



United States Department of State  
Washington, D.C. 20520  
March 3, 2006

Dear Ms. Herrera:

I am writing in response to your inquiry regarding the proper language to be used in an apostille certificate issued by a designated authority in the United States pursuant to the Hague Convention Abolishing the Requirement for Legalization of Foreign Public Documents. I understand your office received a request to issue apostilles in the Spanish language for use by the bearers in Mexico.

The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Apostille Convention) is a multilateral treaty, the main purpose of which is to facilitate the circulation of public documents issued by a State Party to the Convention and to be produced in another State Party to the Convention. See the Outline of the Convention prepared by the Hague Conference on Private International Law available at <http://hcch.e-vision.n.1/upload/outline12e.pdf>.

Article 4 of the treaty provides that the certificate may "be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language." For a model of the apostille certificate, see <http://hcch.e-vision.n1/upload/apostille.pdf>.

In 2003 the Hague Conference on Private International Law convened a Special Commission on the Practical Operation of the Apostille

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Convention. The Conclusions and Recommendations of the 2003 Special Commission on the Practical Operation of the Hague Apostille Convention, available at [http://hcch.e-vision.nl/upload/wop/lse\\_concl\\_e.pdf](http://hcch.e-vision.nl/upload/wop/lse_concl_e.pdf), provided in paragraph 19 "the Special Commission concluded that Article 4 of the Convention permitted the use of more than one language in the apostille and that this might well assist in the circulation of documents." This practice is not uncommon in jurisdictions with more than one official language, such as Switzerland.

When the United States of America acceded to the Hague Apostille Convention, it designated multiple authorities to issue apostille certificates. This designation is available at [http://hcch.e-vision.nl/index\\_en.php?act=authorities.details&aid=353](http://hcch.e-vision.nl/index_en.php?act=authorities.details&aid=353). The United States has three tiers of authorities competent to issue the apostille certificate. The U.S. Department of State Authentications Office affixes apostilles to documents issued by Federal agencies of the United States. The Clerks and Deputy Clerks of the Federal Courts of the United States issue apostilles on documents issued by those courts. Public documents issued in U.S. states, the District of Columbia and other U.S. jurisdictions may be legalized with an apostille by designated authorities in each jurisdiction, generally the state Secretary of State's office.

The United States issues apostilles in the English language with the title of the certificate in French, consistent with Article 4. The U.S. Department of State may authenticate a foreign language document if it is accompanied by a certified English translation. The Hague Apostille Convention is in force in more than 87 countries each speaking a wide variety of languages. It is not possible for the United States Department of State to issue apostille certificates in the language of the country where the document is intended to be used. Persons in the United States seeking to present apostilled Foreign Public Documents, as that term is used in the treaty, in other countries generally have the documents translated into the language of the country in question.

You advised that your inquirer expressed the view that the U.S. practice not to issue apostille certificates in Spanish constitutes some form of discrimination against persons who intend to present documents in Mexico. In fact, the United States does not issue apostille certificates in any language other than English, except for the title of the certificate, which is in French as mandated by Article 4 of the treaty.

U.S. state authorities that issue apostilles do so under a delegation from the U.S. Department of State. We have raised your question as to whether New Mexico should comply with the request and issue apostilles in the Spanish language with the Office of the Legal Adviser of the U.S. Department of State. We conclude that the U.S. Department of State offices which issue apostilles would not comply with such a request, and that we would not advise the clerks and deputy clerks of the Federal Courts or the designated officials of the several states, the District of Columbia or other jurisdictions to do so.

I hope this information is helpful to you.

Sincerely,

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Monica A. Gaw

Acting Director

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