

## Helping People Prove They Were Born

*The Benchers—May/June 2022*

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**Dale G. Larrimore and Courtney E. Dolaway**

Birth certificates. Everybody has a birth certificate, right? Wrong! At a time in this country when it is becoming more and more important to have government-issued identification, it is often necessary for an individual to have a birth certificate to obtain such an ID. It is difficult for children to even be enrolled in school without a birth certificate.

Having a birth certificate in the United States is something many people take for granted, but for many low-income or homeless individuals, a birth certificate just isn't something they have. Furthermore, these individuals do not know how to get one or do not have access to a computer to assist them in securing one. It is a vicious circle because to get many jobs you need a state-issued ID card, which you cannot get without a birth certificate. And without a job you might not have the resources to get a birth certificate.

Here are a few examples to illustrate our point: John (not his real name) is pretty sure he was born on a farm in central Pennsylvania. He believes he is about 50 but is not really sure. Based on what he was told by his family, he thinks he was born in Cameron County, but it could have been Potter County. His family moved around a lot. He may have had a birth certificate at some point in the past, but he lost it when he was evicted from his home after losing his job many years ago. The vital records department in Pennsylvania allows an applicant to submit a multi-year search for a birth record, but the request must be accompanied by a government-issued ID and a fee, neither of which John has.

In another example, Jane (not her real name) obviously knows she was born, but she has no way of proving it to the government. In what has become a surprisingly common circumstance, she has no birth certificate. This was not a great hindrance to her when her family moved to Philadelphia when she was about five years old, after being born in a rural area in the South. When she was about 16, her mother died and she began taking care of her two younger siblings, as well as her father, who was in and out of hospitals with various medical issues. As an adult, she was able to find work as a nursing assistant and support herself and her family. Public transportation was a wonderful substitute for the lack of a driver's license. She could even vote since everyone knew everybody in her neighborhood. But in the post-9/11 world, society now insists on identification cards with photographs, even for non-drivers. And Jane is now disabled and needs government benefits more than ever.

Without a birth certificate (among other documents) in Pennsylvania, residents can't get state-issued ID cards. Without ID cards people often find that they cannot get jobs, access Social Security benefits, receive medical benefits, have surgery, get prescription medicine, access housing benefits, open bank accounts, or board planes or even intercity buses. For John and Jane, the lack of a photo ID means they are unable to access subsidized housing, for which they would qualify because their income is below the federal poverty

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level.

It's ironic, Jane said, that a person who has had to bear so much of what's hard in life hasn't even officially been born. "I am who I am. I just need proof," she said.

This critical need for a birth certificate in the United States is where Face to Face comes in. The Villanova Law J. Willard O'Brien American Inn of Court in the Philadelphia area has had a long relationship with Face to Face, a human services organization that provides free meals, nurse-managed health care, legal and social services, private shower facilities, computer training, and creative arts studios. It began when members of St. Vincent de Paul Roman Catholic Church began cooking hot meals for their Germantown neighbors who were food insecure. But it is so much more now. Focusing on the power of human connection, Face to Face creates encounters of hospitality, mutuality, and transformation in the Germantown community of Philadelphia.

Homelessness and substandard housing provide barriers to basic self-care. Lack of proper hygiene is a health concern and plays a key role in limiting the ability to belong to a community. From its start of providing nutritious hot meals, Face to Face has expanded to offering such basic human needs as a hot shower (in its "washeteria") and a new set of clean clothes. It offers health screenings, diabetes education classes, and free legal services. Our Inn had volunteered in legal clinics there for years.

When I, Dale G. Larrimore, was president of the Villanova Inn, I asked my co-author of this article, Courtney Dolaway, our pro bono coordinator, to investigate new ways we could assist Face to Face in providing basic human needs. Frankly, I was shocked with the suggestion that we help run birth certificate clinics, where we could meet with low-income or homeless individuals one-on-one to help them secure their birth certificates. But the more I learned, the more I recognized the power of the human dignity we could offer by helping people obtain the necessary paperwork to prove they exist. It became our project for the term of my presidency, with volunteers working in the clinics and working to raise money to cover the application costs.

There are thousands of Americans who were born in medically underserved rural counties where home births were still common in the mid-20th century. For decades, many low-income Black women in the South gave birth in family homes instead of hospitals, aided by midwives. These births often went unrecorded. Tens of thousands of Americans were born off the grid, real people—real citizens—who the government now does not want to recognize. In some cases, the white establishment running the county records offices in the Jim Crow South were less than cooperative when attempts were made to record home births.

Jane believes she was born about 1955, from what her mother told her. But she has no knowledge of a birth certificate ever being issued to her, or at least not provided to her. Her family moved to Philadelphia as part of the so-called Great Migration between 1915 and 1970, when about 6 million Black Americans moved to the cities of the North from the rural South.

Without a birth certificate on file in the county where she was born, Jane's case was harder than some. South Carolina requires proof of "birth facts" in order to create a certificate of birth now. Unfortunately, there were inconsistencies in the documents that were available about Jane. School records had a different

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year of birth, perhaps from an error made by her parents. When she began working in Philadelphia, Jane applied for a Social Security card, but she mistakenly wrote on the application that she was born in Philadelphia. These inconsistencies precluded South Carolina officials from creating a birth certificate for her. Jane's only recourse may be to appear before a judge with whatever documentation she can muster—family bibles, utility bills, rental agreements, census records—to prove her birth and residency in the hope that a judge will issue an order to create a birth certificate.

A national survey commissioned by the Brennan Center for Justice found that as many as 7% of U.S. citizens—13 million people—do not have access to the documents that prove their birth and citizenship. There is a huge hidden population who are having trouble getting government IDs for the first time. People with low incomes are more than twice as likely to lack documentation such as a birth certificate that proves their citizenship, according to the center. Low-income people are often transitory, having to move from place to place to survive, and it's not uncommon for them to misplace their important papers or lose them to theft. Compounding the problem is the fact that it takes money to secure these documents. People below the poverty line who are preoccupied with food, rent, and heat may not have the time or energy to worry about jumping through hoops to get a birth certificate. Even if they do, they rarely have the cash to get their papers in order.

To get a state-issued ID, a person needs a Social Security card and proof of residency, along with a birth certificate. Photo ID cards have become more the norm since the terrorist attacks of September 11, 2001, as Americans began tightening security everywhere. There is also a movement to exclude certain people from voting or accessing benefits, a way to make it so hard for people with low-incomes and other groups to exercise their rights as citizens that they give up trying.

Birth certificate clinics provide a vital link in this process. They also offer members of American Inns of Court an excellent opportunity to use our legal skills on the most basic of levels. As a pro bono project, these clinics provide an invaluable service that can pave the way for these individuals to get ahead. And, as Dolaway told our Inn, "It was an incredibly rewarding experience meeting these people and hearing their stories. As a group, the volunteers helping in this clinic discovered that they could make a real difference in people's lives."

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