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Service of Process

Disclaimer:

The information relating to the legal requirements of specific foreign countries is provided for general information only and may not be totally accurate in a particular case. Questions involving interpretation of specific foreign laws should be addressed to foreign attorneys. This circular seeks only to provide information; it is not an opinion on any aspect of U.S., foreign, or international law. The U.S. Department of State does not intend by the contents of this circular to take a position on any aspect of any pending litigation.



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Enrolling in this free service will allow us to better assist you in case of an emergency while you are abroad.

ENROLL

Prohibition

Foreign Service officers are generally prohibited by Federal regulations (22 CFR 92.85) from serving process on behalf of private litigants or appointing others to do so, state law notwithstanding.

Service by Foreign Central Authority Pursuant to Multilateral Treaty or Convention

The United States is a party to two multilateral treaties on service of process, the [Hague Service Convention](#) and the [Inter-American Convention on Letters Rogatory](#) and [Additional Protocol](#). Procedures for service under these conventions are summarized below, see also our [country-specific information pages on judicial assistance](#).

Hague Service Convention

Complete information on the operation of the [Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or](#)

[Commercial Matters](#) can be found in the [Service Section](#) of the website of the Hague Conference on Private International Law. This includes the current list of countries that are party to the Convention, each country's reservations, declarations and notifications relating to the operation of the Convention, the date the Convention entered into force for each country, as well as designated foreign central authorities.

Inter-American Service Convention

The [Inter-American Convention on Letters Rogatory and Additional Protocol](#). Only countries party to both the Convention and the Additional Protocol have a treaty relationship with the United States. For the most up to date information about ratifications and accessions to the Convention and the Additional Protocol, see the Organization of American States [website](#). See the U.S. Department of Justice's contractor, [Process Forwarding International \(PFI\)](#) for forms and information about how to submit requests.

U.S. Central Authority For Hague and Inter-American Service Conventions

Office of International Judicial Assistance
Civil Division, Department of Justice
1100 L St., N.W., Room 11006
Washington, D.C. 20530

Service By International Registered Mail

Service by registered or certified mail, return receipt requested is an option in many countries in the world. [FRCP 4\(f\)\(2\)\(C\)](#) provides that this method of service may be used unless prohibited by the law of the foreign country. U.S. courts have held that formal objections to service by mail made by countries party to a multilateral treaty or convention on service of process at the time of accession or subsequently in accordance with the treaty are honored as a treaty obligation, and litigants should refrain from using such a method of service. Service by registered mail should therefore not be used in the countries party to the Hague Service Convention that objected to the method described in Article 10(a) (postal channels). The Hague Conference on Private International Law maintains information on the applicability of Article 10 (a) on its [website](#).

Personal Service by Agent

If personal service is permitted in a particular country, the most expeditious method may be to retain the services of a foreign attorney or process server. [FRCP 4\(f\)\(2\)\(C\)](#) provides for personal service unless prohibited by the laws of the foreign country. The attorney (or agent) may execute an affidavit of service at the nearest [U.S. embassy or consulate](#), or before a local foreign notary. Lists of foreign attorneys are available from U.S. embassies and consulates overseas. See also our web page, "[Retaining a Foreign Attorney](#)". It should be noted, however, that this method of service may not be considered valid under the laws of the foreign country. If eventual enforcement of a U.S. judgment in the foreign country is foreseen, this method may be subject to challenge. It may be prudent to consult foreign counsel early in the process to determine what methods of service are available and considered effective under the domestic law of the country

where the service is executed. U.S. process servers and other agents may not be authorized by the laws of the foreign country to effect service abroad, and such action could result in their arrest and/or deportation.

Service by Letters Rogatory

Letters rogatory are requests from a court in the United States to a court in a foreign country seeking international judicial assistance. They are often employed to obtain evidence abroad, but may also be utilized in effecting service of process, particularly in those countries which prohibit other methods of service. In some countries service by letters rogatory is the only recognized method of service. Service of a judicial summons in criminal matters may also be effected pursuant to letters rogatory. Service of process by judicial authorities in the receiving State pursuant to letters rogatory from a court in the sending State is based on the principle of comity. Procedural requirements vary from country to country. See our web page guidance on "[Preparation of Letters Rogatory](#)". See also our [country-specific flyers](#) for information on particular countries. Letters rogatory are a time consuming, cumbersome process and need not be utilized unless there are no other options available. If the laws of the foreign country permit other methods of service, the use of letters rogatory is not recommended given the routine time delays of up to a year or more in execution of the requests.

Service By Publication

Service by publication may also be a viable option, however, this may not be a valid method of service under the laws of the foreign country. If eventual enforcement of a U.S. judgment in a foreign country is foreseen, it may be prudent to consult foreign counsel or U.S. foreign legal consultants abroad before proceeding with such a method of service.

Waiver of Service

FRCP 4(d). Waiver of service may also be a viable option, however, this may not be a valid method of service under the laws of the foreign country. If eventual enforcement of a U.S. judgment in a foreign country is foreseen, it may be prudent to consult foreign counsel or U.S. foreign legal consultants abroad before proceeding with such a method of service. Waivers of service may be executed before a U.S. consular official abroad in the form of an acknowledgment or affidavit.

Foreign Sovereign Immunities Act

Service of process on foreign states and foreign state-owned agencies and instrumentalities is governed by the Foreign Sovereign Immunities Act (FSIA). If all other methods of service provided for by the FSIA have failed, U.S. Embassies will serve a summons, complaint and notice of suit or a default judgment on a foreign government (28 U.S.C. 1608 (a)(4); 22 C.F.R. 93) on instructions from the Department of State. Similarly, letters rogatory requesting service of process on an agency or instrumentality of a foreign government pursuant to [28 U.S.C. 1608\(b\)\(3\)\(A\)](#) may be transmitted through the Department of State. See Sec. 1608 of the Act for the specific hierarchical service provisions. See also our web page feature about service under the [Foreign Sovereign Immunities Act](#) and [FSIA checklist](#).

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