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Authentication of Documents - Frequently Asked Question's

What is an Apostille?

An Apostille is a form of certification set out in the 1961 Hague Convention, to which the United States became a subscriber in 1981. It is a form of numbered fields, which allows the data to be understood by the receiving country regardless of the official language of the issuing country.

What does an Apostille do?

The object of the Apostille is to "abolish the requirement of diplomatic or consular legalization for foreign public documents". The completed Apostille certifies the authenticity of the signature, the capacity in which the person signing the document has acted, and identifies the seal/stamp which the document bears.

Who issues Apostilles?

Each subscribing nation may designate those authorities which may issue Apostilles for their jurisdiction. The United States has appointed the Secretary of State (or their counterpart) of the various states as said authority. **The Secretary of State of Texas has expanded this authorization to include the Assistant Secretary of State and the division directors.**

The Secretary of State of Texas may issue an Apostille on documents issued by persons on file with this agency, including county clerks, notaries public, statewide officials. Recently issued birth/death certificates issued by locals registrars must have been issued within the past three (3) years in order for the Secretary of State to issue an Apostille.

The competent authority for issuance of Apostilles on documents issued by the federal government are the clerks of the federal courts.

What kind of documents do I need an Apostille for?

The Apostille may be obtained to transmit public documents executed in one subscribing country to another subscribing country wherein the documents need to be produced. The Hague Convention defines 'public documents' as:

1. those originating in a court, clerk of a court, public prosecutor or process server,
2. administrative documents,
3. notarial acts,
4. official certificates placed on documents

These types of 'public documents' would include birth/death certificates, marriage licenses, divorce decrees, school transcripts and diplomas/degrees, among others.

How do I get an Apostille?

A request for an Apostille may be made in person or through the mail. The document(s) will be handled by the appropriate division within this agency. Documents issued by county officials should be directed to the Elections Division; those executed before a notary should be forwarded to the Notary Public Unit. Documents issued by statewide officials (such as the State Registrar of Vital Statistics, district judges, motor vehicle custodian of records, etc.) may be sent to the Statutory Documents Section. This section also handles recently-issued birth/death certificates generated by local registrars. Requests for corporate documents requiring an Apostille should be directed to the Corporations Section.

Along with the document(s), please provide us with the name of the country to which the document(s) will be transmitted.

There is a statutory fee of \$10.00 per Apostille being requested. Checks and money orders should be in favor of the 'Secretary of State of Texas'. This office also accepts Visa, MasterCard and Discover credit cards.

A self-addressed, stamped envelope for the return of the document(s) and Apostille must be included with the request. If overnight mail service is required, a pre-addressed, prepaid airbill and envelope must be included.

If I have two documents issued by the same authority, do I need two Apostilles?

This is a question that should be directed to the authorities in the country in which the documents will be deposited.

What is the guidance about the propriety of authenticating or legalizing certain notarized documents as provided by the U.S. Department of State?

The Apostille does not provide any form of immunity. It is inappropriate to place the Apostille certificate on a document that suggests that the Apostille has such an effect. Moreover, the Apostille should not be placed on any document by state Secretaries of State or Notary Public Administrators if the document is intended for use in the United States or in a country not party to the Hague Legalization Convention. It is only for documents to be used in countries that are party to the Convention. See the Hague Conference on Private International Law web site at <http://www.hcch.net/e/conventions/menu12e.html> for a current list of countries where the Convention is in force.

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