirements of each case are outlined below. US Consulate officials cannot register children over five years old. Parents must register their children. Please see our handouts regarding the Child Citizenship Act and Citizenship for Children Born Abroad.

GENERAL PROCEDURES

The birth of a child abroad to U.S. citizen parent(s) should be reported as soon as possible to the nearest American consular office for the purpose of establishing an official record of the child's claim to U.S. citizenship at birth. The official record is in the form of a **Consular Report of Birth Abroad of a Citizen of the United States of America.** This document, referred to as the Consular Report of Birth or FS-240, is considered a basic United States citizenship document. An original FS-240 is furnished to the parent(s) at the time the registration is approved.

No later than 30 days after the birth of the child, the US citizen parent should take the required documents to their PAC who will make an appointment with the servicing PSC (birth registration section). The parent and the child must be present at the appointment with the PSC. The parent (preferably the mother, if both parents are US citizens) submitting the proof of US citizenship makes an oath of citizenship on the child's behalf. The PSC makes arrangements with the US Consulate for the child's birth registration and US passport.

All documents requiring the original or certified copy (marriage licenses, birth certificates, divorce decrees, court orders, etc.) must be certified by the custodian of the records and must contain an original seal of the official records custodian. A JAG certification is **not** acceptable.

BOTH PARENTS ARE U.S. CITIZENS AND MARRIED

The following documents are required:

a. International birth certificate

1. AE Form 360 for birth in a military hospital
2. Abstammungsurkunds (birth certificate) for birth in a German hospital (obtained from local Standesamt)

b. Evidence of US citizenship of one parent – valid US passport, parent's birth certificate (original or certified copy); AR 600-290, paragraph 3-2(b) lists secondary evidence of citizenship which may be submitted if the parent can't obtain a birth certificate of passport.

c. Marriage license (original or certified copy) (if applicable)

d. Proof of termination of all prior marriages – divorce decrees or death certificates (original or certified copies)

- NOTE: Parent may submit a Form FS240 (Report of Birth Abroad of a US Citizen) for another baby born abroad in the same marriage in place of b, c, and d above. This indicates that the above documents are already on file. The mother's passport must also be presented.

e. Two identical photographs (2 x 2 of the child)

f. Fee – If the child is command-sponsored, the fee is $10.00 and the child receives a no-fee passport. If the child is not command-sponsored, the fee is $50.00. Fees must be paid by money order.

- NOTE: If the child was born before the marriage of the natural parents or less than nine months after the marriage, the baby's father must execute a sworn and notarized affidavit of residence and paternity (AE Form 608-3B) available at the PSC.

ONE U.S. CITIZEN PARENT, ONE ALIEN PARENT - MARRIED

a. International birth certificate, proof of US citizenship by the US citizen parent, marriage license, divorce decrees/death certificates, two photographs of the child and the fee – same rules as outlined above apply.

b. Birth certificate of alien spouse (original or certified copy)

c. English translation of the marriage certificate and any divorce decrees/death certificates

ILLEGITIMATE CHILD – U.S. CITIZEN MOTHER

A child born out of wedlock to a U.S. citizen mother acquires citizenship at birth if the mother was physically present in the US or one of its possessions for a continuous period of one year at some time before the child's birth. The one year period may not be interrupted. The following documents are required:

a. International birth certificate, proof of US citizenship of the mother, two photographs of the child and the fee – same rules outlined above apply.

b. AE Form 608-3A (Verification of Places and Periods Abroad)

c. If the mother wants the father's information to be included or the child to have the father's last name, the natural father must submit sworn and notarized affidavits of paternity and residency. See the "Unwed Father's Name on Birth Certificate" Fact Sheet.

ILLEGITIMATE CHILD – U.S. CITIZEN FATHER

A child born out of wedlock to a US citizen father and an alien mother will not acquire US citizenship unless the father has been physically present in the US for a total of five years, two of which were after attaining 14 years. Periods spent abroad employed by the US government or as a dependent unmarried son of a parent employed by the US government abroad count in computing physical presence. Periods spent abroad as a family member spouse do not count. In addition to the required documents in "a" below, evidence of paternity and intent to pay financial support in "b" below is also required.

a. International birth certificate, proof of US citizenship of the father, two photographs of the child and the fee – same rules outlined above apply.

b. One of the following:

1. A sworn and notarized statement of paternity and intent to provide financial support (AE Form 608-3B) for the natural father. This form is available at the PSC
2. A legitimization decree called a Beschluss in Germany (original or certified copy)
3. A court order of paternity and a statement by the natural father indicating his intent to provide financial support until the child reaches age 18 (original or certified copy)

Parents should bring the original or certified copy of the required documents and a photocopy of each document to the PAC. Consular officials will view the originals or certified copies, keep the photocopies and return the originals/certified copies to the parents. See the "Unwed Father's Name on Birth Certificate" Fact Sheet for additional info.

EMERGENCY BIRTH REGISTRATION / PASSPORT APPLICATION

The PAC prepares the needed forms and telephones the local US Consulate Office for an appointment. The parent hand carries the documents to the Consulate. If a severe emergency condition (Red Cross message, medevac orders) arises over the weekend or after duty hours, the Consulate can issue a waiver letter. This allows a US citizen to travel to the US without a valid travel document. An $80.00 waiver fee is required. Proof of US citizenship of the parent is required.

For further information, contact the Legal Assistance Office, Stuttgart Law Center, DSN 421-4152, Civ 0711-729-4152

REVIEWED BY: CPT Michael Watts, Chief, Client Services
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References:

US Customs and Immigration Website -
http://www.uscis.gov/graphics/publicaffairs/factsheets/chowto.htm

US State Department Website - http://www.travel.state.gov/family/family_issues/birth/birth_593.html