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## **Apostille Convention**

The Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, the Apostille Convention, or the Apostille Treaty, is an international treaty drafted by the Hague Conference on Private International Law. It specifies the modalities through which a document issued in one of the signatory countries can be certified for legal purposes in all the other signatory states. A certification under the terms of the convention is called an apostille (from Latin post illa and then French: a marginal note). It is an international certification comparable to a notarisation in domestic law, and normally supplements a local notarisation of the document. If the convention applies between two countries, such an apostille is sufficient to certify a document's validity, and removes the need for doublecertification, by the originating country and then by the receiving country.

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### **Procedure**

## Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public **Documents** State parties to the convention (members of the HCCH) State parties to the convention (nonmembers of the HCCH) State parties for which the convention has not entered into force Signed 5 October 1961 Location The Netherlands **Effective** 14 January 1965 Condition ratification by 3 states<sup>[1]</sup> **Parties** 115 Ministry of Foreign Affairs Depositary (Netherlands) Languages French (prevailing in case of divergence) and English

Apostille Convention at Wikisource

**Apostille Convention** 

Apostilles are affixed by *Competent Authorities* designated by the government of a state which is party to the convention.<sup>[2]</sup> A list of these authorities is maintained by the Hague Conference on Private International Law. Examples of designated authorities are embassies, ministries, courts or (local) governments. For example, in the United States, the Secretary of State of each state and his or her deputies are usually competent authorities. In the United Kingdom all apostilles are issued by the Foreign and Commonwealth Office in Milton Keynes.<sup>[3]</sup>

To be eligible for an apostille, a document must first be issued or certified by an officer recognised by the authority that will issue the apostille. For example, in the US state of <u>Vermont</u>, the Secretary of State maintains specimen signatures of all notaries public, so documents that have been notarised are eligible for apostilles.<sup>[4]</sup> Likewise, courts in the Netherlands are eligible to place an apostille on all municipal <u>civil status</u> documents directly. In some cases, intermediate certifications may be required in the country in which the document originates before it is eligible for an apostille. For example, in New York City, the Office of Vital Records (which issues, among other things, birth

certificates) is not directly recognised by the New York Secretary of State. [5] As a consequence, the signature of the City Clerk must be certified by the County Clerk of New York County to make the birth certificate eligible for an apostille. [6][7] In Japan all official documents are issued in Japanese; the Ministry of Foreign Affairs (MOFA, JAPAN) can then provide an apostille for these documents. [8] In India the apostille certification can be obtained from the Ministry of External Affairs [9] in New Delhi, after authentication by the administration of the Indian state where the document was issued (for educational documents).

#### **Information**

The apostille itself is a stamp or printed form consisting of 10 numbered standard fields. On the top is the text *APOSTILLE*, under which the text *Convention de La Haye du 5 octobre 1961* (French for "Hague Convention of 5 October 1961") is placed. This title must be written in French for the Apostille to be valid (article 4 of the Convention). In the numbered fields, the following information is added (may be in official language of the authority which issues it or in a second language):

Country ... [e.g. Korea, Spain] This public document

- 1. has been signed by [e.g. Henry Cho]
- 2. acting in the capacity of [e.g. Notary Public]
- 3. bears the seal/stamp of [e.g. High Court of Hong Kong] Certified
- 4. at [e.g. Hong Kong]
- 5. the ... [e.g. 16 April 2014]
- 6. by  $\dots$  [e.g. the Chief Executive of the Special Administrative Region of Hong Kong]
- 7. No ... [e.g. 2536218517]
- 8. Seal/stamp ... [of the authority giving the apostille]
- 9. Signature

The information can be placed on the document itself, on the back of the document, or attached to the document as an allonge.

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An apostille issued by Norwegian authorities.

## Eligible documents

Four types of documents are mentioned in the convention:<sup>[1]</sup>

- court documents
- administrative documents (e.g. civil status documents)
- notarial acts
- official certificates which are placed on documents signed by persons in their private capacity, such as official
  certificates recording the registration of a document or the fact that it was in existence on a certain date and
  official and notarial authentications of signatures.

## Legalization

A state that has not signed the Convention must specify how foreign legal documents can be certified for its use. Two countries may have a special convention on the recognition of each other's public documents, but in practice this is infrequent. Otherwise, the document must be certified by the foreign ministry of the country in which the document originated, and then by the foreign ministry of the government of the state in which the document will be used; one of the certifications will often be performed at an embassy or consulate. In practice this means the document must be certified twice before it can have legal effect in the receiving country. For example, as Canada is not a signatory,

Canadian documents for use abroad must be certified by the Deputy Minister of Foreign Affairs (http://www.international.gc.ca/department-ministere/authentication-authentification\_documents.aspx?lang=eng&view=d) in Ottawa or by a Canadian consular official abroad, and subsequently by the relevant government office or consulate of the receiving state.

#### **Apostille vs. Legalization**



An Apostille of the Hague issued by the State of Alabama



As Canada is a non-signatory,
Canadian documents for use
abroad must be certified twice:
at the <u>Canadian Ministry of</u>
<u>Foreign Affairs</u> and
subsequently by the consulate
of the receiving state (in this
case, the Netherlands)

## States that are party to the convention

The convention has 115 parties and is in force for all members of the European Union and all but ten members of the Hague Conference on Private International Law. As of 2017 The convention had not entered into force in Bolivia and Tunisia; it entered into force in Guatemala on 18 September 2017.

State	Entry into Force	Apostille not recognised in	Comment
Albania	9 May 2004	Belgium (until 2015), Germany, Greece, Italy (until 2011) and Spain (until 2017 <sup>[10]</sup> ).	
Andorra	31 Dec 1996		
Antigua and Barbuda	1 Nov 1981		
Argentina	18 Feb 1988	Kosovo	
<u>Armenia</u>	14 Oct 1994	Kosovo	
Australia	16 Mar 1995		
Austria	13 Jan 1968	Burundi, Dominican Republic, Kosovo, Kyrgyzstan, Mongolia, Tajikistan, Uzbekistan	
Azerbaijan	2 Mar 2005	Germany, Hungary (until 2005), Kosovo, Netherlands (until 2010)	
Bahamas	10 Jul 1973		
Bahrain	31 Dec 2013		
Barbados	30 Nov 1966		
Belarus	31 May 1992	Kosovo	
<b>Belgium</b>	9 Feb 1973	Albania (until 2015), Dominican Republic, India (until 2008), Kyrgyzstan, Liberia, Mongolia, Tajikistan, Ukraine (until 2004), Uzbekistan	
Belize	11 Apr 1993		
Bolivia	7 May 2018		
Bosnia and Herzegovina	6 Mar 1992		
Botswana	30 Sep 1966		
Srazil	14 Aug 2016		
Rrunei	3 Dec 1987		
Bulgaria	29 Apr 2001		
<u>Burundi</u>	13 Feb 2015	Austria, Czech Republic, Germany, Poland	
Cape Verde	13 Feb 2010		
Chile	30 Aug 2016		
Colombia	30 Jan 2001		
Cook Islands	30 Apr 2005		
Costa Rica	14 Dec 2011		

State	Entry into Force	Apostille not recognised in	Comment
Croatia	8 Dec 1991		
<b>Cyprus</b>	30 Apr 1973	Kosovo	
Czech Republic	16 Mar 1999		
Kingdom of Denmark	26 Dec 2006		Does not apply for Greenland and the Faroe Islands
<u>Dominica</u>	3 Nov 1978		
Dominican Republic	30 Aug 2009	Austria, Belgium, Germany and the Netherlands	
Ecuador Ecuador	2 Apr 2005		
El Salvador	31 May 1996		
Estonia	30 Sep 2001		
<b>澤</b> 軍 Fiji	10 Oct 1970		
<b>Finland</b>	26 Aug 1986		
France	24 Jan 1965		
# Georgia	14 May 2007	Germany (until 2010), Kosovo and Greece (until 2015)	
Germany	13 Feb 1966	Albania, Azerbaijan, Burundi, Dominican Republic, Georgia (until 2010), India, Kosovo, Kyrgyzstan, Liberia, Moldova, Mongolia, Morocco, Paraguay, Peru (until 2014), Tajikistan, Ukraine (until 2010) and Uzbekistan	
Greece	18 May 1985	Albania, Georgia (until 2015), Kosovo, Kyrgyzstan, Mongolia, Peru, Uzbekistan	
Grenada	7 Apr 2002		
Guatemala	18 Sep 2017		
Honduras	30 Dec 2004		
Hong Kong	25 Apr 1965		The convention is still applicable to Hong Kong despite the transfer of sovereignty over Hong Kong on 1 Jul 1997. [11]
Hungary	18 Jan 1973	Azerbaijan (until 2005),	
lceland lceland	27 Nov 2004		
India	14 Jul 2005	Belgium (until 2008), Finland (until 2009), Germany, <sup>[12]</sup> Netherlands (until 2008) and Spain (until 2008), Kosovo	
Ireland	9 Mar 1999		
Israel	14 Aug 1978	Kosovo	

State	Entry into Force	Apostille not recognised in	Comment
<b>Italy</b>	11 Feb 1978	Albania (until 2011),	
Japan	27 Jul 1970		
Kazakhstan	30 Jan 2001		
<u>Kosovo</u>	14 Jul 2016	Argentina, Armenia, Austria, Azerbaijan, Belarus, China (for Hong Kong and Macao), Cyprus, Germany, Georgia, Greece, India, Israel, Mauritius, Nicaragua, Mexico, Moldova, Namibia, Paraguay, Peru, Poland, Russia, Romania, Serbia, Slovakia, Spain, Ukraine, Uzbekistan, Venezuela	
Kyrgyzstan	31 Jul 2011	Austria, Belgium, Germany, and Greece	
Latvia	30 Jan 1996		
Lesotho	4 Dec 1966		
Liberia	8 Feb 1996	Belgium, Germany, and the United States (until 2015)	
Liechtenstein	17 Sep 1972		
Lithuania	19 Jul 1997		
Luxembourg	3 Jun 1979		
Macau	4 Feb 1969	Kosovo	The convention is still applicable to Macau despite the transfer of sovereignty over Macau on 20 Dec 1999.[11]
Macedonia	17 Nov 1991		
Malawi	2 Dec 1967		
* Malta	3 Mar 1968		
Marshall Islands	14 Aug 1992		
Mauritius Mauritius	12 Mar 1968	Kosovo	
Mexico	14 Aug 1995	Kosovo	
Moldova	16 Mar 2007	Germany and Kosovo	
Monaco	31 Dec 2002		
Mongolia	31 Dec 2009	Austria, Belgium, Finland, Germany and Greece	
Montenegro	3 Jun 2006		
Morocco	14 Aug 2016	Germany	

State	Entry into Force	Apostille not recognised in	Comment
Namibia	30 Jan 2001	Kosovo	
Kingdom of the Netherlands	8 Oct 1965	Azerbaijan (until 2010), Dominican Republic, India (until 2008),	Aruba, Curaçao, Netherlands, and Sint Maarten
New Zealand	22 Nov 2001		
Nicaragua Nicaragua	14 May 2013	Kosovo	
Niue Niue	2 Mar 1999		
Norway	29 Jul 1983		
Oman	30 Jan 2012		
Panama	4 Aug 1991		
Paraguay	30 Aug 2014 [13]	Germany, Kosovo	
Peru	30 Sep 2010	Germany (until 2014), Greece, Kosovo	
Poland	14 Aug 2005	Kosovo	
Portugal	4 Feb 1969		
Romania	13 Mar 2001	Kosovo	
Russia	31 May 1992		
Saint Kitts and Nevis	14 Dec 1994		
Saint Lucia	31 Jul 2002		
Saint Vincent and the Grenadines	27 Oct 1979		
Samoa	13 Sep 1999		
San Marino	13 Feb 1995		
São Tomé and Príncipe	13 Sep 2008		
Serbia	27 Apr 1992	Kosovo	Ratified as the Federal Republic of Yugoslavia
Seychelles	31 Mar 1979		
Slovakia	18 Feb 2002	Kosovo	
Slovenia	25 Jun 1991		

State	Entry into Force	Apostille not recognised in	Comment
South Africa	30 Apr 1995		
South Korea	14 Jul 2007		
Spain	25 Sep 1978	Albania, India (until 2008) and Kosovo	
Suriname	25 Nov 1975		
Swaziland	6 Sep 1968		
Sweden	1 May 1999		
Switzerland	11 Mar 1973		
Tajikistan	31 Oct 2015		
Tonga	4 Jun 1970		
Trinidad and Tobago	14 Jul 2000		
Tunisia	30 Mar 2018		
Turkey	29 Sep 1985		
Ukraine	22 Dec 2003	Belgium (until 2004), Greece (until 2010) and Kosovo	
United Kingdom	24 Jan 1965		Includes Crown Dependencies and British Overseas Territories
United States	15 Oct 1981	Liberia (until 2015)	
Uruguay	14 Oct 2012		
Uzbekistan	15 Apr 2012	Austria, Belgium, Germany, Greece, Kosovo	
Vanuatu Vanuatu	30 Jul 1980		
Venezuela	16 Mar 1999	Kosovo	

Saudi Arabia is not a party to the convention.<sup>[14]</sup>

## Abuse

The Apostille does not give information regarding the quality of the content in the underlying document, but certifies the signature (and the capacity of who placed it) and correctness of the seal/stamp on the document which must be certified. In 2005 The Hague Conference surveyed its members and produced a report in December 2008 which expressed serious concerns about Diplomas and Degree certificates issued by diploma mills. The possible abuse of the system was highlighted "Particularly troubling is the possible use of diploma mill qualifications to circumvent migration controls, possibly by potential terrorists." (page 5) The risk comes from the fact that the various government stamps give the document an air of authenticity without anyone having checked the underlying document. "An official

looking certificate may be issued to a copy of a diploma mill qualification, and then subsequently issued with an Apostille, without anyone having ever verified the signature on, let alone the contents of, the diploma." (page 7) Further member states indicated "they would be obliged to issue an Apostille for certification of a certified copy of a diploma issued by a diploma mill". (page 15) The evaluation commission of the Hague Conference expressed concern as to whether this issue could affect the entire convention. "... the Apostille does not 'look through the certification' and does not relate to the diploma itself ... There is a clear risk that such practices may eventually undermine the effectiveness and therefore the successful operation of the Apostille Convention". (page 5)<sup>[15]</sup>

In February 2009 the Hague Conference recommended to amend the wording on the Apostille to make it clear that only the seal and the signature were authenticated. The wording to be added is: "This Apostille only certifies the signature, the capacity of the signer and the seal or stamp it bears. It does not certify the content of the document for which it was issued." [16]

#### See also

- Legalization (international law)
- Hague Conference on Private International Law
- Convention on the issue of multilingual extracts from civil status records

#### References

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- 16. Permanent Bureau (February 2009). "Conclusions and Recommendations of the Special Commission on the Practical Operation of the Hague Apostille, Service, Taking of Evidence, and Access to Justice Conventions" (http://www.hcch.net/upload/wop/jac\_concl\_e.pdf) (PDF). Hague Conference on Private International Law. p. 13.

## **External links**

- Treaty text (HCCH) (http://hcch.e-vision.nl/index en.php?act=conventions.text&cid=41)
- Status (HCCH) (http://hcch.e-vision.nl/index en.php?act=conventions.status&cid=41)

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