Content

Title：	Document Legalization Act for the Ministry of Foreign Affairs and Overseas Missions Ch
Date：	2010.06.15
Legislative：	Stipulated by Presidential Decree Hua Zong Yi Yi Zi No. 09900150581 on June 15, 2010 Approved by Executive Yuan Letter Yuan Tai Wai Zi No. 1000055112 on November 2, 2011 Promulgated on November 16, 2011
Content：	**Article 1** Document legalization by the Ministry of Foreign Affairs (hereinafter referred to as "the Ministry") and overseas embassies, consulates general, consulates, representative offices, offices, and other agencies authorized by the Ministry (hereinafter referred to as "overseas missions") is governed by this Act. **Article 2** The competent authority for this Act is the Ministry of Foreign Affairs. **Article 3** The terms used herein denote the following: 1. Document legalization: document authentication and certificate issuance. 2. Document authentication: the process by which the Ministry or an overseas mission, upon application by parties directly related to the document(s) or other interested persons, confirms the authenticity of the signature or seal of the document's issuing authority, authorized signatory or a notary public, or the existence of the document in form, by comparing it against signatures and seals on file, or by other appropriate means. 3. Certificate issuance: the process by which the Ministry or an overseas mission, upon application by parties directly related to the document(s) or other interested persons, issues a relevant certificate after comparing the photocopy of the document with the original copy or its exemplification, or confirming that the document's content conforms to the purpose of the application in accordance with the laws and regulations of the Republic of China (hereinafter referred to as the

"ROC") or requests by foreign agencies.

4. Consular officer: diplomatic and consular personnel or other personnel assigned by the Ministry to perform consular affairs.

Article 4

An overseas mission shall perform duties in its consular jurisdiction area in accordance with the Act.

Article 5

When applying for document legalization, the applicant shall provide his or her identification document and submit an application form with the following information:

1. The applicant's name, gender, date of birth, ID document number, current and permanent address; in the case of a corporation, institution or other organization, its name and office location as well as the number of its relevant license or certificate;
2. If application is made by an agent or legal guardian, his or her name, gender, date of birth, ID document number, and current and permanent address;
3. Purpose and use of the application;
4. The name and number of documents and supporting documents; and
5. Date of application.

The application form shall be signed or stamped by the applicant or his or her agent or legal guardian. If a fingerprint is used instead of a signature, the applicant's name shall be written down by another person, who shall state the reason(s) for doing so and sign.

A letter of authorization shall be provided if the application is submitted by an agent.

Article 6

The Ministry and overseas missions, in the conduct of document legalization, may, when necessary, inquire of relevant institutions, organizations, or individuals in the ROC and abroad, and may request their assistance.

Article 7

In the conduct of document legalization by the Ministry or overseas missions, the responsible consular officer shall sign or stamp the authentication or certificate with his or her name, official title and the name of the Ministry or the overseas mission, and affix its official seal.

Under special circumstances, overseas missions may use other names or titles approved by the Executive Yuan or the Ministry.

Article 8

The Ministry may authenticate the original copy or exemplification of the following documents:

1. Documents notarized or attested by an ROC notary public;
2. Certificates issued by, or documents notarized or authenticated by, overseas missions; and
3. Certificates issued by, or documents notarized, attested, or authenticated by, diplomatic missions in the ROC or representative offices or agencies authorized by foreign governments.

The Ministry may authenticate photocopies of the following documents:

1. Documents authenticated in accordance with this Act; and
2. Certificates issued by overseas missions.

Article 9

An overseas mission may authenticate the original copy or exemplification of the following documents:

1. Documents authenticated by the Ministry;
2. Notarial certificates from mainland China verified or authenticated by institutes established or designated by, or private organizations commissioned by, the Executive Yuan;
3. Documents notarized or attested by a notary public within the consular jurisdiction;
4. Documents issued or authenticated by local government agencies within the consular jurisdiction;
5. Documents issued or authenticated by an embassy, consulate, or representative office of a foreign country that falls within the consular jurisdiction; and
6. Private documents issued or executed by the parties concerned within the consular jurisdiction.

Photocopies of the documents mentioned in the preceding paragraph which have been certified as a true copy by the issuing authority or its superior authority may also be authenticated by an overseas mission.

An overseas mission may authenticate photocopies of the following documents:

1. Documents authenticated in accordance with this Act; and
2. Photocopied documents certified as identical copies by the Ministry in accordance with subparagraph 2 of Article 16 of this Act.

Article 10

The overseas mission shall only provide legalization of

documents issued within its jurisdiction. However, if the application is considered a special case and document verification is not difficult, the overseas mission may provide the service upon approval from the Ministry.

Article 11

The Ministry or any overseas mission shall reject applications for document authentication under any of the following circumstances. However, where possible, the Ministry or overseas missions may allow the applicant to provide supplemental information within a requested time period.

1. The application is not within the scope of items for document authentication, as defined in this Act;
2. The application is submitted to an overseas mission not having proper consular jurisdiction, in violation of the preceding article.
3. The purpose of the application or the content of the document is clearly in violation of ROC law, inimical to national interests, inconsonant with public order or morals, or otherwise inappropriate.
4. The purpose of the application or the content of the document is clearly in violation of international treaties or customs, or the local statutes of the country or area within the consular jurisdiction of the overseas mission.
5. The document is clearly a forgery, counterfeit, or fraudulently altered.
6. The document cannot be verified because the agencies of relevant countries or areas refuse to provide assistance, or due to other reasons.
7. The photocopy submitted in accordance with the second paragraph of Article 9 of this Act has not been certified by the issuing authority or its superior authority.
8. The document has yet to be authenticated, notarized, or attested to by relevant authorities or a notary public in accordance with a request from the overseas mission as stipulated in the second paragraph, in subparagraph 2 of the third paragraph, and in the fourth paragraph of Article 12 of this Act.
9. The original copy or the exemplification of the document has not been submitted in accordance with the first paragraph of Article 13 of this Act.
10. The application does not meet relevant legal formalities or other requirements.

For documents issued in countries or areas which do not recognize authentication by the ROC, the application for

authentication may be rejected.

Article 12

In the conduct of document authentication as stipulated in the first paragraph of Article 8, the Ministry shall compare and verify whether the signature or seal of the authorized signatory on the original copy or its exemplification conforms to the signature or seal on file.

In the conduct of document authentication as stipulated in subparagraphs 1-5 of the first paragraph of Article 9, an overseas mission shall compare and verify whether the signature or seal of the authorized signatory on the original copy or its exemplification conforms to the signature or seal on file. Where there is no signature or seal on the document or no file to compare with, the overseas mission may request that the applicant submit the document for authentication to the superior authority of the document's issuing authority or to the competent authority which has provided its specimen signature or seal to the overseas mission; or it may verify the existence of the document in form by other appropriate means.

An overseas mission may conduct document authentication as stipulated in subparagraph 6 of the first paragraph of Article 9 by the following means:

1. When authenticating the validity of an applicant's signature or seal on a private document, the overseas mission shall request that the applicant sign the document in person or acknowledge the signature or seal as his or her own in front of a consular officer or other person designated by the head of the overseas mission.
2. When authenticating other private documents, the overseas mission may request that the document be notarized, attested to or authenticated by a local notary public or relevant competent authority in its consular jurisdiction before being submitted to the overseas mission; or it may verify the existence of the document in form by other appropriate means.

When conducting authentication of photocopies of documents as stipulated in the second paragraph of Article 9, an overseas mission shall compare and verify whether the signature or seal of the authorized signatory of the issuing authority or its superior authority, which certifies photocopies of the documents as true copies, conforms to the signature or seal on file. Where there is no signature or seal to compare with, the overseas mission may request that the applicant submit the document for authentication to the

superior authority of the document's issuing authority or its competent authority which has provided its specimen signature or seal to the overseas mission; or it may verify the existence of the document in form by other appropriate means.

Article 13

When authenticating photocopies of documents stipulated in the second paragraph of Article 8, or subparagraph 1 of the third paragraph of Article 9, the Ministry or overseas mission, respectively, shall request that the applicant provide the original copy or its exemplification and verify whether the photocopy and the original copy are identical and whether the signature or seal of the Ministry or the overseas mission on the original copy or its exemplification is authentic.

In the conduct of document authentication as stipulated in subparagraph 2 of the third paragraph of Article 9, an overseas mission shall verify the validity of the existence of the document in form by appropriate means.

Article 14

Once the submitted document has been authenticated in accordance with this Act, the Ministry or the overseas mission shall issue a legalization certificate in accordance with Article 7 of this Act, and an authentication seal or legalization certificate shall be affixed to the document; other notes may be added if needed. An application shall be denied where a document is found to be inauthentic.

If deemed inappropriate or at the request of the applicant, the authentication seal or the legalization certificate may be affixed to the photocopy of the document instead of to the original copy or its exemplification after the document has been authenticated in accordance with this Act, along with a note indicating that the photocopy conforms to the original or its exemplification and that the original copy or its exemplification has been authenticated; other notes may be added if needed.

Article 15

Document authentication only certifies the authenticity of the signature or seal of the document's issuing authority, authorized signatory, or the existence of the document in form. It does not validate the contents of the document for which it was issued.

Article 16

The Ministry may issue certificates for the following:

1. To certify the photocopy of an ROC passport as a true copy;
2. To certify as an identical copy the photocopy of a document issued by a foreign institution which has yet to be authenticated by an overseas mission. However, said certificate's validity shall be limited to specific documents declared by the Ministry as ones that will be sent to an overseas mission for authentication.

Article 17

An overseas mission may issue certificates for the following:

1. To certify the photocopy of an ROC passport as a true copy;
2. In cases in which ROC laws and regulations require that the certificate be issued by an overseas mission; and
3. In cases in which the certificate is required by a foreign agency in the consular jurisdiction, and is requested by an applicant, provided that the request does not contravene the laws of the ROC.

Article 18

Those who apply for certificates in accordance with Article 16 or subparagraph 1 of Article 17 shall provide the original copy of the document.

Those who apply for certificates in accordance with subparagraphs 2 and 3 of Article 17 shall provide supporting documents that have been properly certified.

Article 19

The Ministry or an overseas mission shall refuse requests for certificate issuance in any of the following circumstances. However, where possible, the Ministry or overseas missions may allow the applicant to provide supplemental information within a requested time period.

1. The application is not within the scope of items for certificate issuance, as defined in this Act.
2. The circumstances defined in subparagraphs 3 to 6 and 10 of the first paragraph of Article 11 apply.
3. The applicant fails to provide documents mentioned in the preceding article.
4. The supporting documents provided by the applicant were issued within the ROC but have yet to be authenticated by the Ministry in accordance with Article 8 of this Act.
5. The supporting documents provided by the applicant were issued outside the ROC, and have yet to be properly authenticated.

Under the circumstances mentioned in subparagraph 4 of the preceding paragraph, an overseas mission may accept the application if it has no difficulties in verifying the supporting documents and if the applicant agrees to pay fees associated with verification.

Article 20

When issuing a certificate as stipulated in Article 16 or subparagraph 1 of Article 17, the Ministry or overseas mission, respectively, shall verify whether the photocopy of the document conforms to the original copy or its exemplification.

An overseas mission issuing a certificate as stipulated in subparagraphs 2 and 3 of Article 17 shall review the contents of supporting documents and confirm their relevance to the application.

Article 21

When issuing a certificate as stipulated in Article 16 or subparagraph 1 of Article 17, the Ministry or overseas mission, respectively, shall verify that the photocopy conforms to the original copy or its exemplification and issue an certificate in accordance with Article 7 of this Act, and then affix the authentication seal or the legalization certificate to the photocopy to certify it as a true copy; other notes may be added if needed. The application shall be rejected if the photocopy is found not to conform to the original copy or its exemplification.

An overseas mission issuing a certificate as stipulated in subparagraphs 2 and 3 of Article 17 shall review the contents of supporting documents and, when confirming they are relevant to the application, issue a certificate in accordance with Article 7. The application shall be rejected if any supporting document is found to be inconsistent with the application.

Article 22

Articles 210 to 212 and Articles 214 to 218 of the Criminal Code apply to those who commit crimes at overseas missions or at the offices of institutes in Hong Kong or Macau established or designated by, or private organizations authorized by, the Executive Yuan.

Article 23

The Ministry or overseas missions may reject or deny applications in accordance with Articles 11, 14, 19, and 21 of this Act by verbal or written notice. However, if the applicant or an interested party requests written notification, the Ministry or overseas mission shall not

deny such a request.
If the applicant or interested party disagrees with the Ministry or the overseas mission's rejection or denial of the application, he or she may state reason(s) and provide relevant document(s) in a written objection within 15 days of the initial rejection. Where the Ministry or the overseas mission finds the objection reasonable, it shall deal with the case appropriately within 15 days. Where the objection is considered to be unreasonable, the Ministry or the overseas mission shall inform the applicant or interested party of its decision to maintain the original rejection or denial of the application by written notice within 30 days. If the applicant or interested party still disagrees with the rejection or denial of the objection, he or she may file an administrative appeal or an administrative litigation.

Article 24

After this Act enters into force, all issues related to attestation or authentication which according to any other law or regulation is to be performed by overseas missions shall follow this Act.

Article 25

Except where otherwise stipulated by law, the provisions set forth in this Act shall apply mutatis mutandis to institutes and organizations in Hong Kong or Macau authorized by the Executive Yuan when conducting document legalization.

Article 26

Regulations regarding the archiving and destruction of documents used for document legalization procedures mentioned in this Act shall be prescribed by the Ministry.

Article 27

Standard fees for document legalization covered by this Act shall be prescribed by the Ministry.

Article 28

The enforcement rules for this Act shall be prescribed by the Ministry.

Article 29

This Act shall be take effect on and from the date assigned by the Executive Yuan.

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