



Ad-Hoc Query on Legalisation and verification of documents

Requested by NL EMN NCP on 22 March 2011

Compilation produced on 29 April 2011

Responses from Estonia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Portugal, Slovak Republic, Spain plus Sweden (12 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

To be eligible for a residence permit an applicant must meet certain requirements. Sometimes this means that the applicant needs to provide documents about his marital status, his nationality, his birth, or documents that describe a certain legal position, like the custody over a child. These documents need to be translated and legalized before they can enter the Dutch juridical system. Verification of the document – investigation of the content of the document– is optional not mandatory. Whether or not the content of a document will be verified depends on the whole dossier, earlier documents, etc.














2. Responses¹

		Wider Dissemination?²	1. Does the possibility of verification of documents before accepting them in your juridical system exist in your country?
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.











² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination

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			2. Is the verification of documents an optional or a mandatory process in your country?
	Austria	Yes	
	Belgium	Yes	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	According to the Aliens Act a document issued in a foreign state in a foreign language must be translated into Estonian, Russian or English language and the correctness of the translation must be notarised. A document issued in a foreign state must be legalised or certified with an Apostil unless otherwise provided for in an international agreement.
	Finland	Yes	1. Yes. 2. In normal residence permit process, legalisation of documents regarding family life (marital status, marriage contracts, custody over a child) is mandatory. If the document was presented in asylum process, legalisation is optional.
	France	Yes	
	Germany	Yes	1. Yes 2. Is optional, not mandatory.
	Greece	Yes	
	Hungary	Yes	1. Yes, the Hungarian practice is the same as the Netherlands. 2. It is optional Upon request for checks, third-country nationals shall produce and surrender their travel documents, authority to reside and other personal identification documents. In the event that any travel document is found in the possession of a third-country national that is issued to another person, and is held illegally by the third-country national, it shall be confiscated and - if no criminal charges are filed - sent to the Hungarian mission of the issuing State, or failing this, it shall be returned to the issuing agency via the minister in charge of foreign policies. Hungary is member of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.
	Ireland	Yes	

the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	Italy	Yes	When the foreign document is released according to the law, namely when the document has been translated and legalized by the Italian diplomatic / consular representations, that is it has been provided with "apostilles", the Italian authorities do not perform any further checks for document acceptance purposes. If the public officer has doubts about the legality of the document that has been translated and authenticated or provided with "apostilles", he/she must report the matter to the judicial authority as this offense in Italy always implies prosecution.
	Latvia	Yes	1. Document Legalisation Law stipulates that if consular official who is legalising a document, has a doubt if the document is authentic, s/he contacts the organization abroad who has issued the particular document. Other means of verification/authentication are not included into Latvian legislation acts. 2. Verification of documents is not mandatory; it can be carried out if official, working on the particular case, has a doubt about the content of document.
	Lithuania	Yes	1. According to the rules, the content of the documents is not verified at the moment of accepting the application. It is (or can be) verified during the examination of the application. 2. Optional.
	Luxembourg	Yes	
	Malta	Yes	
	Netherlands	Yes	1. Yes 2. Is optional, not mandatory
	Poland	Yes	
	Portugal	Yes	1. Yes 2. Optional
	Romania	Yes	
	Slovak Republic	Yes	1. Yes 2. In the Slovak Republic it is a mandatory process. Every document that a person officially submits to Slovak authorities must be in Slovak or an original accompanied by its official translation into Slovak. An official translation is a translation done by a court translator included in the list of experts, translators and interpreters of the Ministry of Justice of the Slovak Republic, which can be found on the website http://jaspi.justice.gov.sk If a person needs to submit a document to a Slovak authority which was issued by a foreign authority, such document must have higher authentication. Higher authentication certifies that the given document was issued or authenticated by an eligible authority or person. Higher authentication has two forms: § Legalisation: This is a simpler form of authentication. It is used for the higher authentication of documents issued in a country that signed the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (the so-called Hague Convention). Legalisation (by an 'apostille') is provided by a pertinent authority in the country in which the authenticated document was issued (frequently the ministry of foreign affairs, ministry of justice etc.).

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			<p>The competent authorities of individual countries can be found at www.hcch.net.</p> <p>§ Super legalisation: This is more complex form of authentication. It is used for the higher authentication of documents issued in a country which did not sign the Hague Convention. Usually, this document must be authenticated by one or more authorities in the country in which the document was issued (for example, the ministry of justice and the ministry of foreign affairs); the document must then be authenticated by the diplomatic mission of the country in which the document should be used, i.e. a diplomatic mission of the Slovak Republic.</p>
	Slovenia	Yes	
	Spain	No	-
	Sweden	Yes	<p>1. Yes</p> <p>2. Is optional – not mandatory</p>
	United Kingdom	Yes	
	Norway	Yes	
