

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 400

(Senator King, *et al.*)

Finance

Health and Government Operations

**Department of Health and Mental Hygiene - Certificates of Foreign Birth - IH-3
Visa**

This bill extends the requirement for issuing a certificate of foreign birth to include an individual who has been granted an IH-3 visa by the United States Immigration and Naturalization Service (INS). Current law only covers requirements for individuals who have been granted IR-3 visas.

Fiscal Summary

State Effect: General fund revenues increase minimally due to additional fees collected. Any additional workload for the Department of Health and Mental Hygiene can be handled with existing resources.

Local Effect: None. Local health departments do not issue copies of adopted persons' birth certificates.

Small Business Effect: None.

Analysis

Current Law: The Secretary of Health and Mental Hygiene must, on request, prepare and register a birth certificate for a foreign-born individual who (1) was adopted by a Maryland resident under the laws of a jurisdiction or country other than the United States; and (2) has been granted an IR-3 visa by INS under the Immigration and Nationality Act. Under these circumstances, the birth certificate is required to be established upon receipt of (1) an official copy of the decree from the jurisdiction or country in which a child was adopted; (2) a certified translation of the foreign adoption decree; (3) proof of the date

and place of the child's birth; (4) proof of IR-3 visa status; and (5) a request from the court, the adopting parents, or the adopted person (if at least age 18) that the certificate be prepared. The certificate must be labeled "Certificate of Foreign Birth" and must show the actual country of birth as well as a statement indicating that the certificate is not evidence of U.S. citizenship. The fee for obtaining a certificate of foreign birth is \$12.

There is no requirement or authorization in Maryland law for a certificate of foreign birth to be prepared and registered for a child who was adopted outside of the United States and who has an IH-3, rather than an IR-3, visa.

Background: A child with either an IR-3 or IH-3 visa who enters the United States prior to turning 18 years old automatically acquires U.S. citizenship. An IH-3 visa is a type of visa issued for a child with a full and final adoption from a Hague Convention country, whereas an IR-3 is a type of visa issued for a child with a full and final adoption from a *non*-Hague Convention country.

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is a multilateral treaty that entered into force in the United States on April 1, 2008, and that strengthens protections for children, birthparents, and prospective adoptive parents in the adoption process. According to the Bureau of Consular Affairs within the U.S. Department of State, more than 75 countries have joined the Hague Convention – including many of the countries from which U.S. citizens adopt most frequently.

The Division of Vital Records within the Department of Health and Mental Hygiene prepared 344 certificates of foreign birth in 2010.

Additional Information

Prior Introductions: None.

Cross File: HB 1180 (Delegate Barkley) - Health and Government Operations.

Information Source(s): U.S. Citizenship and Immigration Services, U.S. Department of State, Department of Health and Mental Hygiene, Department of Legislative Services

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