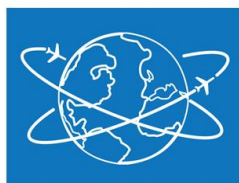


The Notary Public Administrators’
**Handbook on
Apostilles and
Authentications[©]**

**A PUBLICATION OF THE NPA SECTION,
NATIONAL ASSOCIATION OF SECRETARIES OF STATE**

Notary Public
Administrators



The Notary Public Administrators’ Handbook on Apostilles and Authentications©

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For questions, comments or the latest edition of this *Handbook*, please contact the NPA Section of the National Association of Secretaries of State:

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The information in this Handbook is provided with the understanding that the user is solely responsible for maintaining his/her knowledge of the latest recommendations and requirements for issuance of Apostilles and authentications. The information in this book is subject to change. Revisions to this *Handbook* will be distributed electronically to all U.S. state notary public administrators and offices, utilizing the most recent known email address for that person or office. Reproduction of the material herein is authorized for non-commercial purposes only, provided the source is fully acknowledged.

CONTENTS

INTRODUCTION	5
SECTION 1 – THE APOSTILLE CONVENTION	
a) Purpose.....	7
b) Outline of the Apostille Convention	7
c) Contracting States	8
d) e-Apostille and e-Register – Bringing the Convention into the Electronic Age	9
SECTION 2 – APOSTILLE GUIDELINES AND RECOMMENDATIONS	
a) Background.....	10
b) Apostille Issuance Guidelines, Version 1.0	11
• Quick Links to Issuance Scenarios.....	12
c) NPA Best Practices (Format, Design, Affixation of Apostilles)	20
d) How to Complete and Attach an Apostille	21
SECTION 3 – AUTHENTICATIONS	
a) Overview	25
b) Authentications	25
SECTION 4 – RESOURCES	
a) Website: The Hague Conference on Private International Law, Apostille Section	27
b) ABCs of Apostilles Informational Brochure	27
c) Apostille Handbook (On the Practical Operation of the Apostille Convention).....	27
d) Information Note on Issuing and Accepting Apostilles.....	27
e) U.S. Department of State, Office of Authentications.....	27
SECTION 5 – APPENDIX	
a) Resolutions	
• 2010 NPA Resolution (To Promote Uniformity in the Format, Design and Affixation of Apostilles).....	29
• 2013 NASS Resolution (Adoption of National Apostille Issuance Guidelines)	30
b) Apostille Certificate Samples (<i>Model, Bilingual, Trilingual, “Outside the Box” Language and Single Certificate</i>).....	31
c) Sample Step-by-Step Instructions, Affixation of Apostilles and Authentications in Compliance With The 2010 NPA Resolution	35
d) Text of the Apostille Convention and Annex	38
e) 2003 Special Commission Conclusions & Recommendations	38
f) 2009 Special Commission Conclusions & Recommendations	38
g) 2012 Special Commission Conclusions & Recommendations	38

Apostille

A certificate issued under the Apostille Convention authenticating the origin of a public document.¹

Apostille, from the French, is pronounced:

“Ah-pos-TEE”

¹ Source: *Apostille Handbook on the Practical Operation of the Apostille Convention*; published by The Hague Conference on Private International Law. See http://www.hcch.net/upload/apostille_hbe.pdf

Notary Public Administrators



THIS Handbook represents years of dedicated effort to create an authoritative reference for issuance of Apostilles by U.S. states' competent authorities.

The development team behind the *Notary Public Administrators' Handbook on Apostilles and Authentications* was led by members of the Notary Public Administrators Section of the National Association of Secretaries of State. The team included distinguished experts from the Permanent Bureau of The Hague Conference on Private International Law and the U.S. Department of State, as well as representatives of the nation's leading professional associations for notaries public.

The *Handbook* seeks to provide guidance to U.S. competent authorities grappling with:

- conformity with basic requirements of the Convention as well as Conclusions and Recommendations;
- rejections by intended recipients of U.S. state-issued Apostilles due to lack of consistency in their format, design and circumstances of issuance; and
- security of the Apostille to reduce misuse and abuse.

While users are encouraged to adopt the guidelines and best practices contained in the *Handbook*, it is understood that, in light of differing state laws and customs, few states could adopt *every single* recommendation offered. Still, this *Handbook* represents a real milestone in the history of America's notary public administrators. In most states, the administrative tasks associated with issuing Apostilles are performed by state Notary Division personnel. Apostille questions and quandaries among this group have been addressed in a largely ad hoc manner, with no formal mechanism in place to record common practices, solutions and recommendations for ongoing reference—until now.

This *Handbook* is a living document; future additions and revisions to it will be available to all U.S. notary public administrators. All users are encouraged to share questions, comments and suggestions.

Finally, the NPA Section wishes to recognize the immeasurable expertise and input provided to the *Handbook* development team by Dr. Christophe Bernasconi, Secretary General, Hague Conference on Private International Law; and Mr. William P. Fritzlen, Attorney Adviser, U.S. Department of State. We are forever indebted to these individuals for their dedicated work, and they have our everlasting regard and friendship.

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Authenticate; authentication

Authentication is a generic term that commonly refers to the process of verifying, or “authenticating,” the origin of a public document. “Authentication” and “legalisation” are sometimes used synonymously, and “authentication” may also be used to refer to the apostillisation process.²

² Source: *Apostille Handbook on the Practical Operation of the Apostille Convention*. See http://www.hcch.net/upload/apostille_hbe.pdf

SECTION 1 – THE APOSTILLE CONVENTION

1-A) PURPOSE³

Public documents⁴, such as birth certificates, judgments, patents or notarial attestations (acknowledgments) of signatures, frequently need to be used abroad. However, before a public document can be used in a country other than the one that issued it, its origin must often be authenticated. The traditional method for authenticating public documents to be used abroad is called legalization and consists of a chain of individual authentications of the document. This process involved officials of the country where the document was issued as well as the foreign Embassy or Consulate of the country where the document is to be used. Because of the number of authorities involved, the legalization process is frequently slow, cumbersome and costly.

A large number of countries all over the world have joined a treaty that greatly simplifies the authentication of public documents to be used abroad. This treaty is called *The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*. It is commonly known as the *Apostille Convention*. Where it applies, the treaty reduces the authentication process to a single formality: the issuance of an authentication certificate by an authority designated by the country where the public document was issued. This certificate is called an *Apostille*.

The Apostille Convention has proven to be extremely useful and is applied millions of times each year throughout the world. It greatly facilitates the circulation of public documents issued by a country party to the Convention and that are to be used in another country also party to the Convention. For issuance of an Apostille, all of the following must apply:

- The country where the document was issued is party to the Apostille Convention; and
- The country in which the document is to be used is party to the Apostille convention; and
- The law of the country where the document was issued considers it to be a public document; and
- The country in which the document is to be used requires an Apostille in order to recognize it as a foreign public document.

1-B) OUTLINE OF THE APOSTILLE CONVENTION

The web site of The Hague Conference on Private International Law, Apostille Section⁵, provides a concise overview (“Outline”) of the Apostille Convention, including:

- purpose;
- who may issue an Apostille;
- how to verify the origin of an Apostille;
- the effects of an Apostille;
- monitoring of the Convention;
- the electronic Apostille program (e-APP).

To view the Outline, please visit <http://www.hcch.net/upload/outline12e.pdf>.

³ Source, Section 1-A: *The ABCs of Apostilles* brochure, published by The Hague Conference on Private International Law. See <http://www.hcch.net/upload/abc12e.pdf>

⁴ A document that is executed by an authority or a person acting in an official capacity, and includes the categories of documents listed in Article 1(2) of the Convention. The determination of what constitutes a public document is entirely a matter for the law of the State of origin. Source: *Apostille Handbook on the Practical Operation of the Apostille Convention*. See http://www.hcch.net/upload/apostille_hbe.pdf

⁵ The web site’s Apostille Section: http://www.hcch.net/index_en.php?act=text.display&tid=37

1-C) CONTRACTING STATES

Apostilles can only be issued for documents issued in one country (“state”) party to the Apostille convention and that are to be used in another country which is also a party to the Convention. An Apostille may never be used for the recognition of a document in the country where that document was issued—Apostilles are strictly for the use of public documents abroad.⁶

The Hague Permanent Bureau maintains a list of the contracting states that have joined the Apostille Convention. This list is referred to as the *Status Table*.

Before consulting the Status Table, a review of The Hague’s informational flyer on [how to read the Status Table](#) is strongly recommended. This flyer may be viewed at <http://www.hcch.net/upload/how2readthestatustable.pdf>.

While some may find reading the Status Table to be daunting, users are strongly urged to rely solely on the online Status Table for up-to-date and accurate information on a contracting state’s status. The Status Table may be viewed at http://www.hcch.net/index_en.php?act=conventions.status&cid=41.

A key column in the Table is labeled “EIF,” or *entry into force*, which means the date that the Convention entered into force for the state (country).

- The **date format** used in the EIF (entry into force) column is **day-month-year**.
- The **day** is represented by an **Arabic numeral** (0, 1, 2, 3, 4, 5, 6, 7, 8, 9).
- The **month** is represented by a **Roman numeral** (I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII).
- The **year** is represented by **Arabic numerals**.

Thus the date “9-V-2004” as displayed in the Status Table is “9th day of May, 2004.”

Another key column in the Status Table is “Ext,” or “Extensions of Application.” This refers to **countries that are party to the Apostille Convention by virtue of their status as a territory of a member state (country)**. These territorial jurisdictions will not be displayed in the main Status Table, but their information appears as a sub-set of the member state’s listing in the Table.

For example, the Netherlands—a member state of the Apostille Convention—has four territories: Aruba; Curacao; Sint Maarten; and the islands of Bonaire, Sint Eustatius and Saba. The Ext column of the Status Table displays the number “4” in the row for the Netherlands. Click on the “4,” and the web site will display a new page listing the member country’s territories (“territorial units”) and each territory’s entry into force (EIF) date (when the Apostille Convention entered into force there).

If you are unsure whether a jurisdiction is actually a territory of another country, a simple web search can help. Try entering a query or statement (for example, “Aruba territory” or “Aruba is a territory of”) into any of the major online search engines. If the jurisdiction in question is indeed a territory of another country, you may then review the Ext column for that country’s Status Table listing and verify that the Apostille Convention does apply to the territory.

⁶ Source: *The ABCs of Apostilles* brochure, published by The Hague Conference on Private International Law. See <http://www.hcch.net/upload/abc12e.pdf>

1-D) E-APOSTILLE AND E-REGISTER – BRINGING THE CONVENTION INTO THE ELECTRONIC AGE⁷

The Apostille Convention was drafted with only a paper environment in mind (i.e., public documents executed in paper, Apostilles issued in paper, and Apostilles registered in a paper register).

Technology, however, has changed how governments operate. E-government initiatives are being pursued in many parts of the world. As a result, individuals and businesses are just a click away from communicating with government online. Increasingly, government authorities are executing public documents in electronic form, including important civil status and commercial documents. Notarial acts and other authentic acts are being executed electronically as well. The availability of online public information registers has also grown, giving the general public ready access to a range of important information for conducting individual or business activities.



In light of these realities, the Hague Conference on Private International Law offers the **Electronic Apostille Program** for implementation by Competent Authorities, worldwide. The Electronic Apostille Program promotes the issuance of electronic Apostilles (e-Apostilles) and the operation of electronic registers of Apostilles (e-Registers) that can be accessed online by recipients to verify the origin of an Apostille they have received. Since the Electronic Apostille Program's inception as a pilot in 2006, Competent Authorities across the globe have implemented one or both of these components, confirming the place of the Apostille Convention in the electronic age.

Benefits of the e-Apostille and e-Register

By implementing e-Apostilles, the issuance, transmittal and registration of Apostilles moves from the paper to electronic realm. Implementation of the e-Register permits easy online verification of the authenticity of both paper and electronic Apostilles. Together, the e-Apostille and e-Register components of the Electronic Apostille Program yield a swift and secure paperless procedure for issuing, recording and verifying Apostilles.

At the same time, the e-Apostille provides a powerful tool to combat fraud and abuse of Apostilles by offering a level of security that significantly exceeds current standards in the paper environment. As it promotes the paperless operation of the Apostille Convention, the e-Apostille is also more environmentally friendly.

For more information on the Electronic Apostille Program, visit the Apostille Section of the Hague Conference on Private International Law online, at http://www.hcch.net/index_en.php?act=text.display&tid=37 . Scroll down to “e-APP (Electronic Apostille Program).”

Among U.S. Competent Authorities, the states of California, Colorado, Kansas, North Carolina, Rhode Island, Texas, Washington and West Virginia have implemented the e-Register component of the Electronic Apostille Program. Only Kansas has also implemented the e-Apostille component of the Program.

⁷ Sources: *The ABCs of Apostilles* brochure, published by The Hague Conference on Private International Law. See <http://www.hcch.net/upload/abc12e.pdf> Also *Apostille Handbook on the Practical Operation of the Apostille Convention*, published by The Hague Conference on Private International Law. See http://www.hcch.net/upload/apostille_hbe.pdf

SECTION 2 – APOSTILLE GUIDELINES AND RECOMMENDATIONS

2-A) BACKGROUND

This Section’s *Apostille Issuance Guidelines - Version 1.0 – July 2013* represent more than 7 years of dedicated effort to create an authoritative reference document for issuance of Apostilles by U.S. states’ competent authorities.

The *Guidelines* are designed to provide **a quick reference when notary administrators are unsure whether to accept or reject a particular request for an Apostille**. The *Guidelines* cover more than 60 real-life scenarios related to Apostille requests. Each scenario comes not only with a recommendation to accept or reject the request, but also whether to sanction the notary public for improper acts evidenced by the notary’s certificate on the document. Comments, references and cites are provided as well.

Guidelines Development Timeline:

2006-2007

The NPA Section of the National Association of Secretaries of State commits to examining Apostille-issuance practices as an organized initiative. The Authentication Practices Workgroup is formed. Conference calls over the ensuing months result in a well-vetted “wish-list” of information to appear in any final reference handbook.

2008

The *Apostille Issuance Guidelines* initiative becomes a high-priority work item on the NPA Section’s annual NASS Summer Conference agenda. Representatives of The Hague Conference on Private International Law and the U.S. State Department illustrate the project’s relevance by becoming regular NPA Summer Conference participants. The development team begins with a reference chart describing “25 or more real-life scenarios” encountered by competent authorities when asked to issue an Apostille. The team discusses appropriate resolution of each scenario and records conclusions in the chart.

2009

In February, NPA Section member delegate Kathy Sachs (Kansas Department of State) observes and participates in The Hague Special Commission on the Practical Operation of the Apostille Convention, an international event for competent authorities around the world. These deliberations produce valuable recommendations that inform and influence the *Apostille Guidelines*.

The *Apostille Issuance Guidelines* development team analyzes specific uniformity issues related to Apostille format, design and methods of affixing them to the underlying document. During the 2009 NASS Summer Conference, the NPA Section adopts a resolution to develop “best practices” for uniform format, design and affixation of Apostilles, in order to breed conformity with the Convention, reduce rejections by receiving jurisdictions, and minimize potential for misuse.

2010

At the 2010 NASS Summer Conference, the NPA Section expands upon the 2009 resolution, issuing a more comprehensive 2010 resolution⁸ in support of detailed “best practices” for format, design and affixation of Apostilles.

⁸ See Appendix, Page 29.

2011

The reference chart that began in 2008 with 25 or so scenarios that notary public administrators commonly encounter when issuing Apostilles has expanded to more than 60 common scenarios. All require exacting review and debate, which continues at the 2011 NASS Summer Conference.

The workload has become so large that the *Apostille Issuance Guidelines* development team meets in Kansas City later that year for another 3-day work session.

2012

The development team once again dedicates a multi-day work session to the *Apostille Issuance Guidelines*, meeting this time in Williamsburg, Virginia. **This work session results in completion of the *Guidelines* chart detailing issuance scenarios and recommended actions.**

In November, NPA Section delegate Maureen Ewing (Rhode Island Department of State) observes and participates in the latest renewal of The Hague Special Commission on the Practical Operation of the Apostille Convention. Conclusions and recommendations of the Special Commission will be discussed in a future NPA Section meeting and incorporated, if applicable, into the *Notary Public Administrators' Handbook on Apostilles and Authentications*.

2013

With development of the *Apostille Issuance Guidelines* chart complete, the NPA Section now moves forward with these objectives:

- a) to secure adoption of the support resolution by the Secretaries of State in attendance at the 2013 NASS Summer Conference, in order to promote widespread use of the *Apostille Issuance Guidelines*; and
- b) to expand on the *Guidelines* by compiling a complete handbook to serve as a comprehensive reference manual on all matters related to Apostilles and authentications.

2-B) APOSTILLE ISSUANCE GUIDELINES | VERSION 1.0 | JULY 2013

ASSUMPTIONS:

1 Best Practice Document. This document reflects the experience and advice of the Notary Public Administrators (NPA), a staff section of the National Association of Secretaries of State (NASS), with considerable guidance and assistance from the U.S. Department of State, the Permanent Bureau of The Hague Conference on Private International Law, the National Notary Association, the Pennsylvania Association of Notaries, and the American Society of Notaries. It is intended to identify Best Practices, not necessarily what is currently a majority practice among states. In many cases, you will find an indicated action that is precisely the opposite of your current practice. The NPA has extensively discussed and reviewed each item in these guidelines, and come to the conclusions reflected herein. We strongly recommend these guidelines for your consideration, because it is in the best interests of all to adopt a uniform practice among the states wherever possible.

2 Public Document. The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention)⁹ applies to public documents only. For the purposes of these guidelines, the term "public document" refers to a document that under domestic law is appropriate for authentication.

3 Notarization. A notarization must include all of the formal elements required under the state law under which it is executed, including document execution, properly completed notarial certificate, and appropriate dates. The notary's signature and a seal alone does not constitute a notarization.

⁹ To view the text of the Apostille Convention, visit the web site of The Hague Conference on Private International Law: http://www.hcch.net/index_en.php?act=conventions.text&cid=41

ASSUMPTIONS – CONTINUED

4 Notarial Certificate. A notarial certificate must be compliant with state law. It must meet state requirements and not exceed the authority of a notary in that state. A notarial certificate must be attached, but it is not the duty or responsibility of the notary or competent authority to determine the type of certificate, i.e., whether the notarial act should have been an acknowledgment, jurat, etc.

5 Seal Requirement. The term "seal" refers to either a rubber stamp or embossed seal. If the jurisdiction does not require a seal, then the requirement is met even without a seal.

6 Effect of an Apostille. The only effect of an Apostille is to certify the authenticity of the signature, the capacity in which the person signing the document has acted, and where appropriate, the identity of the seal or stamp which the document bears. The Apostille does not relate to the content of the underlying document, i.e., the apostillized document. (2003 Special Commission Conclusions and Recommendations - No. 22) (2009 Special Commission Conclusions and Recommendations - No. 82) (2012 Special Commission Conclusions and Recommendations – No. 13)

7 State-Specific Provisions Prevail. These guidelines are intended to guide all states in the issuance of apostilles. However, it recognizes that, where specific state law contradicts these guidelines, the state law and practice based thereon prevail.

8 Alternatives to Rejection. Depending on your state law, there may be alternatives available for documents that should be rejected, according to these guidelines. For example, although you may not be able to issue an apostille for a Statement of Existence executed by a notary, an affidavit of fact witnessed by a notary could be apostillized. Sometimes, a certified copy of a document - where state law allows - may be substituted for an original that cannot be notarized itself, such as a vital record from a foreign country.

FREQUENT REQUEST SCENARIOS, APOSTILLE & AUTHENTICATION ISSUANCE

QUICK LINKS (GUIDELINES BEGIN ON NEXT PAGE):

1. Original Certified Copy of a Vital Record Signed by a Proper Government Agent. Not Notarized.
2. Notary Certified Records, True and Correct Copy - Birth, Death, or Other Vital Record
3. Notary Certified Records, Notarized on Actual Document - Birth, Death, or Other Vital Record
4. Notarized Affidavit Attached to Original Vital Records - Birth, Death, or Other Vital Record
5. Notary Error
6. Date Error
7. Signature Problem
8. Stamp/Seal Problem
9. No Document
10. Notarial Acts Under Federal Authority
11. Notarial Acts Under State and Other Authority
12. Notarial Act Under Native American Jurisdiction
13. Destination Country
14. Non Member Jurisdiction
15. Irrational or Offensive Statements
16. Non-original Documents
17. Multiple Transactions
18. Sealed Documents
19. Foreign Language
20. True and Correct Copy
21. No Record of Notary
22. Certificate Problem
23. Extra Formalities

1. Original Certified Copy of a Vital Record Signed by a Proper Government Agent. Not Notarized.				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The certificate is not recent and the competent authority does not have a copy of the signature of the registrar on file. The record is not notarized. The certified copy appears to be valid.		X		Either obtain signature specimen; contact current registrar for verification of signature or direct customer to obtain new certificate.

2. Notary Certified Records, True and Correct Copy - Birth, Death, or Other Vital Record				
<i>From My State</i>	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. My state does not permit a copy of a birth certificate.		X	X	See Assumption 7.
B. My state does not address copies of vital records.	X			
<i>From Another State</i>				
C. The certificate clearly states that it is a violation of state law to certify a photocopy.		X	X	See Assumption 7.
D. The certificate does not address whether it is a violation of state law to photocopy.	X			See Assumption 7.

3. Notary Certified Records, Notarized on Actual Document - Birth, Death, or Other Vital Record				
<i>From My State</i>	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. My state does not permit a notary to certify a copy of a vital record.		X	X	See Assumption 7.
<i>From Another State</i>				
B. The certificate clearly states that it is a violation of state law to certify a copy of a vital record.		X	X	See Assumption 7.

4. Notarized Affidavit Attached to Original Vital Records - Birth, Death, or Other Vital Record				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
From my state	X			The Apostille is not certifying the vital record; it is certifying the public document, which is the notarization. See Assumption 2.
From another state	X			

Continued on next page

5. Notary Error				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. No notarial certificate, just a seal and notary signature.		X	X	See Assumption 2.
B. No seal, just notary signature and notarial certificate.		X	X	See Assumptions 2, 3, and 4.
C. No notary signature, just a seal and notarial certificate.		X	X	See Assumptions 2, 3, and 4.
D. No notarial certificate or seal, just a notary signature.		X	X	See Assumptions 2, 3, and 4.
E. No notarial certificate or signature, just a seal.		X	X	See Assumptions 2, 3, and 4.
F. Incomplete acknowledgment or other notarial act.		X	X	See Assumptions 2, 3, and 4. A purported notarial act is a public document only if all required components of the notarial act are present; therefore an incomplete notarial act is not a public document.
G. Notary performs an act that exceeds statutory authority. The notarization is therefore improper, but the seal and signature are correct.		X	X	See Assumptions 2, 3, and 4. A purported notarial act is a public document only if that act is authorized by state law; therefore an act that exceeds statutory authority is not a public document.

6. Date Error				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The date on the notarial certificate is prior to the date the signer signed the document.		X	X	See Assumption 3; an improperly completed notarial certificate is not a public document.
B. The expiration date of the seal reflects a commission that expired prior to the act.		X	X	See Assumption 3; an improperly completed notarial certificate is not a public document.
C. The seal has an expiration date from a commission that has not yet begun.		X	X	See Assumption 3; an improperly completed notarial certificate is not a public document.

Continued on next page

7. Signature Problem				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The notary signature on the document does not appear to match the signature on file.		X	X	See Assumption 6; signature is verified against the official signature on record.
B. The document contains a notarial certificate that contains the particulars of the notarial act but lacks the notary's signature.		X	X	See Assumption 6; signature is verified against the official signature on record. See Assumption 3; an improperly completed notarial certificate is not a public document.
C. The document contains a completed notarial certificate, but the document has not been signed by the signing party.		X	X	See Assumption 3; a notarial act includes the execution (principal) signature, if applicable.
D. The document contains a certificate but has neither a signing party signature nor notary signature.		X	X	See Assumption 6; signature is verified against the official signature on record. See Assumption 3; a notarial act includes the execution (principal) signature, if applicable.
E. The document contains only a notary seal (no notarial certificate and no notarial signature).		X	X	See Assumption 6; signature is verified against the official signature on record. See Assumption 3; a document without a notarial certificate is not a public document.

8. Stamp/Seal Problem				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The seal on the document does not match the seal for the commission in effect at the time of the notarization.		X	X	See Assumption 6; the seal is verified against the official record. See Assumption 3; a notarial act includes the official seal.
B. The seal is not legible.		X	X	See Assumption 6; the seal is verified against the official record.
C. No seal on document.		X	X	See Assumption 6; the seal is verified against the official record. See Assumption 3; a notarial act includes the official seal.
D. The seal does not appear in its entirety on the notary certificate.		X	X	See Assumption 6; the seal is verified against the official record. See Assumption 3; a notarial act includes the official seal.
E. The seal is not affixed in full on the notarial certificate, but fanned over multiple pages.		X	X	See Assumption 6; there must be at least one legible, complete seal impression on the notarial certificate.

9. No Document				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. Customer asks for an apostille on a particular notary, but does not have a document to attach.		X		Article 4, Apostille Convention; Numbers 16 and 17, Conclusions and Recommendations 2003. There must be a public document that evidences the notarial act.

Continued on next page

10. Notarial Acts Under Federal Authority

State law allows an official other than a notary to perform notarial acts. These acts have the same effect under the law in that they are prima facie evidence that a person with the indicated title has authority to perform notarial acts. Should the Apostille be attached?

	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. Federal judge		X		In all situations unless the competent authority is granted authority through enabling legislation.
B. Clerk or deputy clerk of a court of record		X		
C. A commissioned officer on active duty		X		
D. Any other person authorized by law		X		
E. Ex-officio notary		X		

11. Notarial Acts Under State and Other Authority

Your state law allows an official other than a notary to perform notarial acts. You know these acts have the same effect under the law and that they are prima facie evidence that a person with the indicated title has authority to perform notarial acts. Can you attach an Apostille?

	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. Judge		X		In all situations unless the competent authority is granted authority through enabling legislation.
B. Clerk or deputy clerk of a court of record		X		
C. A commissioned officer on active duty		X		
D. County clerk		X		
E. Any other person authorized by law		X		
F. An attorney		X		
G. Ex-officio notary		X		

12. Notarial Act Under Native American Jurisdiction

	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. A document is presented that was notarized or certified by a person acting under the authority of a Native American tribe.		X		See Assumption 8. Subject to further review by US Department of State.

13. Destination Country

	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. Customer submits a notarized document and requests an Apostille without providing the country to which the document is being sent.	X			Article 1, Apostille Convention.
B. Customer identifies the country of use as United States.		X		Article 1, Apostille Convention. Attach authentication/certification.
C. The customer states that the document is for use in a subscribing jurisdiction, but the contents of the document strongly imply that the document is intended for use in the United States.	X			Article 1, Apostille Convention. However, your state may have laws that require rejection.

Continued on next page

14. Non Member Jurisdiction				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The customer provides the destination country but the subscribing jurisdiction is not listed on the Hague website. This information is related to the customer who continues to insist their request is correct. The customer is advised the request cannot be performed for a non-participating jurisdiction.		X		Article 1, Apostille Convention. The state is the authority competent to judge if an apostille is appropriate to issue. The apostille is not for use in the U.S.; it is only for use in another state where the convention is in force. If you intend to produce your document in a state that is not party to the convention, contact the embassy of that state in Washington, DC for information regarding additional requirements.

15. Irrational or Offensive Statements				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. False Statements - The underlying document contains statements that, on the face of it, appear to be false. The notarization is properly executed.	X			Unless the competent authority is granted authority to reject through enabling legislation.
B. Obscenities - The underlying document contains offensive language that would be considered foul or offensive speech by prevailing standards. The notarization is properly executed.	X			Unless the competent authority is granted authority to reject through enabling legislation.
C. Sovereign Citizen/Strawman Rhetoric - The underlying document contains language that is commonly associated with rhetoric that is often used to attempt to commit fraud. The notarization is properly executed.	X			Unless the competent authority is granted authority to reject through enabling legislation. See U.S. Department of Justice definition, "Sovereign Citizen Use of Documents to Further Fraudulent Schemes: Reference Guide." [Feb. 2012]
D. Inflammatory Statements - The underlying document contains language that appears to be intentionally inflammatory to either an individual or an organization. The notarization is properly executed.	X			Unless the competent authority is granted authority to reject through enabling legislation.
E. The notarial certificate states that the attached is a true and correct copy. The notarization is properly executed, but no document is attached.		X	X	Assumption 3; the certified copy is not attached to evidence the notarial act. (Use discretion in sanctioning; notary may not be directly responsible for this circumstance. Look for evidence that the notary attached the certificate to the document.)

Continued on next page

16. Non-original Documents				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The notarial certificate (paper only) document is clearly not an original.		X		State and federal rules of evidence, unless specifically allowed by state law.
B. The notarial certificate (paper only) appears to be a copy, but the customer insists it is an original.		X		State and federal rules of evidence, unless specifically allowed by state law. It is the responsibility of the competent authority to determine if the document is original.

17. Multiple Transactions				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. Customer requests that two clearly separate documents, notarized by the same notary public, be authenticated together with one apostille.		X		NASS Resolution of July 20, 2010. Conclusions and Recommendations, Number 17, 2003. Per recommendations, an apostille should be affixed to each signature/certificate page – or attach to the first signature/certificate page (customer may direct).
B. Customer presents one document with two (or more) distinct notarizations and requests two (or more) distinct apostilles.	X			Customer may request two (or more) apostille certificates.

18. Sealed Documents				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. A notarized school transcript and diploma for authentication are submitted with the requirement that an apostille be affixed to each document. However, the notarized documents are sealed in an envelope that states "if opened not valid."	X			Article 1, Apostille Convention. Open envelope and affix.

19. Foreign Language				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The notarial certificate is in a language the competent authority cannot read / comprehend.		X		Refer to state law. States may choose to authenticate notarial certificates written in languages in which they are competent.
B. The notarization is in English, but the document is in another language.	X			Refer to state law. State law may require translation. See Assumption 6.

20. True and Correct Copy				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The notary has attested that the document is a true and correct copy but it is apparent that the document is an original.	X			It is not the responsibility of the competent authority to determine whether the underlying document is a copy or an original.

Continued on next page

21. No Record of Notary				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The notary name listed on the seal or certificate does not exactly match the name on the record of the competent authority at the time of notarization.		X	X	See Assumption 6; notary name is verified against the official name on record.

22. Certificate Problem				
	<i>Attach</i>	<i>Reject</i>	<i>Sanction</i>	<i>Citations and Comments</i>
A. The notarial certificate includes language for an act that exceeds the authority of a notary public under state law. For example, "I certify that this is an accurate translation"; "The principal is a qualified CPA"; etc.		X	X	Refer to state law. Assumption 4; language of the notarial certificate must not require the notary to perform an act that exceeds the notary's authority.

23. Extra Formalities			
	<i>Only issue and attach Apostille in your normal manner</i>	<i>Adhere to country request</i>	<i>Citations and Comments</i>
A. The destination country is requiring more than the convention requires.	X		2003 Special Commission Conclusions and Recommendations - Numbers 16 and 18. 2009 Special Commission Conclusions and Recommendations - Numbers 87 and 92. 2012 Special Commission Conclusions and Recommendations – Number 27. Provide copy of Information Note by the Permanent Bureau. ¹⁰

¹⁰ See Resources, Page 27, for a link to the *Information Note on Issuing and Accepting Apostilles*, published by the Permanent Bureau of The Hague Conference on Private International Law.

2-C) NPA BEST PRACTICES: FORMAT, DESIGN AND AFFIXATION OF APOSTILLES

Having recognized that uniformity in the format, design and affixation methods of Apostilles by U.S. competent authorities would reduce rejections by intended recipients and strengthen the security of the Apostille against misuse and abuse, **the NPA Section in 2010 adopted the following best practice recommendations**¹¹:

- The Apostille shall conform to the model certificate annexed to The Hague Apostille Convention in the form of a bordered square with sides at least 9 centimeters long on an *allonge*¹² that is 8.5 x 11 inches.
- The type of paper to be used for the certificate is at the discretion of the Competent Authorities.
- When affixing an Apostille, Competent Authorities should use the following procedures:
 - Offset the *allonge*
 - Affix the *allonge* to the front of the page that contains the signature and seal that is certified
 - Apply a stamp that overlaps the *allonge* and the underlying public document
 - Where feasible, the *allonge* should be affixed on the left side of the public document; otherwise the *allonge* may be attached as appropriate. The readability of the Apostille and the public document should be the primary consideration in making this determination.
- Competent Authorities shall use tamper-evident methods of affixation. The Notary Public Administrators recommend the use of grommets as a uniform standard.
- The following language should be used outside the bordered square:

*“This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.
This Apostille does not certify the content of the document for which it was issued.
This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.
[To verify the issuance of this Apostille: [www.e-Register of issuing state]]”*

See the Appendix, Pages 31, 32 and 33, to review samples of Apostille certificates that conform to the model certificate annexed to The Hague Apostille Convention, and to the above recommendations.

Also, see the Appendix, Page 35, for a sample internal document to competent authority staff, providing step-by-step instructions for affixation of Apostilles and authentications in a manner that complies with the NPA Section’s best practices recommendations above.

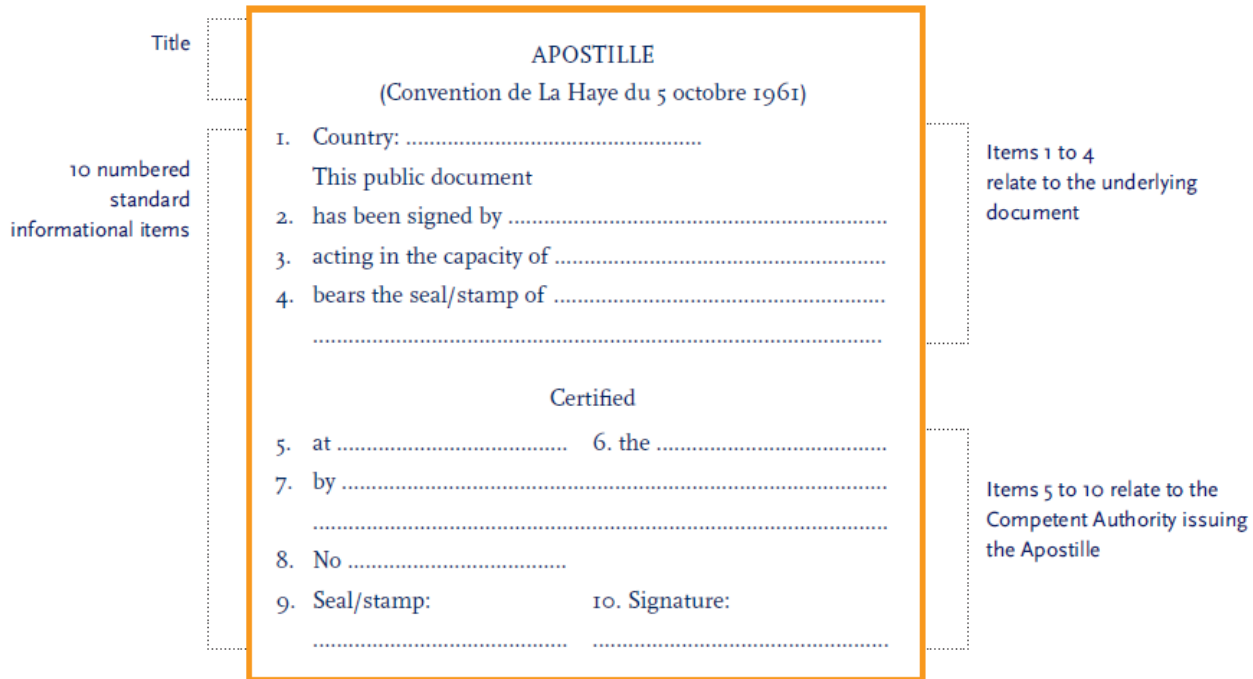
¹¹ July 20, 2010 - Notary Public Administrators’ Resolution to Promote Uniformity in the Format, Design and Affixation of Apostilles. See Appendix, Page 29.

¹² As defined in The Hague’s *Apostille Handbook on the Practical Operation of the Apostille Convention*, an *allonge* is “A slip of paper, attached to the underlying public document, on which an Apostille is placed. An *allonge* is used as an alternative to placing the Apostille directly on the underlying public document (see Art. 4(1) of the Apostille Convention).” See Page 32 to view Rhode Island’s *allonge*.

2-D) HOW TO COMPLETE AND ATTACH AN APOSTILLE

COMPLETING THE APOSTILLE

The following illustration of the Model Apostille Certificate shows the 10 numbered, standard informational items that must be noted in every Apostille. It also shows which of these items relate to the underlying public document and which relate to the Competent Authority issuing the Apostille.¹³



The following chart¹⁴ provides detailed explanations of the 10 numbered, standard information items to be noted in every Apostille (begins on next page).

¹³ Source, *Apostille Handbook, Hague Conference on Private International Law*.

¹⁴ Ibid.

Item	Information to be Filled In	
No 1 – “Country”	Insert the name of the State of origin.	Items 1 to 4 relate to the underlying public document
No 2 – “has been signed by”	Insert the name of the person that signed the underlying public document. If the document does not bear a signature, write “not applicable” or “n/a” or otherwise indicate that the item is not applicable. An Apostille only authenticates the signature / seal of a <i>single</i> official or authority.	
No 3 – “acting in the capacity of”	Insert the capacity in which the person signing the underlying public document acted (<i>e.g.</i> , the title of the position held by the official). If the document does not bear a signature, write “not applicable” or “n/a” or otherwise indicate that the item is not applicable.	
No 4 – “bears the seal / stamp of”	Insert the name of the authority which has affixed the seal / stamp on the underlying public document. What constitutes a seal depends on the law of the State of origin, and some Competent Authorities treat the logo of the issuing authority as its seal. If the document does not bear a seal or stamp, write “not applicable” or “n/a” or otherwise indicate that the item is not applicable. An Apostille only authenticates the signature / seal of a <i>single</i> official or authority.	
No 5 – “at”	Insert the name of the place where the Apostille is issued (<i>e.g.</i> , the city where the Competent Authority is located).	Items 5 to 10 relate to the Competent Authority issuing the Apostille
No 6 – “the”	Insert the date on which the Apostille is issued.	
No 7 – “by”	Practice among Competent Authorities in filling in this numbered standard informational item varies. Some Competent Authorities insert the title / name of the Competent Authority (noting that some Competent Authorities are officials identified by the title of the position whereas others are legal bodies identified by their name) and the name of the authorised officer issuing the Apostille. Other Competent Authorities insert <i>either</i> the title / name of the Competent Authority <i>or</i> the name of the authorized officer. The Convention does not require the authorized officer to be named; however, to avoid complications, the name of the issuing officer should be included in item 7 or in item 10.	
No 8 – “No”	Insert the number of the Apostille.*	
No 9 – “Seal / stamp”	Affix the seal / stamp of the Competent Authority.	
No 10 – “Signature”	Practice among Competent Authorities in filling in this numbered standard informational item varies. For most Competent Authorities, the authorised officer issuing the Apostille applies his / her own signature. Of these States, many also add the name of the officer in the signature field.	

No 10 – “Signature” cont.	The Convention does not require the officer signing the Apostille to be named; however, to avoid complications, the name of the issuing officer should be included in item 10 or item 7 to allow the recipient to associate the signature with the officer signing the Apostille. ⁺	
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* For more on numbering Apostilles, see information beginning with Paragraph 262 of the *Apostille Handbook on the Practical Operation of the Apostille Convention*; published by The Hague Conference on Private International Law.
http://www.hcch.net/upload/apostille_hbe.pdf

+ For more on signing Apostilles, see Paragraph 261 of the *Apostille Handbook on the Practical Operation of the Apostille Convention*; published by The Hague Conference on Private International Law. Web link provided immediately above.

ATTACHING THE APOSTILLE

The resolution adopted by the Notary Public Administrators Section in July 2010 (see Item 2-c, Page 20) provides recommended best practices for attaching (affixing) an Apostille to the underlying public document. Following are the relevant excerpts from the resolution:

- When affixing an Apostille, Competent Authorities should use the following procedures:
 - Offset the *allonge*
 - Affix the *allonge* to the front of the page that contains the signature and seal that is certified
 - Apply a stamp that overlaps the *allonge* and the underlying public document
 - Where feasible, the *allonge* should be affixed on the left side of the public document; otherwise the *allonge* may be attached as appropriate. The readability of the Apostille and the public document should be the primary consideration in making this determination.
- Competent Authorities shall use tamper-evident methods of affixation. The Notary Public Administrators recommend the use of grommets as a uniform standard.

Please see Appendix, Page 35, Item 5-c, for sample instructions and a diagram illustrating these recommended methods of affixation.

Legalisation

The act of completing an Apostille and attaching it to the underlying public document in order to authenticate its origin.¹⁵

¹⁵ Source: *Apostille Handbook on the Practical Operation of the Apostille Convention*; published by The Hague Conference on Private International Law. See http://www.hcch.net/upload/apostille_hbe.pdf

SECTION 3 – AUTHENTICATIONS

3-A) OVERVIEW¹⁶

As explained in Section 1 of this *Handbook*, before a public document¹⁷ can be used in a country other than the one that issued it, its origin must often be authenticated.

“Authentication” is the process of verifying, or “authenticating,” the origin of a public document. Traditionally, the process requires a chain of individual authentications of the document, involving officials of the country where the document was issued as well as the foreign Embassy or Consulate of the country where the document is to be used.

The Hague Apostille Convention¹⁸ streamlines this multi-layered authentication process to a single formality—the issuance of an Apostille. For issuance of an Apostille, all of the following requirements must be met:

- The country where the document was issued is party to the Apostille Convention; and
- The country in which the document is to be used is party to the Apostille convention; and
- The law of the country where the document was issued considers it to be a public document; and
- The country in which the document is to be used requires an Apostille in order to recognize it as a foreign public document.

When an Apostille is not appropriate, but authentication of the origin of a document is required, an Authentication Certificate is issued instead.

3-B) AUTHENTICATIONS

Every U.S. state competent authority may issue an Authentication Certificate when an Apostille is not appropriate. Guidelines for Authentication Certificates are largely driven by individual state laws.

Documents Remaining in the United States:

If the document requiring authentication is for use in the United States, not abroad, an Apostille is NEVER appropriate. An Authentication Certificate must be issued instead.

Documents to be Used Abroad:

If the document requiring authentication is for use abroad but is not eligible for an Apostille (see the bulleted requirements list above), an Authentication Certificate may be issued instead. While Apostilles require no further diplomatic or consular legalization, **usually**¹⁹ certificates of authentication must first be processed by the U.S. Department of State before being sent to countries not party to The Hague Apostille Convention.²⁰

¹⁶ Source, Section 3-A: *Apostille Handbook on the Practical Operation of the Apostille Convention* - see http://www.hcch.net/upload/apostille_hbe.pdf; and *The ABCs of Apostilles* brochure - see <http://www.hcch.net/upload/abc12e.pdf>. Both published by The Hague Conference on Private International Law.

¹⁷ A document that is executed by an authority or a person acting in an official capacity, and includes the categories of documents listed in Article 1(2) of the Convention. The determination of what constitutes a public document is entirely a matter for the law of the State of origin. Source: *Apostille Handbook on the Practical Operation of the Apostille Convention*. See http://www.hcch.net/upload/apostille_hbe.pdf

¹⁸ See this *Handbook's* Section 1, “The Apostille Convention.”

¹⁹ Rarely, exceptions can occur based on a receiving country’s practice. For example, China often does not require an authentication by the U.S. Department of State, but such choices are outside the norm.

²⁰ Source, web site of the Oregon Secretary of State. See <http://www.filinginoregon.com/pages/notary/authentication/index.html>.

U.S. Department of State, Office of Authentications:

Since the U.S. Department of State was established in 1789, one of its responsibilities has been to authenticate documents using the imprint of its seal. The Office of Authentications is responsible for signing and issuing certificates under the Seal of the U.S. Department of State. It also ensures that requested information will serve in the interest of justice and is not contrary to U.S. policy.²¹

The requirements that must be met for documents to be authenticated by the U.S. Department of State illustrate the chain of authentication that occurs when an Apostille cannot be used.

For general documents alone, the requirements are:

- Signed by a notary public;
- Certified by the clerk of court of the county in which the notary is commissioned*²²; and
- Certified by the Secretary of State of the state in which the document is executed.²²

**Item 2 may be omitted if the authority in item 3 will certify directly to the notary.*

Other document types, such as those issued by state and local officials and federally issued documents, have their own set of requirements to be met for issuance of an Authentication Certificate by the U.S. Department of State. For more detailed information on Authentication Certificate requirements, please visit the web site of the U.S. Department of State, Bureau of Consular Affairs, Office of Authentications, at <http://travel.state.gov/content/travel/english/legal-considerations/judicial/authentication-of-documents/office-of-authentications.html> .

²¹ Source, “*Authentication Services*” brochure, published by the U.S. Department of State.

²² Ibid.

SECTION 4 – RESOURCES

4-A) WEB SITE: THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW, APOSTILLE SECTION

The Apostille Section of The Hague Conference on Private International Law’s web site is a rich source of information and guidance on all matters pertaining to the Apostille Convention. In addition to the Status Table (discussed in this *Handbook*’s Section 1-C, Contracting States), the Apostille Section web page offers the text of the Convention; informational documents; recommended model Apostille certificates; Conclusions and Recommendations of the Special Commissions on the Practical Operation of the Apostille Convention; and more.

Visit the Apostille Section web page at http://www.hcch.net/index_en.php?act=text.display&tid=37

4-B) ABCS OF APOSTILLES INFORMATIONAL BROCHURE

Published by The Hague Conference on Private International Law, *The ABCs of Apostilles* is a brochure that is primarily addressed to users of Apostilles with short answers to frequently asked questions, including when, where and how Apostilles are issued and what their effects are.²³

The ABCs of Apostilles may be viewed at <http://www.hcch.net/upload/abc12e.pdf>

4-C) APOSTILLE HANDBOOK ON THE PRACTICAL OPERATION OF THE APOSTILLE CONVENTION

Published by The Hague Conference on Private International Law, the *Apostille Handbook* is a comprehensive reference tool that is designed to assist Competent Authorities [worldwide] in performing their functions under the Apostille Convention, as well as address issues that arise in the contemporary operation of the Convention.²⁴

The *Apostille Handbook* may be viewed at http://www.hcch.net/upload/apostille_hbe.pdf

4-D) INFORMATION NOTE ON ISSUING AND ACCEPTING APOSTILLES

Published by the Permanent Bureau of The Hague Conference on Private International Law, the *Information Note* outlines the Permanent Bureau’s position on certain practices and requests related to a jurisdiction’s acceptance of another jurisdiction’s Apostille. The *Information Note* also discusses fundamental aspects of Apostille formatting and issuance that can reduce the likelihood of rejection by a receiving jurisdiction.

The *Information Note* may be viewed at http://www.hcch.net/upload/issuing_apostilles_en.pdf

4-E) U.S. DEPARTMENT OF STATE, OFFICE OF AUTHENTICATIONS

The U.S. Department of State is responsible for providing authentication services to U.S. citizens and foreign nationals on all documents that will be used overseas. The Office of Authentications receives a variety of documents from commercial organizations, private citizens, and officials of the Federal and State governments.²⁵

Learn more about the functions of the U.S. Department of State’s Office of Authentications online, at <http://www.state.gov/m/a/auth/>

²³ Source, web site of The Hague Conference on Private International Law, Apostille Section. See http://www.hcch.net/index_en.php?act=text.display&tid=37

²⁴ Ibid

²⁵ Source, “*Authentication Services*” brochure, published by the U.S. Department of State.

Public document

A broad concept that is the focal point of the Apostille Convention. Essentially, a public document is a document that is executed by an authority or a person acting in an official capacity, and includes the categories of documents listed in Article I(2) of the Convention. The determination of what constitutes a public document is entirely a matter for the law of the state of origin.²⁶

²⁶ Source: *Apostille Handbook on the Practical Operation of the Apostille Convention*. See http://www.hcch.net/upload/apostille_hbe.pdf

SECTION 5 – APPENDIX

5-A) RESOLUTIONS

2010 NPA RESOLUTION (TO PROMOTE UNIFORMITY IN THE FORMAT, DESIGN AND AFFIXATION OF APOSTILLES)

Notary Public Administrators Section of the National Association of Secretaries of State

Resolution to Promote Uniformity in the Format, Design and Affixation of Apostilles July 20, 2010

Recognizing that under The Hague Apostille Convention of 1961 each Competent Authority retains the discretion to issue Apostilles in a form consistent with the basic requirements of the Convention;

And further recognizing that this affords the possibility of a variety of forms;

And further recognizing that the variety of forms issued by US state Competent Authorities has led to confusion among and rejections by intended recipients of US state-issued Apostilles;

And further recognizing that a higher degree of uniformity among US state-issued Apostilles would alleviate confusion and minimize rejections;

The Notary Public Administrators, in order to implement a series of best practices with the goal of achieving uniformity to the greatest extent possible, and in conformity with the Conclusions & Recommendations adopted in 2003 and 2009 by the Special Commission on the practical operation of The Hague Apostille Convention;

Resolve to adopt the following best practices:

- The Apostille shall conform to the model certificate annexed to The Hague Apostille Convention in the form of a bordered square with sides at least 9 centimeters long on an allonge²⁷ that is 8.5 x 11 inches.
- The type of paper to be used for the certificate is at the discretion of the Competent Authorities.
- When affixing an Apostille, Competent Authorities should use the following procedures:
 - o Offset the allonge
 - o Affix the allonge to the front of the page that contains the signature and seal that is certified
 - o Apply a stamp that overlaps the allonge and the underlying public document
 - o Where feasible, the allonge should be affixed on the left side of the public document; otherwise the allonge may be attached as appropriate. The readability of the Apostille and the public document should be the primary consideration in making this determination.
- Competent Authorities shall use tamper-evident methods of affixation. The Notary Public Administrators recommend the use of grommets as a uniform standard.
- The following language should be used outside the bordered square:

“This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.
This Apostille does not certify the content of the document for which it was issued.
This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.
[To verify the issuance of this Apostille: [www.e-Register of issuing state]]”

And the Notary Public Administrators further resolve to encourage the active consideration of issuing electronic Apostilles (e-Apostilles) and operating electronic registers (e-Registers) of Apostilles as suggested by the electronic Apostille Pilot Program (e-APP).

²⁷ As defined in The Hague’s *Apostille Handbook on the Practical Operation of the Apostille Convention*, an *allonge* is “A slip of paper, attached to the underlying public document, on which an Apostille is placed. An allonge is used as an alternative to placing the Apostille directly on the underlying document (see Art. 4(1) of the Apostille Convention).” See Appendix, Page 32, to view Rhode Island’s allonge.



Resolution for the Adoption of National Apostille Issuance Guidelines²⁸

WHEREAS the United States is party to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention); and

WHEREAS The Hague Conference on Private International Law recognizes each of the 50 states to be a competent authority in the administration of the Apostille Convention for that state; and

WHEREAS The Hague Conference and the Notary Public Administrators section of the National Association of Secretaries of State have long worked together to promote uniformity and consistency of practice in the issuance of apostilles; and

WHEREAS it is up to each competent authority to administer the convention within the context of local law; and

WHEREAS consistent practice among the states facilitates international commerce with all the states; and

WHEREAS a handbook promoting best practices enables consistent application of the Apostille convention principles within the context of local law;

NOW, THEREFORE, BE IT RESOLVED THAT the National Association of Secretaries of State supports the adoption of the 2013 NASS Apostille Issuance Guidelines;

BE IT FURTHER RESOLVED THAT the National Association of Secretaries of State recommends that its members use these guidelines to inform the issuance of apostilles in their capacity as competent authorities of the Apostille Convention.

ADOPTED the 21st day of July, 2013
in Anchorage, AK

Expires: Summer 2018

Hall of States, 444 N. Capitol Street, N.W., Suite 401, Washington, DC 20001
(202) 624-3525 (202) 624-3527 Fax

www.nass.org

²⁸ The NPA Section's *Apostille Issuance Guidelines, Version 1.0*, appear on Page 11 of this *Handbook*.

5-B) APOSTILLE CERTIFICATE EXAMPLES²⁹ (MODEL, BILINGUAL, TRILINGUAL, “OUTSIDE THE BOX” LANGUAGE AND SINGLE CERTIFICATE)

a THE ORIGINAL MODEL CERTIFICATE

239 The Annex to the Apostille Convention provides the following Model Apostille Certificate:

The diagram shows the original Model Apostille Certificate form with the following structure:

Title: APOSTILLE (Convention de La Haye du 5 octobre 1961)

Items 1 to 4 (relate to the underlying document):

- Country:
- This public document
- has been signed by
- acting in the capacity of
- bears the seal/stamp of

Items 5 to 10 (relate to the Competent Authority issuing the Apostille):

Certified

- at
- the
- by
- No
- Seal/stamp:
- Signature:

The purpose of the Model Apostille Certificate is to ensure that Apostilles issued by the various Contracting States are clearly identifiable in all other Contracting States, thereby facilitating the circulation of public documents abroad. For this reason, Apostilles issued by Competent Authorities should conform as closely as possible to the Model Apostille Certificate (Conclusion & Recommendation No 13 of the 2003 Special Commission). In particular, an Apostille must:

- bear the title in French 'Apostille (Convention de La Haye du 5 octobre 1961)'; and
- contain the 10 numbered standard informational items.

APOSTILLE (Convention de La Haye du 5 octobre 1961)	
1. Country: Pays :	
This public document Le présent acte public	
2. has been signed by a été signé par	
3. acting in the capacity of agissant en qualité de	
4. bears the seal / stamp of est revêtu du sceau / timbre de	
Certified Attesté	
5. at à	6. the le
7. by par	
8. No sous n°	
9. Seal / stamp: Sceau / timbre :	10. Signature: Signature :

The bilingual Model Apostille Certificate

APOSTILLE (Convention de La Haye du 5 octobre 1961)	
1. Country: País / País:	
This public document Le présent acte public / El presente documento público	
2. has been signed by a été signé par ha sido firmado por	
3. acting in the capacity of agissant en qualité de quien actúa en calidad de	
4. bears the seal / stamp of est revêtu du sceau / timbre de y está revestido del sello / timbre de	
Certified Attesté / Certificado	
5. at à / en	6. the le / el día
7. by par / por	
8. No sous n° bajo el número	
9. Seal / stamp: Sceau / timbre : Sello / timbre:	10. Signature: Signature : Firma:

The trilingual Model Apostille Certificate

In accordance with a Recommendation of the Special Commission (Conclusion & Recommendation No 89 of the 2009 Special Commission), the Permanent Bureau has developed a bilingual Model Apostille Certificate in which the 10 numbered standard informational items are in English and French. It has also developed a trilingual Model Apostille Certificate in English, French and another language (e.g., Spanish). The bilingual and trilingual Model Apostille Certificates are available on the Apostille Section of the Hague Conference website.

The model, bilingual and trilingual Apostille Certificates may be downloaded at http://www.hcch.net/index_en.php?act=text.display&tid=37

²⁹ Source of model, bilingual and trilingual Apostille Certificates and explanatory captions: *Apostille Handbook on the Practical Operation of the Apostille Convention*. See http://www.hcch.net/upload/apostille_hbe.pdf



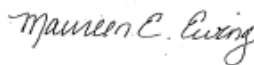
State of Rhode Island and Providence Plantations
A. Ralph Mollis
Secretary of State

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

- 1. Country: United States of America
- 2. This Public document has been signed by Jane Doe
- 3. acting in the capacity of Notary Public
- 4. bears the seal/stamp of Jane Doe

CERTIFIED

- 5. at Providence, Rhode Island
- 6. on Thursday, March 10 2011
- 7. by Acting Deputy Secretary of State
- 8. No. 201103172410
- 9. Seal/Stamp
- 10. Signature

- Maureen Ewing
Acting Deputy Secretary of State





This Apostille only certifies the Authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.
This Apostille does not certify the content of the document for which it was issued.
This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.
To verify the issuance of this Apostille: www.business.sos.ri.gov/apostillesearch

Rhode Island's Apostille certificate ("allonge"), fully compliant with the July 2010 NPA Section Resolution (see Page 29 of this Handbook).

Note the "outside the box" language at the bottom of the certificate, outside the required bordered square. This language is meant to deter intentional, fraudulent misuse of the Apostille. Also note the reference to Rhode Island's online Apostille register.

APOSTILLE CERTIFICATE EXAMPLES – CONTINUED

**State of Oregon
Secretary of State**

APOSTILLE (Convention de La Haye du 5 octobre 1961)	
1. Country: Pays / Pais:	United States of America
This public document Le présent acte public / El presente documento público	
2. has been signed by a été signé par ha sido firmado por	MOLLY MARIE BOYD
3. acting in the capacity of agissant en qualité de quien actúa en calidad de	Notary Public
4. bears the seal / stamp of est revêtu du sceau / timbre de y está revestido del sello / timbre de	the said notary
Certified Attesté / Certificado	
5. at à / en	Salem, Oregon
6. the le / el dia	Tuesday, May 21, 2013
7. by par / por	Secretary of State, State of Oregon
8. N° sous n° bajo el número	870220P9
9. Seal / Stamp Sceau / timbre: Sello / timbre:	
10. Signature: Signature: Firma:	 Kate Brown

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.

This Apostille does not certify the content of the document for which it was issued.

This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.



To verify the issuance of this Apostille, call (503) 986-2593 or email corporation.division@state.or.us.

This certificate does not constitute an apostille under the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents for those countries that have neither ratified nor acceded to that Convention, and remains subject to additional applicable authentication requirements.

*This is Oregon's "Single Certificate," utilized by that U.S. state's competent authority for issuance of Apostilles and authentications. This certificate model complies with the requirements of the Apostille Convention, but is also acceptable for issuance of authentications when an Apostille is not appropriate. **The distinguishing feature of this certificate is the following statement (see the bottom of the form, outside the square border):** "This certificate does not constitute an Apostille under the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents for those countries that have neither ratified nor acceded to that Convention, and remains subject to additional applicable authentication requirements."*

To date, one receiving jurisdiction—The People's Republic of China (China)—has refused to accept Oregon's single certificate. China is not a party to the Apostille Convention, and objects to Oregon's single certificate because it contains the word "Apostille." Although the receiving country is obliged to accept the document format of the issuing body, Oregon has devised an amended version of its single certificate that China has accepted (see sample on next page), so that U.S. citizens are not harmed by this difference of diplomatic opinion. *[This information regarding The People's Republic of China has not been updated or re-verified since its 2014 inclusion in this Handbook.]*

State of Oregon
Secretary of State

1. Country: Pays / Pais:	United States of America
This public document Le présent acte public / El presente documento público	
2. has been signed by a été signé par ha sido firmado por	SHAUN M. WELTER
3. acting in the capacity of agissant en qualité de quien actúa en calidad de	Notary Public
4. bears the seal / stamp of est revêtu du sceau / timbre de y está revestido del sello / timbre de	the said notary
Certified Attesté / Certificado	
5. at à / en	Salem, Oregon
6. the le / el día	Friday, January 27, 2012
7. by par / por	Secretary of State, State of Oregon
8. N° sous n° bajo el número	809378X2
9. Seal / Stamp Sceau / timbre: Sello / timbre:	
10. Signature: Signature: Firma:	 Kate Brown

This is Oregon’s amended “Single Certificate,” specifically for issuance of an authentication when the receiving jurisdiction is The People’s Republic of China (China). Note the absence of any language referring to “Apostille.”

5-C) SAMPLE STEP-BY-STEP INSTRUCTIONS, AFFIXATION OF APOSTILLES AND AUTHENTICATIONS IN COMPLIANCE WITH THE 2010 NPA RESOLUTION³⁰

(This sample document spans three pages.)

Authentication Attachment Guidelines (for Competent Authority Staff)

[Name of state] follows the Uniform Apostille Standards (Appendix A), and adopts the Model Apostille Certificate format of the Hague Conference on Private International Law. Attach the authentication to the document using the following procedure. An example of an attached authentication is shown below.

1. Offset the right side of the authentication approximately ½” from the document, as shown in the example, and staple the certificate on the left side of the document **page that contains the signature and seal** of the official being authenticated.
2. When stapling, please use two staples, as shown, but the exact location of the staples is not crucial. In general,

Note: Where feasible, the apostille or certificate should be affixed on the left side of the public document; otherwise the authentication may be attached as appropriate. The readability of the authentication and the document should be the primary consideration in making this determination.

3. Apply the **[name of state]** seal stamp as displayed in the example. When applying the seal, approximately half of the seal should appear on the authentication, and the other half should appear on the document page containing the official’s signature and seal. Keep in mind the rule about readability when affixing the seal.

Questions and Answers

1. How do we attach notarial certificates that are attached as half sheets?

These attachment certificates will usually be attached to the signature page and stapled on the left hand side. Attach the apostille/authentication to the page that includes the certificate, and the state seal stamp will be placed crossing over the attachment cert.

2. How do we attach where the notarization is on the back of the document?

We will attach to the notarization, which will mean we attach as if it were rightside up. Our certificate will actually look backwards to a person looking at the front of the document as a whole.

These instructions are intended for use by Competent Authority staff. They illustrate a process for affixing Apostilles and authentications in a manner that complies with the 2010 NPA Resolution (recommendations on format, design and affixation of Apostilles).

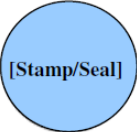
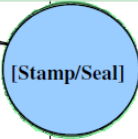
Sample continues on next page.

³⁰ See Page 29 for the 2010 NPA Resolution To Promote Uniformity in the Format, Design and Affixation of Apostilles. The Resolution also appears as “Appendix A” of this document sample; see Page 37.

Affix to document using staples as shown here.

Offset apostille as shown here.

Place State seal here.



[Name of State] Secretary of State			
APOSTILLE (Convention de La Haye du 5 octobre 1961)			
1. Country: Pays / País:		United States of America	
This public document Le présent acte public / El presente documento público			
has been signed by a été signé par / ha sido firmado por		[Name of Notary]	
acting in the capacity of agissant en qualité de / quien actúa en calidad de		Notary Public	
4. bears the seal / stamp of est revêtu du sceau / timbre de / y está revestido del sello / timbre de		the said notary	
Certified Attesté / Certoficado			
5. at à / en	[City, State]	6. the le / el día	[Date]
7. by par / por		[Competent Authority]	
8. N° sous n° / bajo el número		[Certificate number]	
9. Seal / Stamp Sceau / timbre: / Sello / timbre:		10. Signature Signature: / Firma:	
[Stamp/Seal]		[Signature of Competent Authority]	

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.

This Apostille does not certify the content of the document for which it was issued.

This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.

To verify the issuance of this Apostille, [insert appropriate verification information].

This certificate does not constitute an apostille under the Hague Convention of October 5, 1961 for those countries that have not acceded to that Convention.

Form: Apostille 2012-07

This illustration details various Apostille affixation elements that comply with the recommendations of the 2010 NPA Resolution, including tamper-evident method of affixation (in this example, staples), offsetting the allonge from the underlying public document, and applying the competent authority's seal/stamp such that it overlaps the allonge and underlying public document.

Sample continues on next page.

Appendix A



Resolution of the Notary Public Administrators A Section of the National Association of Secretaries of State July 20, 2010 Resolution

Recognizing that under the Hague Apostille Convention of 1961 each Competent Authority retains the discretion to issue Apostilles in a form consistent with the basic requirements of the Convention;

And further recognizing that this affords the possibility of a variety of forms;

And further recognizing that the variety of forms issued by US state Competent Authorities has led to confusion among and rejections by intended recipients of US state-issued Apostilles;

And further recognizing that a higher degree of uniformity among US state-issued Apostilles would alleviate confusion and minimize rejections;

The Notary Public Administrators, in order to implement a series of best practices with the goal of achieving uniformity to the greatest extent possible, and in conformity with the Conclusions & Recommendations adopted in 2003 and 2008 by the Special Commission on the practical operation of the Hague Apostille Convention;

Resolve to adopt the following best practices:

- The Apostille shall conform to the model certificate annexed to the Hague Apostille Convention in the form of a bordered square with sides at least 9 centimeters long on an *allonge* that is 8.5 x 11 inches.
- The type of paper to be used for the certificate is at the discretion of the Competent Authorities.
- When affixing an Apostille, Competent Authorities should use the following procedures:
 - Offset the *allonge*
 - Affix the *allonge* to the front of the page that contains the signature and seal that is certified
 - Apply a stamp that overlaps the *allonge* and the underlying public document
 - Where feasible, the *allonge* should be affixed on the left side of the public document; otherwise the *allonge* may be attached as appropriate. The readability of the Apostille and the public document should be the primary consideration in making this determination.
- Competent Authorities shall use tamper-evident methods of affixation. The Notary Public Administrators recommend the use of granules as a uniform standard.
- The following language should be used outside the bordered square:
 - “This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.
 - This Apostille does not certify the content of the document for which it was issued.
 - This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.
 - [To verify the issuance of this Apostille: [www.e-Register of issuing state]]”

And the Notary Public Administrators further resolve to encourage the active consideration of issuing electronic Apostilles (e-Apostilles) and operating electronic registers (e-Registers) of Apostilles as suggested by the electronic Apostille Pilot Program (e-APP).

For reference, the step-by-step instructions for affixation of Apostilles and authentications might include, as Appendix A, the text of the NPA Section's 2010 Resolution.

5-D) TEXT OF THE APOSTILLE CONVENTION AND ANNEX

Text of the Apostille Convention (*Convention Abolishing the Requirement of Legalisation for Foreign Public Documents [Concluded 5 October 1961]*) is provided on the web site of The Hague Conference on Private International Law:

<http://www.hcch.net/upload/conventions/txt12en.pdf>

5-E) 2003 SPECIAL COMMISSION CONCLUSIONS AND RECOMMENDATIONS

The findings of the 2003 Special Commission (*The Special Commission on the Practical Operation of The Hague Apostille, Evidence and Service Conventions [28 October to 4 November 2003]*) are provided on the web site of The Hague Conference on Private International Law:

http://www.hcch.net/upload/wop/lse_concl_e.pdf

5-F) 2009 SPECIAL COMMISSION CONCLUSIONS AND RECOMMENDATIONS

The findings of the 2009 Special Commission (*The Special Commission on the Practical Operation of The Hague Apostille, Service, Taking of Evidence and Access to Justice Conventions [2 to 12 February 2009]*) are provided on the web site of The Hague Conference on Private International Law:

http://www.hcch.net/upload/wop/jac_concl_e.pdf

5-G) 2012 SPECIAL COMMISSION CONCLUSIONS AND RECOMMENDATIONS

The findings of the 2012 Special Commission (*The Special Commission on the Practical Operation of the Apostille Convention [6 to 9 November 2012]*) are provided on the web site of The Hague Conference on Private International Law:

http://www.hcch.net/upload/wop/apostille2012concl_e.pdf