

What Is a Notary Public?

The National Notary Association is providing this information as a public service to consumers, immigrants and others who depend on Notaries to lend trust to their document transactions. As an advocate for sound Notary laws, the NNA supports 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 authenticate the signing of important documents and administer oaths.

Why are documents notarized?

To increase public trust in transactions and to deter fraud. As an impartial witness, the Notary ensures that the signers of documents are who they say they are. The Notary also makes sure that signers have entered into agreements knowingly and willingly. In a society in which business dealings between strangers are the norm, Notaries create a trustworthy environment where people can share important documents with full confidence in their authenticity.

May any document be notarized?

For a document to be notarized, it must have the following:

- (1) Language that commits the signer in some way.
- (2) An original signature by the document signer.
- (3) A notarial certificate which may appear on the document itself or as an attachment.

Is notarization required by law?

For many documents, yes. Documents like real estate deeds and certain affidavits are not legally binding unless they're properly notarized.

How does a Notary identify a signer?

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

How much does a notarization cost?

Fees are set by state law, so they vary. The cost can range from 50 cents to \$15, depending on your state.

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?

No. A Notary is forbidden from preparing legal documents 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 Notary Public differ from a *Notario Publico* ?

Though they sound similar, the roles and duties are very different. In Latin America, a *Notario Publico* is an attorney or a high-ranking official (such as a judge). In the United States, a 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 office that regulates Notaries, such as the secretary of state, governor, lieutenant governor or attorney general.

The National Notary Association is a nonprofit organization serving the nation's 4.4 million Notaries.



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