



Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana

Ask the Consul 83 Traveling With Children, Part II

This installment of *Ask the Consul* continues the discussion began in installment 82 about traveling with American citizen children.

My 14-year old son's father is some place abroad and I cannot find him. I need to renew my son's passport. What should I do?

If your son's father is listed on your son's U.S. birth certificate, you will need to obtain his consent before your son's passport can be renewed. If you have sole legal custody of your son and can present the court-issued custody order, then you will not need to obtain his consent. If your son's father has abandoned the family, then you may be able to qualify for the special circumstances exemption of the two-parent consent law. You will then need to complete an affidavit, sworn under penalty, before a U.S. consular official, verifying that your son's father's whereabouts are unknown. You may use either *Form DS-3053, Statement of Consent or Special Circumstances: Issuance of A U.S. Passport to A Minor Under Age 16* or another notarized written statement accompanying the passport application. Your statement should include sufficient information for the consular officer, including the number and manner of attempts that you have made to try to locate your son's father, his last known address, his last known telephone numbers, his last known place of employment and whether you have attempted to find him, either through friends or family or the court.

I have sole legal custody of both of my children who are under age 16. Can I renew their U.S. passports without needing their father's consent?

Yes. To renew their U.S. passports, you must produce the court-issued custody document that grants you sole legal custody of your children. If your custody order gives their father joint custody, then you will need to obtain notarized consent from their father.

I am a U.S. citizen living in Guyana and I just had a baby. Is my baby a U.S. citizen and eligible for a U.S. passport?

Maybe. You may be able to execute a Consular Report of Birth Abroad (CRBA) for your baby and apply for a U.S. passport for the baby. To transmit your U.S. citizenship to the baby, first a consular officer will need to determine whether the child was born in or out of wedlock, and then whether one or both parents were U.S. citizens at the time of the baby's birth. If the child was born to one U.S. citizen parent and one non-citizen parent who were legally married at the time of birth, then the U.S. citizen parent is required by law to have been physically present in the U.S. for a specified period of time prior to the child's birth. You should schedule an on-line appointment to apply for a CRBA and U.S. passport at the U.S. Embassy at <http://georgetown.usembassy.gov/acs.html>. A consular officer will review the case to determine whether or not your child acquired U.S. citizenship at birth.

My child's U.S. birth certificate has been lost and I need to renew his passport. Is there a way for me to get a replacement?

Yes. You can contact the Vital Records office in the U.S. state where your child was born. You may check the Centers for Disease Control's National Center for Health Statistics' website for additional information at: <http://www.cdc.gov/nchs/w2w.htm>.

My daughter's father just became a U.S. citizen. Is my child now automatically a U.S. citizen too and can she get a U.S. passport?

Not likely, unless your child is an infant born after her father naturalized as a U.S. citizen. If at the time of your daughter's birth, her father was a U.S. citizen, then your daughter may be eligible for a Consular Report of Birth Abroad (CRBA) and a U.S. passport. However, if your child's father naturalized as a U.S. citizen after her birth, then your child did not acquire U.S. citizenship through her father.

"Ask the Consul" is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions every other week and publish the answers in Stabroek News and on our website at http://georgetown.usembassy.gov/guyana/ask_con.html. For more information about visas please see <http://www.unitedstatesvisas.gov> or <http://georgetown.usembassy.gov/>.

Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.