

## Forms of Identification

All applicants for certificates must present proof of identity satisfactory to the department. All documents must be verifiable. There are three categories of documents that may be presented to establish proof of identity. A copy will be made of the identification and retained with the certificate order. The acceptability of the identification presented by the customer is at the discretion of the processor and the department. More documentation may be requested. Here are some best practices:

(1) Primary identification – These items are complete within themselves and require no supporting instruments. All of these may not be expired for more than 90 days and must have photo.

- (A) US Government-issued driver license
- (B) US Government issued Country/State/City/County ID card
- (C) US Current student ID with picture
- (D) US Government employment badge or card
- (E) Private company employment badge or card
- (F) Prison ID/Offender ID card
- (G) US Military ID
- (H) Passport (From Any Country)
- (I) US Citizenship Certificate or Certificate of Naturalization
- (J) Permanent Resident Card (Resident Alien)
- (K) US Department of Homeland Employment authorization Card
- (L) Resident alien card
- (M) US Citizen Identification
- (N) Border Crossing Card
- (O) Reentry Permit Form
- (P) Refugee Travel Document
- (Q) Concealed Handgun License
- (R) Pilot's license
- (S) Social Worker employee ID

(2) Secondary identification – In the absence of a primary form of identification, the secondary identification serves to establish identity; however, the customer is required to produce either two pieces of secondary identification of different types, or one piece of secondary identification plus two pieces of support identification of different types. The secondary identification is classified as government issued documents, documents that require identification to establish, or documents that contain biometric identifiers.

- (A) Foreign country Government-issued driver license
- (B) Foreign country Government issued Country/State/City/County ID card
- (C) Foreign country Current student ID
- (D) Foreign country Government employment badge or card
- (E) Foreign Government Military ID
- (F) US Current student ID without picture
- (G) Foreign Current student ID
- (H) Any primary ID that is expired for more than 90 days
- (I) An organizational ID
- (J) A photocopy or original signed Social Security card
- (K) Public library card
- (L) Credit card
- (M) Retail club card with picture (such as Costco or Sam's Club)
- (N) DD-214
- (O) Medicaid card
- (P) VA card
- (Q) Medical insurance card
- (R) Signed federal tax return

- (S) Medical insurance card
- (T) Mexican Voter Registration Card

(3) Supporting identification – These items consist of other records or documents that aid examining personnel in establishing the identity of the applicant. The following items are not all inclusive. The examining or supervisory personnel may determine that an accepted document meets the department's needs in establishing identity.

- (A) Recent utility bill with current address
- (B) Recent paycheck stub
- (C) Recent bank account statement
- (D) Public assistance applications or letters
- (E) Signed valid voter's registration card
- (F) Police report of stolen identification
- (G) Hospital admission records, immunization records, medical bills.
- (H) Official school transcript
- (I) Bank account statement
- (J) Social security letter
- (K) Marriage license
- (L) Divorce decree
- (M) Certified birth certificate from Department of State (FS-240, DS-1350 or FS-545), state other than Texas, District of Columbia, or other country
- (N) Automobile insurance card
- (O) Lease agreements
- (P) Promissory notes or loan contracts
- (Q) Court order
- (R) Property titles or liens
- (S) Automobile titles

(4) Every applicant must present:

- A) One piece of primary identification, or
- B) Two pieces of secondary identification *of different types*, or
- C) One piece of secondary identification plus two pieces of support identification *of different types*

(5) Other documents may be presented to enable an otherwise non-qualified applicant capable of obtaining a document for an individual. Some of these are:

- (A) Notarized authorization form – This is an authorization form signed by the individual authorizing another person to obtain their documents. The form must either be notarized or must have a copy of the registrant's identification attached.
- (B) Foreign court papers that reference an individual may be used to obtain the death certificates for an individual. Examples of this are wills, probate forms, testamentary letters, property liens and titles, and promissory notes.
- (C) Powers of attorney must either be specific power of attorney authorizing the agent to obtain the documents, or must be general or durable powers of attorney.
- (D) Documents in a foreign language are acceptable, but must be translated into English. If personnel is not available that can verify the accuracy of the translation, the documents must be translated by a certified translator.
- (E) A social worker that is the caseworker for an individual may get their client's documents for them. They must present documentation indicating that the registrant is in their care. If the registrant is in the care of an organization or institution, the documentation must indicate the organization or institution, and the social worker must present documentation showing they are working on behalf of that organization or institution.

Note: An affidavit must be executed before an official authorized to take oaths or affirmations.

~~Our office does not accept the Matricula Consular as an independent form of valid identification because:~~

- ~~• The Mexican consulate that issues the Matricula Consular does not authenticate the documents used to obtain it.~~
- ~~• The issuing consulate does not verify the source documents.~~

- The issuing consulate does not compare the documents to computerized data files administered by the government of the United Mexican States.
- The U.S. Immigration and Naturalization Service do not recognize the Matricula Consular as proper identification.
- According to testimony before the U.S. Congress, the Department of Justice and the Federal Bureau of investigation have concluded that the Matricula Consular is not a reliable form of identification.
- After a survey of the states, DSHS/VSU has found only three that accept the Matricula Consular for this purpose.
- The Matricula Consular is issued on the day it is requested, with visual inspection of supporting documents presented by the 47 Mexican consulates, but no independent verification of the identity of the requestor.

It is the conclusion of DSHS / VSU that the Matricula Consular identity cards are not secure enough to meet the standards that this agency requires under the authority vested in it by the statutes of the State of Texas and the administrative rules adopted to implement them. Therefore, DSHS / VSU cannot accept the Matricula Consular as verification of identity for the purchase of birth certificates or for obtaining confidential records.

### No picture ID

If the applicant does not have a photo ID, an alternative would have to have an immediate family member become the applicant and send a photocopy of their photo ID.

If the applicant has or is applying for public assistance of any sort, the case worker or social worker assigned to their case may become the applicant in their stead and provide their employment photo ID and obtain the birth record for the applicant.

Another option is to send photocopies of two documents with the applicant's name, such as:

- A recent paycheck stub
- An employment or organizational ID
- A photocopy of their signed social security card
- Signed federal tax return
- Signed valid voter's registration card

### Properly Qualified Applicant

Properly qualified applicant -The registrant or immediate family member either by blood, marriage or adoption; his or her guardian or his or her legal agent or representative. Local, state and federal law enforcement or governmental agencies and other person may be designated as properly qualified applicants by demonstrating a direct and tangible interest in the record when the information in the record is necessary to implement a statutory provision or to protect a personal legal property right. A properly qualified applicant may also be a person who has submitted an application for a request to release personal information and has been approved as outlined in 181.11 of this title (relating to Requests for Personal Data.) [25 TAC§181.1(22)]

### IMMEDIATE FAMILY MEMBER

An immediate family member is a qualified applicant to receive a certified copy.

Immediate family member (by blood or marriage) is defined as:

- Self
- Father (when listed on the record; if not listed, has a court order stating he is the father)

- Mother
- Grandfather
- Grandmother
- Brother
- Sister
- Husband
- Wife
- Legal Guardian (a copy of the legal guardianship papers is required as proof)
- Legal Representative (document from the qualified applicant needed)

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### Further Explanation of Qualified Applicant

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**Local, State, and Federal Agencies or Law Enforcement** - These agencies are considered properly qualified applicants when the need for the record is to implement a statutory provision or to protect a property right. Quite often the agency cannot completely identify a record (name, date and place of event, mother's and father's name). Agencies may need only certain information or verification of information therefore the Local Registrar may be able to verify or validate information without issuing a certified copy (provide birth/death verification).

**Legal Representative (Personal Representative/Agent)** - An attorney in fact, a funeral director, or any other person designated by affidavit, contract, or court order acting on behalf and for the benefit of the registrant or his or her immediate family. In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or County Clerk shall require a designation document or an attested statement to that effect. [25 TAC§181.1(17)]

Local Registrar offices should require additional information on the letterhead of the attorney explaining the need for the record. In some rare cases, the legal representative may not be known to the registrant or family; in those cases, an attested document (i.e. court order, will, notarized affidavit, etc.) would be required. If a Local Registrar's office questions the validity of the notarized letter or authorization form or feels uncomfortable providing the requested information, forward the request to VSU.

**Demonstrating Direct and Tangible Interest in the Record** - In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or County Clerk shall require a designation document or an attested state to the effect. Any person or organization who presents written documentation that demonstrates a direct and tangible interest in the record to protect a personal property right has the right to receive a certified copy of the record.

Examples may include an insurance company, mortgage or lien holder, searcher for land and mineral property rights, loan officer, attorney for an opposing party, etc., so long as written documentation of a direct and tangible interest has been presented.

**Open Records** - A person or organization does not have to meet the requirements of a properly qualified applicant to obtain copies of records that fall outside the 75 birth/25 death year exemption in the Public Information Act. Applicants must still complete an application, provide identification and provide a reason for obtaining the record. If the Local Registrar's office is uncomfortable fulfilling an applicant's request for records falling outside the prescribed confidentiality years, they should forward the request to VSU. [GC §552.115 (a - 1, 2)]