

Apostille

The Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents (“Hague Convention”) is an international treaty, the source of Apostille, drafted by the Hague Conference on Private International Law on October 5, 1961.

Hague Convention 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. Such a certification is called an apostille. It is an international certification comparable to notarization process in domestic laws. It should significantly be noted that an apostille does not give information regarding the quality of the document, but certifies the signature and correctness of the seal/stamp on the document which is actually necessary to be certified. After apostilization process, the document will enjoy the legal effect that it originally has, in the receiving country.

Apostilization procedures with regard to PoA

Apostilization is the process where the governmental body certifies that the notary's or another competent officer's signature, seal, and license are valid. The government official checks the signature and seal on the documents, check their own records to validate the signature and seal. They will then attach another paper to the document with their authorization seal and signature. Such apostilization procedure certifies

that the notarization is authentic.

Power of Attorney (“PoA”) is one of the legal instruments which is used for any international/national legal matters almost everywhere around the world. However, for the usage of PoA in another state, it is a must for PoA to get issued by a competent officer (notary public etc.) and accordingly duly apostilled before a competent authority of a state (Signatory to the Hague Convention) in order for such PoA to be utilized in another state (Signatory to the Hague Convention).

Conditions of validity of apostille in different law systems

In order for an apostille to be eligible, a document must first be issued or certified by an officer recognized by the authority that will issue the apostille. For example, in New York, the United States of America, the Secretary of State maintains specimen signatures of all notaries public, so documents that have been notarized are eligible for apostilles.

There are 103 states which ratified and implemented Hague Convention around the world.

When there is a party in a state not signatory to the Hague Convention, the document of the party must be certified by the foreign ministry of the country where the document originated and then by the foreign ministry of the government where the document will be used. On the other hand, it should be noted that one of the certifications will often be performed before an embassy or consulate instead foreign ministry of the countries. Briefly, the document must be certified for twice before it can have any legal effect in the receiving country.

<http://www.ketencilaw.com/apostille.html>