

Levitt and Quinn guides

Levitt and Quinn International Service Guide

The United States is a party to two international treaties regarding service of process abroad: The Hague Service Convention and The Inter-American Convention and Additional Protocol to that Convention.

Two checklists are provided outlining the general process of each treaty and additional country specific information is provided for the most frequent occurring countries that Levitt and Quinn encounter in practice. Both the checklist and country specific information should be consulted.

General Note: the following guide is in reference to service of process abroad with the goal of obtaining enforceable orders inside the United States. If the goal is to obtain enforceable orders outside the United States the requesting party should contact local counsel in the receiving country to ensure compliance with local law.

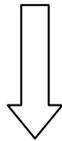
Hague Service Convention

Hague Service is only necessary for initial “service of process” which is the formal delivery of documents that is legally sufficient to charge defendant with notice of pending action.¹

Petitioner MUST know respondent’s address as the Hague Service Convention does not apply when the address is unknown. (Article 1: http://www.hcch.net/index_en.php?act=conventions.text&cid=17)

Requesting State

- (1) Officer competent to serve process² in state of origin sends request
Along with at least 2 copies (in each language) of documents to be served to the Central Authority of recipient country using form USM-94 from US Marshals Service.
Or the online interactive form http://www.hcch.net/upload/act_form14e.pdf



Central Authority Recipient Country

- (1) Arranges service in manner permitted within receiving state.
- (2) Once service is affected Central Agency sends 3 forms
 1. Request for service
 2. Summary of proceedings
 3. Certificate of service
- (3) Certificate creates rebuttable presumption of valid service in requesting state.

¹ Volkswagenwerk Aktiengesellschaft v Schlunk (1988) 486 U.S. 700

² The persons and entities within the United States competent to forward service requests pursuant to Article 3 include any court official, any attorney, or any other person or entity authorized by the relevant rules of civil procedure. Requesters should cite Rule 4 of the Federal Rules of Civil Procedure or similar state statute.

Inter-American Service Convention

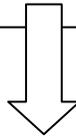
Some courts³ have found that even if a state is a party to the Inter-American Service Convention US residents are not precluded from other means of service as provided in Federal Code of Civil Procedure 4(f) (or its counterpart state statutes⁴) as long as the contracting state has not specifically voiced its rejection to another type of service.

Step One

Submit a request for service in a foreign country party to the Convention and Additional Protocol on a form USM-272 (English) and USM 272A (Spanish), available at the office of any United States Marshal or the U.S. Department of Justice's contractor, Process Forwarding International (PFI).

Form USM 272/272A acts as a Letter Rogatory and should be accompanied by the following documents:

- (1) An authenticated copy⁵ of the complaint with its supporting documents, and of other exhibits or rulings that serve as the basis for the measure requested;
- (2) Written information identifying the judicial or other adjudicatory authority issuing the letter, indicating the time-limits allowed the person affected to act upon the request, and warning of the consequences of failure to do so;
- (3) Certified translation of all documents⁶
- (4) Department of State Fee of \$25 in the form of a check.⁷



Step Two

Send the Letter Rogatory with attachments as well as a cover letter and a copy of each document (including a copy of each translated document) to the US Central Authority at:

Office of American Citizen Services, (CA/OCS/ACS),
U.S. Department of State, SA-29 4th Floor,
2201 C Street NW, Washington, DC 20520-0001.
Phone 1-888-407-4747.

³ See Kreimerman v. Casa Veerkamp, S.A. de C.V., 22 F.3d 634, 644 (5th Cir.)

⁴ California Code of Civil Procedure Section 413.10: Except as otherwise provided by statute, a summons shall be served on a person: (c) Outside the United States, as provided in this chapter or as directed by the court in which the action is pending, or, if the court before or after service finds that the service is reasonably calculated to give actual notice, as prescribed by the law of the place where the person is served or as directed by the foreign authority in response to a Letter Rogatory.

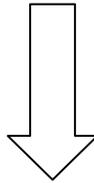
⁵ Letters Rogatory must be signed by a judge. The clerk should not sign on behalf of the judge. For most countries, the seal of the court and signature of the judge is sufficient.

⁶ The letters Rogatory and any accompanying documents must be translated into the official language of the foreign country. The translator should execute an affidavit as to the validity of the translation before a notary

⁷ This fee might be refunded if reciprocity exists between the US and the receiving country. See up to date list of fees available here: 22 CFR 22.1 Schedule of Fees <http://www.uscis.gov/ilink/docView/22CFR/HTML/22CFR/0-0-0-1/0-0-0-14/0-0-0-18.html>

The Cover letter should include the following elements:

- Name of case;
- Docket number;
- Foreign country;
- Nature of request: (service of process; compulsion of testimony; production of documents, etc.)
- Person to be served: (name and address mandatory, phone number if possible.)
- Mailing address of U.S. court to which the executed letters rogatory should be returned:
- Special instructions: (Example, Federal Express account number; U.S. hearing/trial date, etc.)
- Fee enclosed
- Deposit (if required) enclosed:
- Statement of responsibility for additional costs incurred in excess of the required deposit which accompanies the letter.
- Local foreign counsel (if any): (name and address, phone number)
- Name, address, telephone, fax number and email address of requesting attorney in United States.



Step Three

The Letters of Rogatory are sent along diplomatic channels to the foreign authorities, where service is affected in the receiving country. After service is affected the Letter of Rogatory along with attachments are generally returned to the Department of State via the diplomatic channel and the Office of American Citizens Services will send them to the requesting court in the United States via certified mail. Requesting counsel is also notified.

Country Specific Information

Ecuador

Signatory to: Inter-American Convention and Additional Protocol to that Convention

I) Inter-American Service Convention

- a. Central Authority: Although the website of the Inter-American Service Convention lists “Asesoría Técnico-Jurídica of the Ministry of Foreign Affairs of Ecuador” as the Central Authority no contact information is provided. A few websites claim that Ecuador has abolished its central authority in April of 2003 and has yet to appoint another one.

II) Informal Service

- a. As no statement or reservation by Ecuador has been raised against service by registered mail or personal service, service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad.

Honduras

Although Honduras is a party to the Inter-American Convention on Letters Rogatory, it is not a party to the Additional Protocol to that Convention. The United States has a treaty relationship under that Convention only with states that are parties to both the Convention and the Additional Protocol.

Thus any method of service that complies with Federal or California Civil Procedure that does not conflict with local law, such as registered mail or personal service through local agents is available. A US Consular officer can notarize an affidavit of personal service for a fee of \$55.

Mexico

Signatory to: The Inter-American Convention and Additional Protocol to that Convention ; and the Hague Service Convention

I) Hague Service:

- a. Central Authority:
Ministry of Foreign Affairs
Directorate-General of Legal Affairs
Plaza Juárez No. 20, Planta Baja
Edificio Tlatelolco
Colonia Centro
delegación Cuauhtémoc
C.P. 06010
Mexico, Distrito Federal

Tel: +52 (55) 36865241 (switchboard)

Fax: +52 (55) 36865236

dgajuridicos@sre.gob.mx

<http://www.sre.gob.mx/english/>

Contact staff available here:

<http://www.sre.gob.mx/acerca/directorio/oficinas/dgasuntosjuridicos.htm> (spanish only)

- b. Translation:
Documents must be accompanied with a Spanish translation
 - c. Reservations
 - 1. No service by mail
 - 2. No service through diplomatic consul
 - 3. No personal service
 - 4. The only way to currently serve in Mexico under the Hague is through the Central Authority
- II) Inter-American Convention:
- a. Central Authority: Secretariat of Foreign Affairs of Mexico (same contact information as above)
 - b. Letters Rogatory tracking <http://www.sre.gob.mx/tramites/exhortos/default.htm>

El Salvador

Although El Salvador is a party to the Inter-American Convention on Letters Rogatory, it is not a party to the Additional Protocol to that Convention. The United States has a treaty relationship under that Convention only with states that are parties to both the Convention and the Additional Protocol.

Thus any method of service that complies with Federal or California Civil Procedure that does not conflict with local law, such as registered mail or personal service through a local agents is available. A US Consular officer can notarize an affidavit of personal service for a fee of \$55.

Colombia

Signatory to: The Inter-American Convention and Additional Protocol to that Convention

- I) Inter-American Convention
 - a. Central Authority: Ministry of Foreign Affairs, Carrera 6 No.9-46 Santa Fe de Bogota, D.C. Colombia. Tel. 57-1-2 832800 fax 57-1-2 866055, 2 861813
- II) Informal Service: It does not seem that Colombia has voiced any reservation regarding service by registered mail or personal service. Service by mail does not seem to be against Colombian local law, thus service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad

Peru

Signatory to: The Inter-American Convention and Additional Protocol to that Convention

I) Inter-American Convention

a. Central Authority: -

III) Informal Service: Peru has not made objection to service by mail or personal service. Thus service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad.

Thailand

Thailand is not a signatory to any treaty with the United States regarding Service of Process. In addition Thailand officials are not familiar with Letters of Rogatory and thus they should not be used.

Service of process may be accomplished through registered mail return receipt requested or personal service through a Thai attorney. There is a list of Thai attorneys available on the Department of State, Office of American Citizens Services website or from the US Embassy or Consulate in Thailand. Proof of Service would be in the form of an affidavit executed before US consular officer for a \$55 fee.

Philippines

The Philippines is not a signatory to any treaty with the United States regarding Service of Process. In addition Philippine officials are not familiar with Letters of Rogatory and thus they should not be used.

Service of process may be accomplished through registered mail return receipt requested or personal service through a Philippine attorney. There is a list of Philippine attorneys available on the Department of State, Office of American Citizens Services website or from the US Embassy or Consulate in the Philippines. Proof of Service would be in the form of an affidavit executed before US consular officer for a \$55 fee.

In addition according to the Department of State; Section 17, Rule 14 and Section 3, Rule 13 of the Philippine Rules of Court provide that process servers, sheriffs and deputies as well as other offices such as attorneys may affect service.

China

Signatory to: Hague Service Convention

I) Hague Service Convention

a. Central Authority:

Department of Judicial Assistance and Foreign Affairs
Ministry of Justice of the People's Republic of China
10 Chaoyangmen Nandajie, Chaoyang District
Beijing 100020
China

Tel. (8610) 6250-6239

Fax: +86 (10) 6520.5211
www.legalinfo.gov.cn/

Contacts: Mr Zhang Ming, E-mail: sfbzm@sina.com (languages of communication: Chinese, French), Ms LI Zhiying, E-mail: ivylee319@vip.sina.com, (languages of communication: Mandarin, English)

- b. Translation:
Documents to be served should be translated into Mandarin Chinese. The Convention form itself (USM-94) does not need to be translated.
- c. Fees:
All requests for service of process must be accompanied by an \$89 service fee, payable via international money order. The money order should be made payable to the Supreme People's Court of the People's Republic of China.
- d. Reservations:
 - 1. No service by mail

Korea

Signatory to: Hague Service Convention

I) Hague Service Convention

- a. Central Authority: National Court Administration
Attn.: Director of International Affairs
967, Seocho-dong, Seocho-gu
SEOUL 137-750
Republic of Korea
+82 (2) 3480 1734
international@scourt.go.kr
http://www.scourt.go.kr/scourt_en/index.html
- b. Secondary Authority: In addition to the Central Authority, documents may be sent to the clerk of the court for the judicial district in which the person is to be served.
- c. Translations: include 2 copies of the documents translated into Korean
- d. Reservations:
 - 1. No service through the mail
 - 2. No personal service
 - 3. No service directly through diplomatic consul

Canada

Signatory to: Hague Service Convention

I) Hague Service Convention

- a. Central Authority: Each province and territory has a Central Authority. Go here to find an updated list of each province's Central Authority
http://www.hcch.net/upload/auth14_ca.pdf
- b. In addition to the Central Authorities, the sheriffs, deputy-sheriffs, sub-sheriffs, clerk of the court or his/her deputy for the judicial district (except in Manitoba where there are no judicial districts) in which the person is to be served or the *huissiers* (only in Quebec) are competent to complete the certificate of service
- c. Translation:
Some provinces will require the document to be translated into French.
- d. Fees:
Include a payment of \$50 Canadian dollars made out to the correct authority:
Alberta: Provincial Treasurer of Alberta
British Columbia: Minister of Finance of British Columbia. Prepayment not required. We accept cheque, cash and money orders/drafts; no electronic transfers.
Manitoba: The \$50 CDN cost includes 20 km of travel distance by a Sheriff's Officer. Beyond that distance, there is an additional charge per kilometre. Payment is to the Minister of Finance, by check, money order or electronic transfer.
New Brunswick: Minister of Finance of New Brunswick
Newfoundland: Newfoundland Exchequer Account
Northwest Territories: Government of the Northwest Territories
Nova Scotia: Minister of Finance of Nova Scotia
Nunavut: Government of Nunavut
Ontario: Treasurer of Ontario
Prince Edward Island: Provincial Treasurer of Prince Edward Island. Prepayment not required. Accept checks, cash and money orders but no electronic transfers.
Quebec: Ministry of Finance of Quebec. Prepayment required. (for more information, see: www.justice.gouv.qc.ca/)
Saskatchewan: Department of Justice of Saskatchewan – Sheriff Services
Yukon: Territorial Treasurer of the Government of Yukon
- e. The average time for performance of service is:
Manitoba: 3 to 4 weeks
Quebec: one month (service); 3 weeks (notification)
New Brunswick: 2-4 weeks
Prince Edward Island: 2-3 weeks
Alberta: 3 weeks
Ontario: 4-6 weeks

- II) Informal Service: Canada has not made any reservations to personal service or service by mail.
However if the order needs to be enforceable in Canada, the Central Authority should be used for service.

Levitt & Quinn Family Law Center
International Service
Country Specific

**Levitt & Quinn Family Law Center
International Service Guidelines**

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Service through the Hague Service Convention

Hague Service is only necessary for initial “service of process” which is the formal delivery of documents that is legally sufficient to charge defendant with notice of pending action.⁸

Petitioner MUST know respondent’s address as the Hague Service Convention does not apply when the address is unknown. (Article 1: http://www.hcch.net/index_en.php?act=conventions.text&cid=17)

Step 1:

If the official language of the receiving country is not English, prepare 2 certified translated copies of all documents to be served, including USM-94. (Article 5 http://hcch.e-vision.nl/index_en.php?act=conventions.text&cid=17)⁹

Step 2:

Fill out form USM-94 from US Marshals Service¹⁰. This document must also be translated. Available online here: <http://www.usmarshals.gov/forms/usm94.pdf>

Step 3:

Determine if fee is required by receiving central authority (check country specific information, some require payment while others do not). Attach fee to documents to be served and form USM-94

Step 4:

An officer who is competent¹¹ in state of origin sends form USM-94, along with at least 2 copies in each language of documents to be served to the Central Authority of recipient country. (Article 3 http://www.hcch.net/index_en.php?act=conventions.text&cid=17)

Step 5:

Once service is completed, the foreign central agency will return the certificate of service directly to the applicant. (Article 6 http://hcch.e-vision.nl/index_en.php?act=conventions.text&cid=17)

⁸ Volkswagenwerk Aktiengesellschaft v Schlunk (1988) 486 U.S. 700 *Also see In re Jennifer O.*, 2010 Cal. App. LEXIS 626 (Cal. App. 2d Dist., May 6, 2010) Hague only necessary in service of process which is point that personal jurisdiction is taken, not at review or follow up hearings.

⁹ Although the official language of Article 5 of the Hague does not require a translation, the Central Authority of the receiving country usually requires a translation. Consult country specific information to determine if a translation might not be necessary.

¹⁰ http://travel.state.gov/law/judicial/judicial_680.html#hague, form USM-94 available here: <http://www.usmarshals.gov/forms/usm94.pdf>

¹¹ The persons and entities within the United States competent to forward service requests pursuant to Article 3 include any court official, any attorney, or any other person or entity authorized by the relevant rules of civil procedure. (http://www.hcch.net/index_en.php?act=authorities.details&aid=279) *California Code of Civil Procedure §414.10*: A summons may be served by any person who is at least 18 years of age and not a party to the action.

Inter-American Service Convention and the Additional Protocol: Service through Letters Rogatory

Note-Exception for Border Areas: In “border areas” service under the Inter-American Convention may be less cumbersome than the Hague Convention. Article 7 of the Inter-American Convention provides that “courts in border areas of the States Parties may directly execute the letters rogatory and not require legalization.” “Border area” is not defined under the Convention. (Article 7 <http://oas.org/juridico/english/treaties/b-36.html>)

Step 1:

Fill out form USM-272 (English) or USM 272A (Spanish), available online at <http://www.justice.gov/marshals/process/usm272.pdf>. In the space for the address of the US Central Authority: Office of International Judicial Assistance, Civil Division, Department of Justice, Todd Building, Room 1234, 550 11th Street, N.W. Washington, D.C. 20530 <http://www.oas.org/juridico/english/sigs/B-36.html>

Step 2:

Prepare Request for service. The request should contain the USM 272 form along with:

- (1) An authenticated copy of the complaint signed by a judge¹² with its supporting documents, and of other exhibits or rulings that serve as the basis for the measure requested; (Article 8 <http://www.oas.org/juridico/english/treaties/b-36.html>)
- (2) Written information identifying the judicial or other adjudicatory authority issuing the letter, indicating the time-limits allowed the person affected to act upon the request, and warning of the consequences of failure to do so; (Article 8 <http://www.oas.org/juridico/english/treaties/b-36.html>)
- (3) Where appropriate, information on the existence and address of the court-appointed defense counsel or of competent legal-aid societies in the State of origin. (Article 8 <http://www.oas.org/juridico/english/treaties/b-36.html>)
- (4) Two copies of each translation http://travel.state.gov/law/judicial/judicial_683.html#copies
- (5) Certified bank check (not personal check) to US Embassy (Name of city of receiving country)¹³. The schedule of fees is located at 22 CFR §22.1¹⁴. The current fee is \$2,275
- (6) Certified translation of all documents the official language of the foreign country. The translator should execute an affidavit as to the validity of the translation before a notary¹⁵

Step 3:

Prepare Cover Letter including the following elements:¹⁶ http://travel.state.gov/law/judicial/judicial_683.html#transmittaltostate

¹² See department of state website at http://travel.state.gov/law/judicial/judicial_683.html#signature

¹³ List of US Embassies available here <http://www.usembassy.gov/>

¹⁴ <http://www.uscis.gov/ilink/docView/22CFR/HTML/22CFR/0-0-0-1/0-0-0-14/0-0-0-18.html>

¹⁵ The letters Rogatory and any accompanying documents must be translated into the official language of the foreign country. The translator should execute an affidavit as to the validity of the translation before a notary http://travel.state.gov/law/judicial/judicial_683.html#translation

- a. Name of case;
- b. Docket number;
- c. Foreign country;
- d. Nature of request: (service of process; compulsion of testimony; production of documents, etc.)
- e. Person to be served or from whom evidence is to be obtained: (name and address mandatory, phone number if possible.)
- f. Mailing address of U.S. court to which the executed letters rogatory should be returned:
- g. Special instructions: (Example, Federal Express account number; U.S. hearing/trial date, etc.)
- h. Fee enclosed
- i. Deposit (if required);
- j. Statement of responsibility for additional costs incurred in excess of the required deposit which accompanies the letter;
- k. Local foreign counsel (if any): (name and address, phone number)
- l. Name, address, telephone, fax number and email address of requesting attorney in United States.

Step 4:

Submit a request for service to the US Central Authority. (Article 4
<http://www.oas.org/juridico/english/treaties/b-36.html>)

Requests for service of U.S. documents abroad under the Inter-American Service Convention should be sent to the U.S. Department of Justice's contractor, Process Forwarding International (PFI). Contact them at <http://www.hagueservice.net/> for information

¹⁶ See sample here http://travel.state.gov/law/judicial/judicial_683.html#sample

Informal Service of Process Abroad

Discussion of conflict with treaty obligations:

Inter-American Service Convention: Some courts¹⁷ have found that even if a state is a party to the Inter-American Service Convention US residents are not precluded from other means of service as provided in Federal Code of Civil Procedure 4(f) (or its counterpart state statutes¹⁸) as long as the contracting state has not specifically voiced its rejection to another type of service. Because the Department of State's website on service abroad only precludes service through informal means to countries who object to those means¹⁹ we assume that service by informal means is otherwise accepted.

Hague Service Convention: The Hague Convention specifically allows for service through informal channels such as international mail and service through agent. (Article 10 http://www.hcch.net/index_en.php?act=conventions.text&cid=17)

* However if a country who is a party to the Hague has objected to Article 10 a US resident is precluded from serving by mail or agent. http://travel.state.gov/law/judicial/judicial_680.html#treatyobligation

Step 1

Determine if recipient country is a signatory to a treaty with the United States and has objected to informal service procedures. If the recipient country has not objected under a treaty obligation proceed to Step 2. If they have objected you must serve formally, through treaty procedures.²⁰

Step 2:

Translate all documents to be served unless you know for a certainty that the receiving party can read and communicate in English. (CITE)

Step 3:

Mail documents to be served to recipient using International Registered mail, return receipt requested.²¹ This method may be used unless prohibited by the law of the receiving country.²² Consult the US Postal Service website to ascertain information on cost and availability of International Registered mail for the country in question. (<http://www.usps.com/business/international/welcome.htm>)

Step 4:

If personal service is desired you can retain local foreign attorney or process server.²³ The attorney can then execute an affidavit of service at nearest U.S. embassy or

¹⁷ See *Kreimerman v. Casa Veerkamp, S.A. de C.V.*, 22 F.3d 634, 644 (5th Cir.)

¹⁸ *California Code of Civil Procedure Section 413.10:* Except as otherwise provided by statute, a summons shall be served on a person: (c) Outside the United States, as provided in this chapter or as directed by the court in which the action is pending, or, if the court before or after service finds that the service is reasonably calculated to give actual notice, as prescribed by the law of the place where the person is served or as directed by the foreign authority in response to a Letter Rogatory.

¹⁹ See http://travel.state.gov/law/judicial/judicial_680.html#mail

²⁰ See list of countries who currently object to service through informal methods here http://travel.state.gov/law/judicial/judicial_680.html#treatyobligation note that Mexico has been left off this list, but they objected to Article 10.

²¹ This method of service is valid under both Federal law (Federal Rule of Civil Procedure 4(f)(2)(C)(ii) <http://www.law.cornell.edu/rules/frcp/Rule4.htm>) and California law (California Code of Civil Procedure §413.10(c) <http://law.justia.com/california/codes/2009/ccp/413.10-413.40.html>)

²² http://travel.state.gov/law/judicial/judicial_680.html#mail

²³ Personal Service is valid under California Code of Civil Procedure §415.10 (<http://law.justia.com/california/codes/2009/ccp/415.10-415.95.html>) and Federal Rules of Civil Procedure §4(f)(2)(C) <http://www.law.cornell.edu/rules/frcp/Rule4.htm>

consulate²⁴ or before a local foreign notary that can be authenticated by a U.S consular officer. http://travel.state.gov/law/judicial/judicial_680.html#mail

²⁴ List of US embassies abroad is available here: <http://www.usembassy.gov/>

Canada

- Service through international registered mail, return receipt requested acceptable.²⁵
- Signatory to: Hague Service Convention.²⁶
- Not signatory to: Inter-American Service Convention²⁷

1) Hague Service Convention

- a. **Central Authority:** Each province and territory has a Central Authority. See the Hague Service Convention website to find updated list of each province's Central Authority http://www.hcch.net/upload/auth14_ca.pdf
- b. **Translation:** Quebec may require the document to be translated into French. Other territories may require translation. See the Hague Service website for specific information: http://www.hcch.net/index_en.php?act=authorities.details&aid=248
- c. **Fees:** Include a payment of \$50 Canadian dollars made out to the correct authority:
Alberta: Provincial Treasurer of Alberta
British Columbia: Minister of Finance of British Columbia. Prepayment not required. We accept cheque, cash and money orders/drafts; no electronic transfers.
Manitoba: The \$50 CDN cost includes 20 km of travel distance by a Sheriff's Officer. Beyond that distance, there is an additional charge per kilometre. Payment is to the Minister of Finance, by check, money order or electronic transfer.
New Brunswick: Minister of Finance of New Brunswick
Newfoundland: Newfoundland Exchequer Account
Northwest Territories: Government of the Northwest Territories
Nova Scotia: Minister of Finance of Nova Scotia
Nunavut: Government of Nunavut
Ontario: Treasurer of Ontario
Prince Edward Island: Provincial Treasurer of Prince Edward Island. Prepayment not required. Accept checks, cash and money orders but no electronic transfers.
Quebec: Ministry of Finance of Quebec. Prepayment required. (for more information, see: www.justice.gouv.qc.ca/)
Saskatchewan: Department of Justice of Saskatchewan – Sheriff Services
Yukon: Territorial Treasurer of the Government of Yukon

- 2) **Service by mail/Personal Service:** Canada does not object to service through international mail or service through a private process server or personal service through a sheriff located in the judicial district you need service effected.
http://travel.state.gov/law/judicial/judicial_682.html

²⁵ http://travel.state.gov/law/judicial/judicial_682.html

²⁶ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

²⁷ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

China

- No service through mail²⁸
- Signatory to: Hague Service Convention²⁹ (Translations in Chinese are required³⁰)
- Not a signatory to: The Inter-American Convention and Additional Protocol to that Convention³¹

II) Hague Service Convention

- a. Central Authority: http://www.hcch.net/index_en.php?act=authorities.details&aid=243
Department of Judicial Assistance and Foreign Affairs
Ministry of Justice of the People's Republic of China
10 Chaoyangmen Nandajie, Chaoyang District
Beijing 100020
China
Tel. (8610) 6250-6239
Fax: +86 (10) 6520.5211
www.legalinfo.gov.cn/
Contacts: Mr Zhang Ming, E-mail: sfbzm@sina.com (languages of communication: Chinese, French), Ms LI Zhiying, E-mail: ivylee319@vip.sina.com, (languages of communication: Mandarin, English)
- b. Translation: Documents to be served should be translated into Mandarin Chinese. The Convention form itself (USM-94) does not need to be translated.
http://www.hcch.net/index_en.php?act=authorities.details&aid=243
- c. Fees: All requests for service of process must be accompanied by an \$89 service fee, payable via international money order. The money order should be made payable to the Supreme People's Court of the People's Republic of China.
http://travel.state.gov/law/judicial/judicial_694.html

- iii) Service by mail/Personal Service: The Chinese do not recognize or allow service by mail or agent. http://www.hcch.net/index_en.php?act=authorities.details&aid=243

²⁸See China's declarations re the Hague Service Convention #3 http://hcch.e-vision.nl/index_en.php?act=status.comment&csid=393&disp=resdn

²⁹ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

³⁰ See China's declarations re the Hague Service Convention:

http://hcch.e-vision.nl/index_en.php?act=status.comment&csid=393&disp=resdn

³¹ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Colombia

- Service through international registered mail, return receipt requested acceptable.³²
- Not a signatory to the Hague Service Convention.³³
- Signatory to The Inter-American Convention and Additional Protocol to that Convention³⁴

IV) Inter-American Convention

a. Central Authority: Ministry of Foreign Affairs, Carrera 6 No.9-46 Santa Fe de Bogota, D.C. Colombia. Tel. 57-1-2 832800 fax 57-1-2 866055, 2 861813
<http://www.oas.org/juridico/english/sigs/b-46.html>

- v) Service by mail/Personal Service: It does not seem that Colombia has voiced any reservation regarding service by registered mail or personal service. Service by mail does not seem to be against Colombian local law, thus service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad
http://travel.state.gov/law/judicial/judicial_680.html#mail

³² http://travel.state.gov/law/judicial/judicial_680.html#mail

³³ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

³⁴ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Ecuador

- Service through international registered mail, return receipt requested acceptable.³⁵
- Not a signatory to the Hague Service Convention.³⁶
- Signatory to: Inter-American Convention and Additional Protocol to that Convention³⁷

1) Inter-American Convention and Additional Protocol

- a. Central Authority: Although the website of the Inter-American Service Convention lists “Asesoría Técnico-Jurídica of the Ministry of Foreign Affairs of Ecuador” and “Ministry of Foreign Affairs, Technical and Legal Advisory Office, General Directorate of Legal Affairs” as the Central Authority no contact information is provided.³⁸ The Ministry of Foreign Affairs website lists their address as Carrión E1-76 y Av. 10 de Agosto, Quito, Ecuador.
<http://www.mmrree.gob.ec/> (under “Ministry”)

- 2) Service by mail/Personal Service: As no statement or reservation by Ecuador has been raised against service by registered mail or personal service, service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad as long as it is not against law in Ecuador.
http://travel.state.gov/law/judicial/judicial_680.html#mail. Ecuador has not objected to service through international registered mail. http://travel.state.gov/law/judicial/judicial_680.html#treatyobligation and <http://www.oas.org/juridico/english/Sigs/b-36.html>

³⁵ http://travel.state.gov/law/judicial/judicial_680.html#mail

³⁶ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

³⁷ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

³⁸ <http://www.oas.org/juridico/english/Sigs/b-36.html>

El Salvador

- Service through international registered mail, return receipt requested.³⁹
 - Not a signatory to the Hague Service Convention.⁴⁰
 - Not signatory to: Additional Protocol to the Inter-American Convention⁴¹
- 1) Inter American Service Convention: Although El Salvador is a party to the Inter-American Convention on Letters Rogatory, it is not a party to the Additional Protocol to that Convention. The United States has a treaty relationship under that Convention only with states that are parties to both the Convention and the Additional Protocol.
http://travel.state.gov/law/judicial/judicial_699.html
 - 2) Service by mail/Personal Service: El Salvador is not a party to any service treaty with the United States and thus has not raised reservations to service by mail⁴². Thus any method of service that complies with Federal or California Civil Procedure that does not conflict with El Salvadorian law, such as registered mail or personal service through local agents is available. http://travel.state.gov/law/judicial/judicial_680.html#mail

³⁹ http://travel.state.gov/law/judicial/judicial_680.html#mail

⁴⁰ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁴¹ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

⁴² See all reservations and declarations of El Salvador for the Inter-American Service Convention here <http://www.oas.org/juridico/english/sigs/B-36.html>, objection to service through mail or personal service is not raised.

Guatemala

- Service through international registered mail, return receipt requested acceptable.⁴³
- Not a signatory to the Hague Service Convention.⁴⁴
- Signatory to: Inter-American Convention and Additional Protocol to that Convention⁴⁵

1) Inter-American Convention and Additional Protocol

- a. Central Authority: (http://guatemala.usembassy.gov/acs_judicial_assistance.html)
Organismo Judicial
Corte Suprema de Justicia
21 Calle 7-70, Zona #1
Guatemala City, Guatemala
Tel: (011)(502) 232-0516
Contact: Secretaría Jurídica de la Presidencia
- b.

- 2) Service by mail/Personal Service: As no statement or reservation by Guatemala has been raised against service by registered mail or personal service, service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad as long as it is not against law in Guatemala. http://travel.state.gov/law/judicial/judicial_680.html#mail. Guatemala has not objected to service through international registered mail. http://travel.state.gov/law/judicial/judicial_680.html#treatyobligation and <http://www.oas.org/juridico/english/Sigs/b-36.html>

⁴³ http://travel.state.gov/law/judicial/judicial_680.html#mail

⁴⁴ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁴⁵ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Honduras

- Service through international registered mail, return receipt requested.⁴⁶
- Not a signatory to the Hague Service Convention.⁴⁷
- Not signatory to: Additional Protocol to the Inter-American Convention⁴⁸

- 1) **Inter American Service Convention:** Although Honduras is a party to the Inter-American Convention on Letters Rogatory, it is not a party to the Additional Protocol to that Convention. The United States has a treaty relationship under that Convention only with states that are parties to both the Convention and the Additional Protocol.
http://travel.state.gov/law/judicial/judicial_673.html
- 2) **Service by mail/Personal Service:** Honduras is not a party to any service treaty with the United States and thus has not raised reservations to service by mail. Thus any method of service that complies with Federal or California Civil Procedure that does not conflict with Honduran law, such as registered mail or personal service through local agents is available. http://travel.state.gov/law/judicial/judicial_673.html
http://travel.state.gov/law/judicial/judicial_680.html#mail

⁴⁶ http://travel.state.gov/law/judicial/judicial_680.html#mail

⁴⁷ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁴⁸ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Korea

- No service through mail⁴⁹
- Signatory to Hague Service Convention⁵⁰ (Translations in are required⁵¹)
- Not a signatory to: The Inter-American Convention and Additional Protocol to that Convention⁵²

1) Hague Service Convention

- a. Central Authority: (http://www.hcch.net/index_en.php?act=authorities.details&aid=262)
National Court Administration, Attn.: Director of International Affairs
967, Seocho-dong, Seocho-gu
SEOUL 137-750
Republic of Korea

+82 (2) 3480 1734
international@scourt.go.kr
http://www.scourt.go.kr/scourt_en/index.html
- e. Secondary Authority: In addition to the Central Authority, documents may be sent to the clerk of the court for the judicial district in which the person is to be served.
http://www.hcch.net/index_en.php?act=authorities.details&aid=263

2) Service by mail/Personal Service: The Koreans do not recognize or allow service by mail or agent. http://www.hcch.net/index_en.php?act=status.comment&csid=408&disp=resdn

⁴⁹ See Korea's opposition to Article 10: http://www.hcch.net/index_en.php?act=status.comment&csid=408&disp=resdn

⁵⁰ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁵¹ Translation for Korean documents http://travel.state.gov/law/judicial/judicial_4735.html#serviceofprocess

⁵² See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Mexico

- No service through mail⁵³
- Signatory to Hague Service Convention⁵⁴ (Translations in Spanish are required⁵⁵)
- Signatory to: The Inter-American Convention and Additional Protocol to that Convention⁵⁶

1) Hague Service:

a. Central Authority: (http://www.hcch.net/index_en.php?act=authorities.details&aid=267)

Ministry of Foreign Affairs
Directorate-General of Legal Affairs
Plaza Juárez No. 20, Planta Baja
Edificio Tlatelolco
Colonia Centro
delegación Cuauhtémoc
C.P. 06010
Mexico, Distrito Federal
Tel: +52 (55) 36865241 (switchboard)
Fax: +52 (55) 36865236
dgajuridicos@sre.gob.mx
<http://www.sre.gob.mx/english/>

Contact staff available here: <http://www.sre.gob.mx/acerca/directorio/oficinas/dgasuntosjuridicos.htm>
(spanish only)

2) Inter-American Convention:

a. Central Authority: Secretariat of Foreign Affairs of Mexico (no contact information is provided but likely same as above since it is same office)

<http://www.oas.org/juridico/english/sigs/B-36.html>

b. Letters Rogatory tracking: <http://www.sre.gob.mx/tramites/exhortos/default.htm>

3) Service by mail/Personal Service: Mexico has objected to informal service through mail or agent. <http://minnjil.org/pdf/Campbell.%20Web%20PDF.pdf>

⁵³ Mexico has mistakenly been left off the list of countries who object to service by mail because of a mistake in the translation. http://travel.state.gov/law/judicial/judicial_680.html#treatyobligation See Article “No Sirve: The Invalidity of Service of Process Abroad by Mail or Private Process Server on Parties in Mexico Under the Hague Service Convention.” Charles B. Campbell, Minnesota Journal of International Law, 2010. <http://minnjil.org/pdf/Campbell.%20Web%20PDF.pdf>

⁵⁴ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁵⁵ Section II: http://hcch.e-vision.nl/index_en.php?act=status.comment&csid=412&disp=resdn

⁵⁶ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Peru

- Service through international registered mail, return receipt requested.⁵⁷
- Not a signatory to the Hague Service Convention.⁵⁸
- Signatory to The Inter-American Convention and Additional Protocol to that Convention⁵⁹

II) Inter-American Convention

a. Central Authority: - I have not been able to ascertain their Central Authority. The department of state does not list any information on Peru http://travel.state.gov/law/judicial/judicial_2510.html#P nor does the Inter-American Service Convention website list any information on their Central Authority. <http://www.oas.org/juridico/english/sigs/b-46.html>

III) Service by mail/Personal Service: Peru has not made objection to service by mail or personal service. Thus service may be affected through such means that comply with the Federal or California rules of Civil Procedure regarding Service of Process Abroad.
http://travel.state.gov/law/judicial/judicial_680.html#mail

⁵⁷ http://travel.state.gov/law/judicial/judicial_680.html#mail

⁵⁸ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁵⁹ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Philippines

- Service through international registered mail, return receipt requested.⁶⁰
 - Not a signatory to the Hague Service Convention.⁶¹
 - Not signatory to: Inter-American Service Convention⁶²
- 1) **Service by mail/Personal Service:** Service of process may be accomplished through registered mail return receipt requested or personal service through a Philippine attorney. There is a list of Philippine attorneys available on the Department of State, Office of American Citizens Services website or from the US Embassy or Consulate in the Philippines. Proof of Service would be in the form of an affidavit executed before US consular officer for a \$55 fee. In addition according to the Department of State; Section 17, Rule 14 and Section 3, Rule 13 of the Philippine Rules of Court provide that process servers, sheriffs and deputies as well as other offices such as attorneys may affect service. http://travel.state.gov/law/judicial/judicial_660.html
 - 2) **Letters Rogatory:** The Philippines is not a signatory to any treaty with the United States regarding Service of Process. In addition Philippine officials are not familiar with Letters of Rogatory and thus they should not be used. http://travel.state.gov/law/judicial/judicial_660.html

⁶⁰ http://travel.state.gov/law/judicial/judicial_680.html#mail

⁶¹ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁶² See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>

Thailand

- Service through international registered mail, return receipt requested.⁶³
 - Not a signatory to the Hague Service Convention.⁶⁴
 - Not signatory to: Inter-American Service Convention⁶⁵
- 1) Service by mail/Personal Service: Service of process may be accomplished through registered mail return receipt requested or personal service through a Thai attorney. There is a list of Thai attorneys available on the Department of State, Office of American Citizens Services website or from the US Embassy or Consulate in Thailand. http://travel.state.gov/law/judicial/judicial_670.html
 - 2) Letters Rogatory: Thailand is not a signatory to any treaty with the United States regarding Service of Process. In addition Thailand officials are not familiar with Letters of Rogatory and thus they should not be used. http://travel.state.gov/law/judicial/judicial_670.html

⁶³ http://travel.state.gov/law/judicial/judicial_680.html#mail

⁶⁴ List of Hague signatories found here http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=17

⁶⁵ See list of signatories here: <http://www.oas.org/juridico/english/Sigs/b-36.html>