7 FAM 870
AUTHENTICATION OF DOCUMENTS

(CT:CON-499; 11-19-2013)
(Office of Origin: CA/OCS/L)

7 FAM 871 SUMMARY
(CT:CON-499; 11-19-2013)

a. An authentication is a certification of the genuineness of the signature and/or seal or the position of a foreign official who has previously executed, issued, or certified a document so that a document executed or issued in one jurisdiction may be recognized in another jurisdiction.

NOTE: U.S. embassies and consulates maintain exemplars of the seals and signatures of host government officials against which documents presented for authentication can be compared. Originally, these were card files of signatures and seals. Many posts now maintain these exemplars electronically.

b. Authentications may be performed either overseas or in the United States.

(1) Overseas Authentications. Overseas authentications are done by any U.S. consular officer or designated diplomatic officer authorized by the Deputy Assistant Secretary (DAS) for Overseas Citizens Services (OCS).

(a) Consular agents, and other notarizing officers who are not consular officers or designated diplomatic officers may not perform authentication services.

(b) Consular officers perform authentication services for documents intended for use in the United States, except in countries party to the Hague Apostille Convention. Consular officers may perform authentication services for documents intended for use in third countries not party to the Hague Apostille Convention, but are not required to do so.

(2) United States Authentications. In the United States, authentication of state-issued documents are performed by officials of the state in which they are issued. Federal documents are authenticated by officers in the Office of Authentications in the Office of Technical Operations, Passport Services (CA/PPT/S/TO/AUT).

(a) CA/PPT/S/TO/AUT provides authentication services to U.S. citizens and foreign nationals domestically for documents that will be used for legal
(b) Notaries Public in the United States do not perform authentications.

c. **Extradition Authentication Requests:**

   (1) **Routine** consular authentication must not be used in criminal evidence or extradition cases.

   (2) Foreign extradition documents must be specially certified by a principal U.S. diplomatic or consular officer (see 7 FAM 1633 and 7 FAM 900 for further guidance.)

d. **Hague Apostille Convention Requests:**

   (1) Countries party to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Apostille Convention) may require an Apostille on public documents from the United States.

   (2) Posts located in countries party to the Hague Apostille Convention must not perform authentication services, except for special Extradition Certification (see 7 FAM 1633) and special authentication certificates for use in criminal matters (see 7 FAM 900). However, posts in these countries should not terminate notarial services (see 7 FAM 876.)

   (3) Passport Services’ Records Services Division, Vital Records (CA/PPT/S/TO/RS/DO/VR), processes requests from individuals in the United States who require an Apostille on passport and consular vital records (e.g., passport applications, Consular Reports of Birth Abroad) to satisfy authentication requirements in foreign countries party to the Hague Apostille Convention.

e. Use of U.S. Documents in Foreign Countries. 7 FAM 879 provides a brief step-by-step chart on authentication procedures for U.S. documents to be used in foreign countries.

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**7 FAM 872 GENERAL PROCEDURES FOR OVERSEAS AUTHENTICATIONS**

*(CT:CON-499; 11-19-2013)*

a. All the grounds for refusing notarial services apply to authentications. Consular officers with a disqualifying interest in the transaction with respect to which the authenticated document is going to be used should not provide the service.

b. Comparison of the Seal on the Document Against Seal and Signature Card/Image on Record at Post: Consular officers must compare the foreign official’s seal and signature on the document to be authenticated with a specimen of the same official’s seal and signature on file. If no specimen is available, require that each signature and seal be authenticated by some higher official or officials of the foreign government until a seal and signature appears...
on the document which you can compare with a specimen available to you. The process of having a document authenticated by a series of foreign officials, however, should only be followed where unusual circumstances, or the laws or regulations of the foreign country require it.

c. Authentication Certificate: After the document is authenticated, place the authentication certificate on the document itself if space is available, or append it to the document on a separate sheet. In the absence of a specific authentication certificate provided by the person requesting the service, use the general authentication certificate, Form DS-1982. General consular authentication certificates must not be used in extradition matters. A specific certification executed by the senior diplomatic or consular officer at post is required for extraditions. (See 7 FAM 933, 7 FAM 934 and 7 FAM 1622.4.)

d. Fastening Pages: When the instrument or document to which an authentication relates consists of more than one sheet, or when the authentication certificate will be attached and not written on the document itself, bring all the sheets comprising the document together using grommets.

7 FAM 873 LIMITATIONS FOR AUTHENTICATING DOCUMENTS OVERSEAS

(CT:CON-499; 11-19-2013)

a. Unknown Seals and Signatures: Do not authenticate a seal or signature that is unknown and cannot be verified (22 CFR 92.41).

b. Refusal of Responsibility for Content: Authentication conveys no judgment on the part of the authenticating officer of the validity or truth of the content of an authenticated document, but if circumstances warrant, include in the body of the certification a statement to the effect that “I, (Name and Title of Consular Officer) assume no responsibility for the truth or falsity of the representations which appear in the foregoing (or, annexed) document (or specified elements of the document).”

c. Inimical to the Best Interests of the United States: Authentication may be refused if there are reasonable grounds for believing that the document will be used for a purpose patently unlawful, improper, or inimical to the best interests of the United States. (See 7 FAM 830.)

d. Foreign Officials Outside Consular District: Do not authenticate seals and signatures of foreign officials from other consular districts.

e. U.S.Officials: Consular officers are not permitted to authenticate seals and signatures of notaries public or other officials in the United States. However, diplomatic and consular officers at a U.S. diplomatic mission may certify the seal of the Department of State (but not the signature of the Secretary of State) if this is requested or required in particular cases by the national
authorities of a foreign country.

f. Copies: Consular officers should not authenticate facsimiles of signatures and seals or photographic reproductions of documents. However, original signatures and seals that appear on copies may be authenticated.

g. Matters Outside the Consular Officer’s Knowledge: In a certificate of authentication, a consular officer should not make statements that are not within the officer’s power or knowledge. For example, consular officers are not expected to be familiar with the provisions of foreign law, except in a general sense, and are cautioned not to certify that a document has been executed or certified in accordance with foreign law or to certify that a document is valid in a foreign country.

h. U.S. Officials in Foreign Countries: The primary purpose of an authentication by a U.S. consular officer is to certify the official seal and/or signature of foreign officials who perform an official act with regard to a document that is to be used in the United States. Consular officers should not, therefore, authenticate the seals and signatures of U.S. officials who may be residing in their consular districts and instead refer requestors to the Authentications Office at the Department of State. Consular officers may take specific acknowledgments from such U.S. officials, similar to the corporate acknowledgment. (See 7 FAM 840.)

i. U.S. Consular Officers in Other Countries: A consular officer stationed in one country must not authenticate the signature or seal of an officer stationed in another country. When it is necessary to authenticate the seal and signature of a consular officer, the Authentications Office at the Department of State performs the authentication. An official of a foreign government who requests the authentication of the seal and signature of a consular officer stationed in another country should be informed that the document will have to be sent to the Department of State for this purpose.

7 FAM 874 ACADEMIC CREDENTIALS AND AUTHENTICATIONS OVERSEAS

(CT:CON-110; 09-13-2005)

a. Foreign Academic Credentials for Use in the United States:

(1) U.S. consular officers generally should not authenticate or provide certified true copies of foreign academic credentials, transcripts, or degrees for use in the United States.

(2) The U.S. Departments of State and Education determined in 1983 that there is no statutory requirement for U.S. consuls to authenticate translations of foreign academic credentials. The U.S. Department of Education and the American Association of Collegiate Registrars and
Admission Officers agree that authentication in no way alleviates the problem of fraud as the information contained in the document is not confirmed, only the seal and signature are authenticated.

b. U.S. Credentials for Use Abroad: Some foreign countries continue to require authentication of academic credentials. See Authentication of American Academic Credentials for Use Abroad on the U.S. Department of State, Bureau of Consular Affairs Internet page for guidance about how to obtain such records.

c. U.S. Military Schools: Copies of school records can be obtained from the National Military Records Center in St. Louis, Missouri.

7 FAM 875 FEDERAL AND STATE GOVERNMENT AGENCY AUTHENTICATION REQUESTS RECEIVED OVERSEAS

7 FAM 875.1 General

(CT:CON-499; 11-19-2013)

a. Posts may receive requests to authenticate copies of foreign documents for federal, state, local or U.S. territorial governmental agencies, other than the Department of State. No fee is charged for such services unless significant costs are incurred. See the Schedule of Fees for Consular Services in 22 CFR 22.1.

b. Certificates: You should ask the requesting agency to provide language to be used in the authentication certificate. If the document is a foreign record, the requesting U.S. government agency should also provide the text of the authentication certificate to be used by the foreign custodian of records.

c. Criminal Matters: General consular authentication certificate and Apostilles are not acceptable for the authentication of documents in criminal matters. (See 7 FAM 1633; and 7 FAM 1622.4 for proper procedures.)

7 FAM 875.2 Foreign Custodian of Record's Certificates

(CT:CON-499; 11-19-2013)

a. The Federal Rules of Evidence and Federal Rules of Civil Procedure require that certificates executed by a foreign custodian of records contain the following elements:

(1) The custodian's full name and title;

(2) A statement that the laws of (name of country) empower the custodian to execute such a certificate;
(3) The authority that empowers the custodian; and

(4) A statement that the custodian issued the certificate in his official capacity.

b. Request that the foreign custodian of the records prepare a certificate containing those elements using language along the lines provided in 7 FAM 900.


7 FAM 875.3 Absence of Records

(CT:CON-499; 11-19-2013)

a. If no official record(s) can be found, request that the foreign custodian prepare a certificate that states the foreign custodian conducted a diligent search, but found no official records.


c. The certificate should contain the language in 7 FAM 900.

7 FAM 876 HAGUE APOSTILLE CONVENTION

(CT:CON-499; 11-19-2013)

a. The United States of America and over 100 other countries are parties to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Apostille Convention). This Convention eliminates the requirement for most diplomatic and consular authentication of public documents originating in one country party to the Convention that a requester intends to use in another country party to the Convention. The Convention does not eliminate or replace the consular notarial function. It does provide an alternative to consular notarials in which persons may execute a notarial instrument before a local notary in the host country and then have the document apostillized by a host country official designated to issue Apostilles under the Hague Apostille Convention.

b. Consular authentications should never be placed over Apostilles.

c. Competent Authorities: Inquirers may ask where to obtain Apostilles for U.S. public documents or foreign public documents. The Hague Conference on Private International Law maintains an up to date list of competent authorities for each country that is a party to the Convention on its website. A list of U.S. competent authorities is also available on this website.

d. Objection to the Accession or Ratification of a Country to the Convention:
When a country becomes a party to the Hague Apostille Convention, other States where the Convention is in force have the right to object. Posts may contact ASK-OCS-L@state.gov for information on the status of the Convention in their country.

e. Public resources: The Hague Conference on Private International Law maintains an Apostille Section on its website with many useful resources, including a layman's guide, "The ABCs of Apostilles."

7 FAM 877 FOREIGN EXTRADITION PAPERS

(CT:CON-499; 11-19-2013)

18 U.S.C. 3190 requires certification of foreign extradition papers by the principal diplomatic or consular officer of the United States resident in the foreign country. For procedures, (see 7 FAM 1633 Certification of Foreign Extradition Documents). Do not use routine consular authentication procedures or the Hague Apostille Convention in extradition cases. See the U.S. Declaration About Extradition and Apostille Convention.

7 FAM 878 OFFICE OF AUTHENTICATIONS - U.S. AUTHENTICATION

(CT:CON-499; 11-19-2013)

7 FAM 878.1 Overview

(CT:CON-499; 11-19-2013)

a. The Office of Authentications (CA/PPT/S/TO/AUT) authenticates a variety of documents from commercial organizations, private citizens, and officials of Federal and State governments. Documents include, but are not limited to, company bylaws, powers of attorney, trademark, diplomas, treaties, warrants, extraditions, agreements, certificates of good standing, and courier letters.

b. CA/PPT/S/TO/AUT will not authenticate documents that are contrary to public policy or are for an improper or unlawful purpose (see 22 CFR 131.1).

c. CA/PPT/S/TO/AUT does not authenticate documents issued abroad by U.S. Consular officials, such as Birth, Marriage, or Death certificates. These documents are authenticated by the Passport Services Records Services Division, Vital Records Section. (CA/PPT/S/TO/RS/DO/VR)

d. CA/PPT/S/TO/AUT is responsible for signing and issuing certificates under the Seal of the U.S. Department of State.

e. CA/PPT/S/TO/AUT receives, records, and accounts for fees in accordance with procedures established by the Bureau of Resource Management, Office of
f. A randomly generated service number is assigned to each certificate of authentication, and this number reflects all fees associated with a certificate.

7 FAM 878.2 Authorities

(CT:CON-499; 11-19-2013)


7 FAM 878.3 Authentication Certificates

(CT:CON-499; 11-19-2013)

7 FAM 878.3-1 Apostille

(CT:CON-499; 11-19-2013)

a. Apostille certificates are issued for documents destined to be used in participating countries and their territories that have joined the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, the "Apostille Convention". The Convention provides for the simplified certification of public documents to be used in member countries through a special form called an "Apostille."

b. The Authentications Office is designated as the competent authority to issue Apostilles for documents executed by Federal agency officials. An original signature with the raised or stamped seal of the Federal agency must accompany the document.

c. The Authentications Office is required to maintain a register in order to verify the issuance of individual Apostilles, see (7 FAM 878.4).

7 FAM 878.3-2 Department of State Official Certificate

(CT:CON-499; 11-19-2013)

a. Department of State official certificates are issued for documents executed and/or records maintained by offices within the Department intended to be used in a foreign country. A gold ribbon and wafer seal with the impression of the U. S. Department of State seal is affixed to this certificate.

b. Requestors must complete and print Form DS-4194 "Request for Authentications Service", and submit it with their document(s) along with the name(s) of the country(s) in which the documents are to be used.
c. Requestors also must submit a certification statement on Department of State letterhead, which is used for files or copies originating within the Department of State. Example statement may include, but is not limited to, the following:

(1) [Federal Agency Official’s name] certifying that the document(s) attached [is or are] a [true copy or original] [originating or maintained] in the [files or records] of the [originating office]; and

(2) Original signature and title of submitting official.

7 FAM 878.3-3 Regular Authentication Certificate
(CT:CON-499; 11-19-2013)

a. Regular authentication certificates are issued for documents originating in the United States to be used in foreign countries and their territories. This certificate is also issued for documents originating in foreign countries that require authentication before they can be recognized as valid in other foreign countries. Various seals are placed and/or attached on the document before this certificate can be issued. This certificate is issued with the impression of the U.S. Department State seal.

b. Requestors must complete and print Form DS-4194, and submit it with their document(s), along with the name(s) of the country(s) in which the documents are to be used.

7 FAM 878.3-4 Extradition Certificate
(CT:CON-499; 11-19-2013)

a. Extradition certificates are certified with a gold ribbon and wafer seal with the impression of the U.S. Department of State. Extradition cases are executed by the U.S. Department of Justice (see 7 FAM 1611 and 1612).

b. Department of Justice officials must complete and print Form DS-4194, and submit it with their document(s), along with the name(s) of the country(s) in which the documents are to be used.

7 FAM 878.4 Processing
(CT:CON-499; 11-19-2013)

CA/PPT/S/TO/AUT tracks all correspondence and documents through the Document Authentication, Retrieval, and Tracking Systems (DARTS). A case service number is randomly generated and assigned to all requests received in the Authentications Office. This service number appears on all authentication certificates and tracks all aspects of the authentication process, as well as fees collected, and is used as an effective method for the Authentications Office’s internal control process. DARTS also serves as the register required under the Apostille Convention.
7 FAM 879 SUMMARY CHART ON AUTHENTICATION OF U.S. DOCUMENTS FOR USE IN FOREIGN COUNTRIES

*(CT:CON-499; 11-19-2013)*

The chart below provides a summary of the steps necessary to authenticate different types of documents both in the United States and abroad.

<table>
<thead>
<tr>
<th>Document to be Authenticated</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents Executed Before Notary Public in the United States</td>
<td>State Notary Public Administrator Web Pages</td>
<td>U.S. Department of State Office of Authentications CA/PPT/S/TO/AUT</td>
<td>Foreign Embassies in the United States</td>
<td>Foreign Consulates in the United States</td>
</tr>
<tr>
<td>U.S. State Vital Records (Birth, Death, Marriage, Divorce)</td>
<td>CDC, NCHS Where To Write for Birth, Death, Marriage and Divorce Records</td>
<td>State Notary Public Administrator Web Pages ** Can only Authenticate Vital Records Issued by State Custodian of Records; Not County Documents. * Hague Apostille Convention Countries Stop Here.</td>
<td>U.S. Department of State Office of Authentications CA/PPT/S/TO/AUT</td>
<td>Foreign Embassies in the United States</td>
</tr>
<tr>
<td>State Court Documents</td>
<td>Clerk of State Court</td>
<td>State Notary Public Administrator Web Pages * Hague Apostille Convention Countries Stop Here</td>
<td>U.S. Department of State Office of Authentications CA/PPT/S/TO/AUT</td>
<td>Foreign Embassies in the United States</td>
</tr>
<tr>
<td>U.S. Academic Records</td>
<td>School, College or University, etc. ... Notarization by school official custodian of records</td>
<td>State Notary Public Administrator Web Pages * Hague Apostille Convention Countries Stop Here</td>
<td>U.S. Department of State Office of Authentications CA/PPT/S/TO/AUT</td>
<td>Foreign Embassies in the United States</td>
</tr>
</tbody>
</table>

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<tr>
<th>Abroad, Consular Report of Death of U.S. Citizen Abroad and Consular Certificate of Witness to Marriage</th>
<th>0/VR) * Hague Apostille Convention Countries Stop Here</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Federal Court Documents</td>
<td>Clerk of U.S. Federal Court * Hague Apostille Convention Countries Stop Here</td>
<td>U.S. Department of State Office of Authentications CA/PPT/S/TO/AUT</td>
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