

## LEGAL FACT SHEET

### Notarization of Documents in a Foreign Country

#### What happens if you are outside the United States and need to have a document, such as a parental designation of children's caregiver, notarized?

- This is governed by Federal Law. This law states that notarizing officers at any United States Embassy or Consulate abroad can provide a service similar to the functions of a notary public in the U.S. For information relating to notarial services with respect to specific countries, including office locations, please consult the U.S. Department of State's website. For instance, services provided in the Country of Haiti can be found at: [Immigrant Visas - U.S. Embassy in Haiti \(usembassy.gov\)](http://usembassy.gov).
- You must personally appear at the embassy or consular office and bring the document with you. The office will establish your identity; establish that you understand the nature, language and consequences of the document to be notarized; and must be satisfied the act does not come within the purview of a regulatory basis for refusal.
- Most notarizing officers may also authenticate documents, which means that the consular seal is placed over the seal of a foreign authority whose seal and signature is on file with the American Embassy. The authentication merely attests to the seal and signature of the issuing authority. Notary and authentication services may be performed for any person regardless of nationality so long as the document in connection with which the service is requested is required for use within the jurisdiction of the United States.
- It may also be possible to have a document notarized by a local foreign notary (instead of going to the embassy or consular office) and then have the document authenticated for use in the United States. In countries that are a party to the Hague Apostille Convention, this is a simplified process. An Apostille certificate is attached by the foreign notary regulator, verifying that the notary certificate on the document is authentic. This means the individual may have the document signed by a local notary, and then contact the country's notary regulator office to have the Apostille certificate attached. Countries that are parties to the Hague Apostille Convention can be found here: <http://www.internationalapostille.com/hague-apostille-member-countries/> Note: Haiti is not a party to the Hague Apostille Convention.
- For more information, please see <https://travel.state.gov/content/travel/en/legalconsiderations/judicial/authentication-of-documents/notarial-and-authentication-servicesconsular-officers.html>.

The above information is not legal advice. It is not a substitute for consulting an attorney. Up-to-date legal advice and legal information can only be obtained by consulting with an attorney. Any opinions, legal opinions, findings, conclusions or recommendations expressed in this publication or on the NYS Kinship Navigator website or by any person or entity to whom you may be referred are those of the Kinship Navigator, Catholic Charities Family and Community Services and/or the person or entity you are referred to and do not necessarily represent the official views, opinions, legal opinions or policy of the State of New York and/or the New York State Office of Children and Family Services (OCFS). NYS Kinship Navigator is a Catholic Charities Family and Community Services program, funded by the New York State Office of Children and Family Services. Catholic Charities Family and Community Services is the only agency authorized by New York State to provide a statewide information and referral service to kinship caregivers. The information herein is published by the NYS Kinship Navigator.