

UNITED STATES OF AMERICA Apostille Questionnaire 2021

The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[b] No.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[a] Yes, under internal law. <i>Legalization/Authentication is generally only required in court proceedings.</i>
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	170
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[b] No.
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[b] No.
7. Has the exclusion of 'documents executed by diplomatic or consular agents' (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[b] No.
9. Has the exclusion of 'administrative documents dealing directly with commercial or customs operations' (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.
10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[b] No.

11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin	X	X
	Export licences	X	X
	Import licences	X	X
	Health and safety certificates issued by the relevant government authorities or agencies	X	X
	Certificates of products registration	X	X
	Certificates of conformity	X	X
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X	X
Commercial invoices			
Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[b] No, an intermediate certification is not required for any public document; Apostilles are issued directly upon the public document.		
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[b] By post.		X
	[c] By email.		
	[d] Through a website.		
	[e] Other.		
14. When issuing an Apostille, do you enquire about the State of destination?	[a] Yes, in the application form.		
15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
	Other <i>COVID-19 has impacted issuance operations and created delays.</i>	Other	Other
16. Does your Competent Authority impose a fee for issuing an Apostille?	[b] Yes, but the price is dependent on, for example, the category of public document(s), the Competent Authority, or the type of application. <i>Each jurisdiction in the United States determines its own fees.</i>		

Issuing an Apostille (Outgoing)		
17. How is the origin of a public document verified for the purpose of issuing an Apostille (<i>i.e.</i> verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[b] Multiple Competent Authorities. [v] Multiple separate databases of sample signatures / seals / stamps, some in paper form, some electronic.	
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.	
19. In what language(s) are the 10 standard items of your Apostilles available?	[d] Other. <i>Language depends on the law of the issuing competent authority. Some jurisdictions have adopted the bilingual or trilingual certificate while others have not.</i>	
20. In what language(s) are the blank fields of your Apostilles filled in?	[d] Other. <i>See response to question 19.</i>	
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software.	
Apostille Registers		
22. How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [v] A separate register for each Competent Authority, some in paper form, some electronic.	
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (<i>required</i>).	X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
	[c] Name and / or type of underlying document.	
	[d] Description of the contents of underlying document.	
	[e] Name of the applicant.	
	[f] State of destination.	
	[g] Copy of the Apostille.	
	[h] Copy of the underlying document.	
	[i] Other.	
24. Is there a limit to how long records can be retained on the Apostille register?		
25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[f] Unknown.	
Technology & the e-APP		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (<i>i.e.</i> can a public document be signed electronically)?	[a] Yes. <i>Various under the law of local jurisdictions.</i>	

27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.	
<p><i>For Parties that answered yes to Q27.</i></p> <p>27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?</p>	[a] All public documents.	
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	
	[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).	
	[d] Extracts from commercial registers and other registers.	
	[e] Notarial authentications of signatures.	
	[f] Other notarial acts.	
	[g] Diplomas and other education documents.	
	[h] Court documents, including judgments.	
	[i] Patents or other documents pertaining to intellectual property rights.	
	[j] Documents relating to adoptions.	
	[k] Translations.	
	[l] Medical or health certificates.	
	[m] Criminal records.	
	[n] Import or export licences.	
[o] Certificates of origin.		
[p] Certificates of conformity.		
[q] Other. <i>It depends on the jurisdiction.</i>	X	
<p><i>For Parties that answered yes to Q27.</i></p> <p>27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?</p>	Unknown	
28. Do you issue e-Apostilles?	<p>[b] No.</p> <p>[i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component. <i>As a federal entity, each competent authority is responsible for its own implementation.</i></p>	
<p><i>For Parties that answered no to Q28.</i></p> <p>28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?</p>	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	
	[e] System interoperability / compatibility.	

	[f] Security concerns.	
	[g] Other. <i>There are no legal impediments, it is more of a resource issue based on demand.</i>	X
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[c] Other. <i>We have not gotten to the point of issuing electronic Apostilles.</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?	[b] Yes, but on certain conditions. <i>It depends on the jurisdiction.</i>	
30. Do you maintain an e-Register?	[a] Yes.	
<i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?	[c] Other. <i>It depends on the jurisdiction.</i>	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[a] Yes. <i>We have been actively involved in the e-APP forum since its inception.</i>	
Issues with Apostilles		
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	X
	[b] The manner in which the Apostille was affixed / attached to the underlying document. <i>We have not experienced rejections recently and the reasons for previous rejections were addressed by the Special Commission and are noted in the Handbook.</i>	X
	[c] The Apostille was not signed.	
	[d] One or more of the standard informational items were not filled in.	
	[e] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[f] The underlying public document was in electronic form.	
	[g] The underlying public document had expired / was not issued within a certain timeframe.	
	[h] The underlying document was not a public document under the law of the destination.	
	[i] Other.	
	[j] Unknown.	
[k] No / Not applicable.		

<p><i>For Parties that answered other than "No" to Q32.</i></p> <p>32.1. If an Apostille was rejected, what action did you take?</p>	[a]	The Apostille was reissued.	
	[b]	Contacted the receiving authority.	X
	[c]	Contacted the Competent Authority of the place of destination.	X
	[d]	Contacted nearest diplomatic mission of the place of destination.	X
	[e]	Contacted own diplomatic mission accredited to the place of destination.	X
	[f]	Contacted the Permanent Bureau.	X
	[g]	No action taken.	
	[h]	Other.	
	[i]	Unknown.	
33.	<p>Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?</p> <p>[a] Yes. <i>We have received requests to confirm our procedures but have responded through diplomatic channels that such requests are inconsistent with Convention obligations.</i></p>		
34.	<p>Has an Apostille received by your authorities ever been refused on the following grounds:</p>		
	[a]	The issuing State was not a Contracting Party to the Apostille Convention.	
	[b]	Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c]	The manner in which the Apostille was affixed / attached to the underlying document.	
	[d]	The Apostille was not signed.	
	[e]	One or more of the standard informational items were not filled in.	
	[f]	The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[g]	The underlying public document was in electronic form.	
	[h]	The underlying public document had expired / was not issued within a certain timeframe.	
	[i]	The underlying document was not a public document under the law of the destination.	
	[j]	Other.	
[k]	Unknown.		

	[i] No / Not applicable.	X
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[a] Yes, if possible, in person.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[a] Yes, if possible, in person.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
40. The Permanent Bureau is in the process of drafting a 2 nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <i>Please note that answers to this question will not be incorporated into the first draft of the 2nd edition. The PB will take them into account in preparing subsequent drafts.</i> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	