



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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11 June 2009

### MEX103162.FE

Mexico: Whether it is possible to obtain a second birth certificate for a child without the mother's consent; whether it is possible to submit, without the mother's consent, an application of acknowledgement for a child whose birth certificate was previously issued in Michoacán State

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In a 19 May 2009 telephone interview with the Research Directorate, an adviser with the Civil Registry Branch in the state of Michoacán (Dirección General del Registro Civil del Estado de Michoacán) stated that it was impossible that a child's birth certificate that officially bears only the name of the child's mother would be issued to the father without the mother's consent (Michoacán 19 May 2009). However, it is possible for a child registered with the name of only one parent to be acknowledged later by the other parent (*ibid.*). The Adviser added that, under the law, both parents must list their names on their child's birth certificate if they are married (*ibid.*). Only the mother's name appears on the certificate when the mother is a single parent (*ibid.*).

The child's mother must consent to the father's being acknowledged by going with the child's father to the Civil Registry Branch and presenting the child's birth certificate, the father's birth certificate, and a personal piece of identification (*ibid.*). If the mother is unable to go, she can authorize the request by signing a notarial act (if she is in Mexico) or by going to a Mexican consulate (if she is outside Mexico) (*ibid.*). In this case, a certificate of acknowledgement (*Acta de reconocimiento*) (biological parent) or a certificate of adoption (*Acta de adopción plena*) (adoptive parent) will be issued (*ibid.*).

Article 79, amended on 27 December 1965, of the Civil Code of the State of Michoacán (Código Civil para el Estado de Michoacán) states that

[translation]

if the application for acknowledgement of the child is made once the child has been registered, a new document will be issued. This new document will contain the statement of acknowledgement, and the child's consent if the child is 14 years of age or over, or the consent of the child's guardian if the child is under 14 years of age. (Michoacán 30 July 1936)

Once the certificate of acknowledgement or adoption has been issued, the child's initial birth certificate becomes invalid (Michoacán 19 May 2009). However, article 82, amended on 15 September 1986, states that the certificate of acknowledgement shall make mention of the birth certificate (Michoacán 13 July 1936).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### References

Michoacán. 19 May 2009. Dirección General del Registro Civil del Estado de Michoacán. Telephone interview with an adviser.

\_\_\_\_\_. 30 July 1936. *Código Civil para el Estado de Michoacán*.

<<http://congresomich.gob.mx/congreso/Leyes/CODIGO%20CIVIL%20PARA%20EL%20ESTADO%20DE%20MICHOCAN.htm>> [Accessed 21 May 2009]

#### Additional Sources Consulted

**Internet sites, including:** Consejería Jurídica y de Servicios Legales, Instituto de Investigación jurídica, Mexico – Embassy of Mexico in Ottawa.

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