

Apostilles and Authentications

What you need to know



Agenda

- What are apostilles and authentications?
- What are they used for?
- Who is allowed to attach apostilles and authentications to documents?
- What is the process for obtaining an apostille or authentication?
- What types of documents can be certified?
- What types of documents cannot be certified?
- What about electronic notarizations—can apostilles be attached?



What is an apostille or authentication?

- An apostille or an authentication certifies the authenticity of the signature, seal and position of the official who has executed, issued or certified a copy of a public document.
- Both enable a public document issued in one country to be recognized as valid in another country.
- They do NOT certify or validate the content of the document getting the apostille
- They are ONLY for use on documents that are to be sent overseas
- They are NOT valid for use on documents to be used within the U.S., or U.S. territories or possessions



Which countries receive an apostille or authentication?

Countries belonging to the Hague Convention

Member countries receive apostilles

Member countries list:

http://www.hcch.net/index_en.php?act=conventions.text&cid=41

Countries not belonging to the Hague Convention

Non-signatory countries receive an authentication

Oregon

The Secretary of State uses **the same certificate** for both apostilles and authentications



What is the Hague Convention?

- The Hague Convention of 1961 Abolishing the Requirement of Legalization of Foreign Public Documents is an ***international treaty***. The United States signed this treaty on October 15, 1981
- The convention simplified the authentication process of public documents to be used in nations that are members of the 1961 Hague Convention
- Only those nations party to the Hague Treaty recognize the apostille certification (for current members see their website: <https://www.hcch.net/en/states/hcch-members>)

The goal was to simplify the international exchange of documents by providing trustworthy authentication

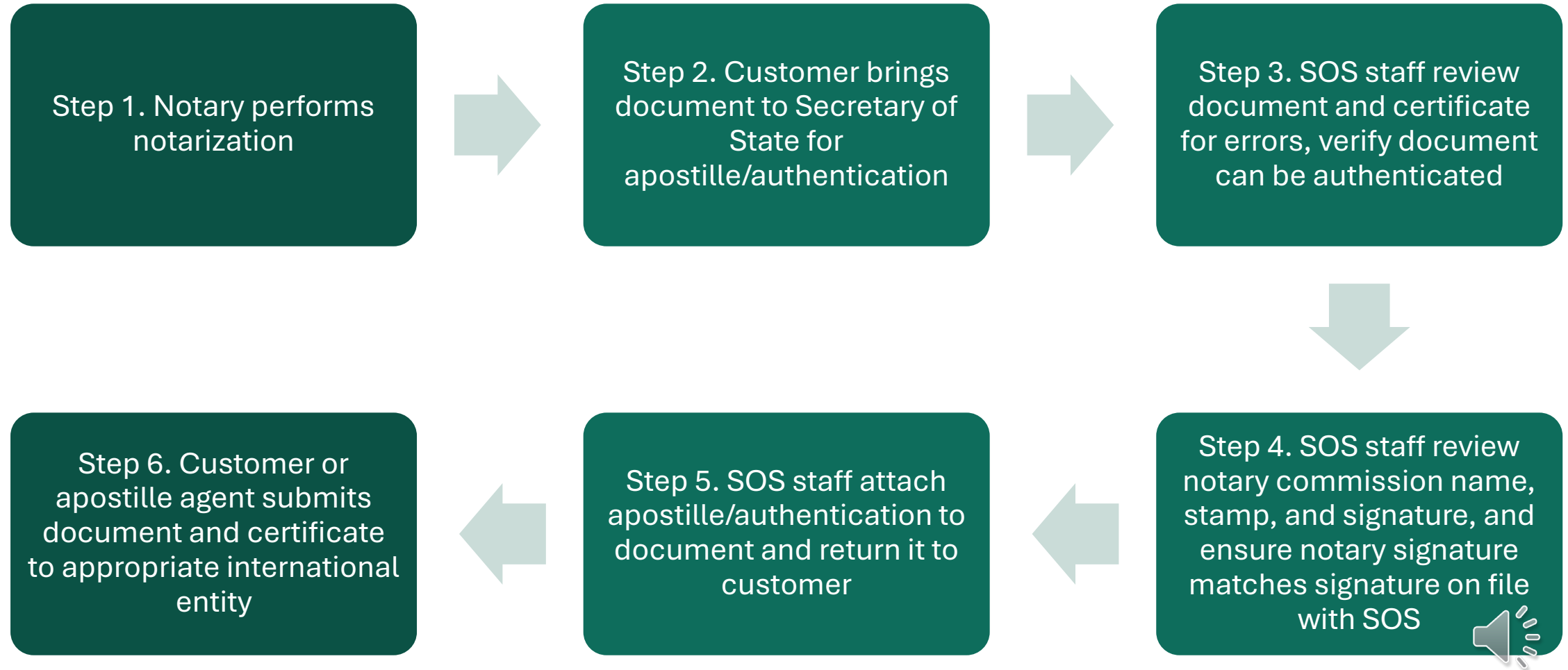


Who can attach an apostille or authentication?

- In the U.S., there are multiple designated authorities who issue apostilles/authentications. They are called 'competent authorities.'
- Who is authorized to authenticate a particular document depends on the origin of the document:
 - Federal documents are authenticated by the appropriate Federal authority: the US. Department of State Authentications Office
 - State documents: designated state authorities—in Oregon, that is the Secretary of State



The Apostille/Authentication Process



Requesting an Apostille or Authentication

Online form: sos.oregon.gov/business/Documents/notary-forms/notary-request-for-authentication.pdf
\$10 per request



Request for Apostille/Authentication

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200
Fax: (503) 986-2300

All Sections Must Be Completed

PRINT

RESET

Time Sensitive documents - We highly recommend the use of expedited shipping through Federal Express or UPS for time sensitive and valuable documents requiring an authentication or apostille. Other forms of mail, including U.S. Postal Service "Express or Priority Mail" **DO NOT** get delivered directly to our office for expedited processing and could result in a delay and/or loss of your original documents.

Do not send photocopies. Documents must be original or they can't be processed.

What country are these documents being authenticated for?

Type of document(s) and names listed on the document(s).

If documents are not enclosed, from where will they be mailed?

Mailing Address: (Street Address or PO Box) (City, State) (Zip Code)

REQUESTER INFORMATION:

Name:

Area Code and Phone Number:

Email Address:



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	JEANNE MARIE GOLDSMITH
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	May 30, 2024
7. by par / por	Secretary of State, State of Oregon
8. N° sous n° bajo el número	134X544D5
9. Seal / Stamp Sceau / timbre: Sello / timbre:	10. Signature: Signature: Firma: LaVonne Griffin-Valade



A completed
Apostille

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) 986-2200 or email CorporationDivision.SOS@SOS.oregon.gov
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.



The Oregon Secretary of State can certify

- Documents for business or corporate use:
 - Certified copies of business organization documents on file with the Secretary of State
 - Articles of incorporation or organization
 - Assumed name certificates
 - Certificates of limited partnership
 - Certificates of merger
 - Registration of trademarks
 - Certificates of existence or fact issued by the Corporation Division



The Oregon Secretary of State can certify

- Other types of documents:
 - Adoption papers.
 - School records - school transcripts, report cards or diplomas **must** be signed by a school official, and the official's signature **must** be notarized.
 - Power of attorney.
 - Deed of assignment.
 - Distributorship agreement.
 - References and job certification.
 - Vehicle title.



Documents that cannot be certified

- Photocopies of public documents (must be originals or certified copies)
- Documents that:
 - Contain statements regarding allegiance to a government or jurisdiction;
 - Relate to the relinquishment or renunciation of citizenship, sovereignty, *in itinere* status or world service authority; or
 - Make a claim of immunity for the signer from the law of this state or from federal law

What about vital records?

- Copies of all vital records must be requested from the appropriate agency, and notaries may not certify copies.
- Apostilles can be attached by SOS to copies of vital records that have been obtained from the appropriate agency
- Requests for apostilles and for replacement copies of records for life events that happened in a foreign country may be made online through the State Department:
<https://travel.state.gov/content/travel/en/records-and-authentications.html>



What if I am asked to notarize a document that cannot have an apostille attached?

If I know the customer is going to request an apostille or authentication

- You may notarize the document, as long as it has an appropriate certificate that does not ask you to do something a notary is not allowed to do
- You may remind them that it will not be allowed
- Follow guidelines for good notarizations regardless of the document you are given.
- **NEVER NOTARIZE BY STAMPING AND SIGNING THE BOTTOM OF A DOCUMENT. All notarizations MUST include a legitimate certificate.**



Electronic Apostilles

Countries belonging to the Hague Convention

Competent authorities in a number of countries are developing and implementing electronic apostilles (e-apps)

For current list of countries where e-apps are available

<https://www.hcch.net/en/publications-and-studies/details4/?pid=55>
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Oregon

Not currently available in Oregon



Additional Resources

- The text of the Hague Convention:
http://www.hcch.net/index_en.php?act=conventions.text&cid=41
- Hague Convention FAQs on e-certification (e-apostilles): <https://www.hcch.net/en/publications-and-studies/details4/?pid=5576#1>
- Printable handout on apostilles and authentications on our website:
sos.oregon.gov/business/notary/Documents/Apostilles-and-authentications-what-you-need-to-know.pdf
- Printable guidelines for documents that cannot be certified by the Oregon Secretary of State:
sos.oregon.gov/business/notary/Documents/notary-document-refusal.pdf
- Advice for notaries considering adding apostille agent services to their business, and for customers needing an apostille/authentication:



Questions?

Contact us!

<https://sos.oregon.gov/business/Pages/apostille.aspx>

corporationdivision.SOS@sos.oregon.gov

503-986-2200

