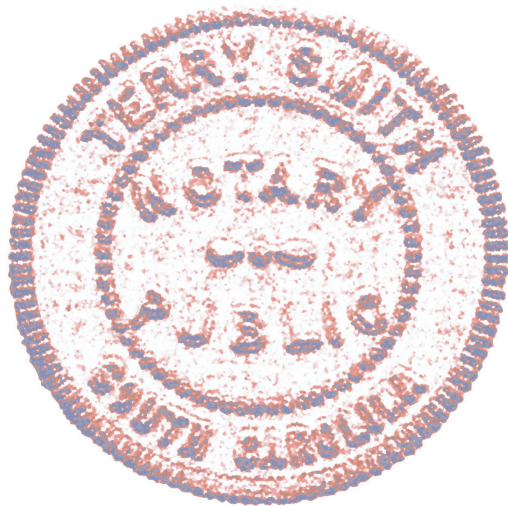


‘WHAT IS A NOTARY PUBLIC?’



This brochure explains, in clear and simple terms, the function and purpose of the Notary Public office in the United States. The National Notary Association provides this important information as a public service to consumers, immigrants and others who depend on Notaries to lend trust to their documentary transactions. As an advocate for sound notarial laws, the NNA is in strong support of the Federal Government's major initiative to combat abuses of consumers and immigrants.

What is a Notary Public?

A responsible person appointed by state government to witness the signing of important documents and administer oaths.

Why are documents notarized?

To deter fraud. An impartial witness (the Notary) ensures that the signers of documents are who they say they are and not impostors. The Notary makes sure that signers have entered into agreements knowingly and willingly. In a society in which business dealings between strangers are the norm rather than the exception, Notaries create a trustworthy environment where strangers are able to share documents with full confidence in their authenticity.

May any document be notarized?

For a document to be notarized, it must contain: 1) text committing the signer in some way, 2) an original signature (not a photocopy) of the document signer, 3) a notarial "certificate" which may appear on the document itself or on an attachment. The Notary fills in the certificate, signs it, then applies his or her seal to complete the notarization.

Is notarization required by law?

For many documents, yes. Certain affidavits, real estate deeds and other documents may not be legally binding unless they are properly notarized.

How does a Notary identify a signer?

Generally, the Notary will ask to see a current identification document that has a photograph, physical description and a signature. A driver's license, military ID or passport will usually be acceptable.

How much does a notarization cost?

Fees vary — as much as \$10 in some states and as little as 50 cents in others — according to state law.

Does notarization mean that a document is "true" or "legal"?

No. Notaries are not responsible for the accuracy or legality of documents they notarize. Notaries certify the identity of signers. The signers are responsible for the content of the documents.

May a Notary give legal advice or draft legal documents?

Absolutely not. A Notary is forbidden from preparing legal documents for others or acting as a legal advisor unless he or she is also an attorney. Violators can be fined or jailed for the unauthorized practice of law.

May a Notary notarize immigration forms?

Only a few immigration forms need to be notarized, including the Affidavit of Support (I-134).

May a Notary prepare or offer advice on immigration forms?

U.S. Citizenship and Immigration Services (USCIS) regulations state that no one may help prepare or file another person's immigration papers unless he or she is an attorney or a U.S. Justice Department-approved "accredited representative." Nonattorneys may provide clerical, secretarial or translating assistance with USCIS forms, as long as no advice or interpretation is given. Courts have held that even a nonattorney's selection of which legal forms to complete can constitute the unauthorized practice of law.

May a Notary refuse to serve people?

Only if the Notary is uncertain of a signer's identity, willingness or general competence, or has a good reason to suspect fraud. Notaries should not refuse to serve anyone because of race, religion, nationality, lifestyle, or because the person is not a client or customer. Discrimination on any basis is not a suitable policy for a public official.

How does a U.S. Notary differ from a *Notario Publico*?

A U.S. Notary is not the same as a Latin *Notario Publico*. In Latin America, a *Notario Publico* is a high-ranking official like a judge, or an attorney. Unlike a *Notario Publico*, a U.S. Notary is forbidden from preparing legal documents or giving advice on immigration or other matters, unless he or she is also an attorney.

Where do I report illegal or improper acts by a Notary?

Any wrongdoing or illegal activity should be reported to law enforcement or to the appropriate state Notary-regulating office (secretary of state, governor, lieutenant governor or attorney general).

National Notary Association

The National Notary Association is a nonprofit organization serving the nation's 4.8 million Notaries.



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