

MATTER OF GOUVEIA
In Visa Petition Proceedings

A-17869843

Decided by Board August 7, 1970

Under the law of Guyana, acknowledgment or recognition alone of an illegitimate child by the putative father does not result in legitimation of such child; legitimation of a child born out of wedlock requires the marriage of the natural parents.

IN BEHALF OF PETITIONER Norman D. Archer, Esquire
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The petitioner appeals the decision of the District Director denying this petition filed to accord the beneficiary immediate relative status as the child of a United States citizen. The District Director concluded that the petitioner failed to establish that he married the beneficiary's mother or otherwise legitimated the beneficiary in accordance with the provisions of section 1(b)(1)(C). We concur with that determination.

The petitioner, a native of British Guiana, asserts that the beneficiary, a native and citizen of Guyana was born on September 9, 1960 in Georgetown, Guyana. The petitioner concedes he never married the beneficiary's mother. In the beneficiary's birth certificate presented in support of this petition, the petitioner is registered as the beneficiary's father.

The petitioner contends on appeal that, under the laws and official Executive Regulations of Guyana, a child once given the father's name and taken care of by the father is considered a legitimate child. We disagree.

Section 3(1) of the Legitimacy Ordinance of British Guiana,¹ provides in pertinent part:

¹Volume IV, The Laws of British Guiana, Chapter 165 (May 14, 1932). Under the Guyana Independence Act of 1966, all laws in force as part of the law of British Guiana shall continue to have effect as part of the law of Guyana.

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Subject to the provisions of this section where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Ordinance, the marriage did or shall, if the father of the illegitimate person was or is at the date of the marriage domiciled in British Guiana, render that person, if he is or was living, legitimate from the date of marriage.

We have reviewed the Registration of Births and Deaths Ordinance² and find no section providing for the legitimation of a child by the mere registration of the father's name. Section 31 of that ordinance relating to the entry of the name of the person as father of the illegitimate child provides;

No registrar who receives information of the birth of an illegitimate child shall enter in the register of births the name of anyone as the father of that child except at the joint request of the mother, and of the person who acknowledges himself to be the father, and the person shall in that case sign the register together with the mother.

The above, while dealing with the acknowledgment of a child by the putative father, does not confer legitimate status of a child born out of wedlock. The mere fact that the petitioner's name appears on the beneficiary's birth certificate is not legitimation. We conclude that, under the laws of Guyana, the legitimation of the beneficiary required the marriage of the petitioner and the beneficiary's mother, *Matter of J—*, 9 I. & N. Dec. 246 (1961). We therefore affirm the District Director's order.

ORDER: The appeal is dismissed.

¹ Registration of Births and Deaths Ordinance of October 1, 1968, IV Laws of British Guiana, C. 162, Section 31.