

Questions

- 1. *Criterion for characterising diplomas as public documents:*** Do the competent authorities of your State issue Apostilles for diplomas and any other education documents? If so, do the competent authorities make a distinction between diplomas issued by 'private' institutions and diplomas issued by 'public' institutions? If any, what are the other criteria under the law of your State to determine whether or not a diploma is a public document falling within the scope of the Apostille Convention? Please describe any relevant State practice in this respect. [In Arkansas Diplomas must be notarized by a notary of the state before the document can have an Apostille or Certification created by the Arkansas Secretary of State.](#)
- 2. *Procedure leading to an Apostille in relation to diplomas – Nature of the public document to which the Apostille relates:*** Has your State adopted special rules / procedures / policies for the issuing of Apostilles in relation to diplomas (see the comments above on the relevant practices in the United Kingdom and the Netherlands)? In particular, are diplomas apostilled directly or does the relevant procedure require a prior **certification** of the diploma (by a Notary, Solicitor, Agency, or any other competent authority or person) and the Apostille is then being issued for this certificate? Please describe the full procedure to get an Apostille in relation to a diploma (whether directly or for a prior certificate). If any, which authorities are competent to certify the diploma prior to the issuance of an Apostille? [Arkansas does not set aside any special rules or regulations for diplomas. The original diploma will either need to be notarized by someone at the school from which the diploma was obtained or the person may make a copy of the diploma and make the statement that the diploma is a true and perfect copy. At that time the Apostille/Certification can be obtained.](#)
- 3. *Competent authority to issue Apostilles:*** Some States (such as Estonia, Kazakhstan, Slovakia, Ukraine) have designated one or more specific competent authority to issue Apostilles in relation to diplomas only. For these States, what were the reasons for the designation of a distinct body to deal with these documents? What is your experience with respect to the practical operation of this body? If your State has not (yet) designated a specific competent authority for the issuing of Apostilles in relation to diplomas, does it intend to do so? Please explain. [Arkansas Secretary of State's Office issues all Apostilles/Certifications for documents notarized in Arkansas.](#)
- 4. *Original or certified copy?*** The 2003 Special Commission concluded that an Apostille may also be issued on a certified copy of a public document; however, States may decline to issue an Apostille for a certified copy of a document on the grounds of public policy (see Conclusion and Recommendation No 11 of the 2003 SC meeting). Does your State consider that diplomas fall within the public policy exception and that, therefore, Apostilles may not be issued in relation to certified copies of diplomas (whether directly or indirectly)? [In Arkansas Apostilles / Certifications can be attached to documents that are notarized with a statement that the document is a True and Perfect Copy.](#)
- 5. *On-line diplomas:*** Do the competent authorities in your State issue Apostilles in relation to on-line diplomas? If so, what are the means and procedures to ensure that an on-line diploma has indeed been issued by an institution of your State? [All documents must be either originals with a notary signature on them or notarized as true and perfect copy with an original statement saying the](#)

document is a true and perfect copy. This is the only way any document in Arkansas can be given an Apostille or Certification.

6. ***Raising the public awareness?*** To the general public, it may not always be clear what the Apostille certifies. People tend to overlook the fact that an Apostille only authenticates “the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears” (see Arts. 2 and 3 of the Convention). If, for example, the Apostille relates to a notarial certificate, it may not always be clear to the general public that it is the notary’s signature that is certified by the Apostille, not the signature(s) on the underlying diploma to which the notarial certificate relates. Do you think it is necessary or, if not, at least desirable, to emphasise

for diplomas in particular that an Apostille does not relate to the content of the underlying public document (*e.g.*, by adding a special Note or caveat to the Apostille certificate)? I believe this would be a good idea. The assumption above is correct, most people do not know what an Apostille means nor do they know that it does not constitute the validity of the document, just the signature of the notary who witnessed a signature.

7. Do you have ***any other comments or suggestions*** relating to the issuance of Apostilles in relation to diplomas?