§ 4138-b. Birth certificate: foreign adoption. 1. Whenever the finalization of a foreign adoption or recognition of a foreign adoption of a person of any age pursuant to section one hundred eleven-c of the domestic relations law, or the adoption of a foreign-born person of any age at the time of adoption has been reported to the commissioner, the commissioner shall file a birth certificate for the adopted person provided there is no other birth certificate or other birth record on file other than in the country where such person was born and provided, further, that a certificate of birth data does not exist for that person. Such birth certificate shall be filed upon receipt of: proof that the adoptive parent was a resident of this state at the time of adoption or that the adoptee was lawfully adopted within the State of New York; if the adoptee was adopted in a foreign country or jurisdiction, a copy of the adoption documents of the jurisdiction or country in which the person was adopted; a certified translation of the foreign adoption documents, evidence of the date and place of the adopted person's birth; and evidence of IR-3, IR-4 or IH-3 immigrant visa status or a successor immigrant visa status. The birth certificate shall include the adopted person's name, sex, date of birth, time of birth, place of birth, mother's maiden name, and father's name. A birth certificate issued pursuant to this section which has been filed by a local registrar and all supporting documentation shall be submitted by the local registrar to the commissioner who shall file a new birth certificate pursuant to this section.

2. A petitioner may submit an attorney certified copy of the adoptee's foreign birth certificate, or similar confirmation of birth, and adoption decree, and copies of attorney certified translations of the foreign documentation in connection with the finalization of a foreign adoption or recognition of a foreign adoption pursuant to section one hundred eleven-c of the domestic relations law.

3. This provision shall be deemed retroactive so that an adopted person who was adopted in accordance with this section prior to the effective date hereof may obtain, upon application, a birth certificate pursuant to this section.