

Legalization of Foreign Documents in Higher Education (Beglaubigungsliste Hochschulwesen)

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The Federal Ministry for Science and Research herewith gives information concerning the legal state for the legalization of foreign documents for purposes covered by study law (art. 63, 78, 85, 88 and 90 of the Universities Act 2002 – UG, BGBl. I no. 120/2002; art. 4 and 5 of the Fachhochschule Studies Act – FHStG, BGBl. no. 340/1993, in the present version). The following outline has been agreed upon with the Federal Ministry for European and International Affairs.

1. Principle

Foreign documents give the same evidential value as domestic public documents only if they are either exempt from legalization or have passed the necessary legalization procedure (art. 293 para. 2 of the Code of Civil Procedure – ZPO, RGBl. no. 113/1895, in the present version).

2. Original documents

There are three modes of legalization (para. 2.1 to 2.3). For some countries, the legalization is at present suspended (para. 2.4). The principle of state succession has to be dealt with separately (para. 2.5). The assignment of a country to a particular mode of legalization refers primarily to legalization of documents which have been issued by foreign educational institutions or educational authorities (see also para. 5 lit. c).

2.1. Exemption from any legalization

- a. Principle
Documents from countries with which Austria has concluded a bilateral agreement concerning exemption from legalization are exempt from all kinds of legalization procedures.
- b. Countries (with quotation of the respective agreement)
 - Belgium (BGBl. I no. 115/1998)
 - Bosnia and Herzegovina (BGBl. no. 224/1955)
 - Bulgaria (BGBl. no. 268/1969)
 - Croatia (BGBl. no. 224/1955)
 - Czech Republic (BGBl. no. 309/1962)
 - Finland (BGBl. no. 244/1988)
 - France (BGBl. no. 236/1980)
 - Germany (BGBl. no. 139/1924)
 - Hungary (BGBl. no. 305/1967)
 - Italy (BGBl. no. 433/1977)
 - Liechtenstein (BGBl. no. 213/1956)
 - Macedonia (BGBl. no. 224/1955)
 - Montenegro (BGBl. no. 224/1955)
 - Netherlands (BGBl. no. 239/1982)
 - Norway (BGBl. no. 455/1985)
 - Poland (BGBl. no. 79/1974)
 - Romania (BGBl. no. 112/1969)
 - Serbia (BGBl. no. 224/1955)
 - Slovakia (BGBl. no. 309/1962)
 - Slovenia (BGBl. no. 224/1955)

Sweden (BGBl. no. 553/1983)

c. Period of validity

Bilateral agreements on legalization (and therefore exemption from any kind of legalization) are also valid for documents that have been issued in the country concerned prior to the day the respective agreement came into force.

2.2. Legalization in the form of the Apostille

a. Principle

Documents from countries which are Contracting States to the “Hague Legalization Convention” (Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, BGBl. no. 27/1968) do not need full diplomatic legalization (art. 2.3) if they are supplied with the Apostille, which means that for documents from these countries the legalization in the form of the Apostille is sufficient.

b. Countries (with quotation of the respective publication)

Albania (BGBl. III no. 114/2004)

Andorra (BGBl. III no. 103/2009)

Angola (BGBl. no. 231/1970)

Antigua and Barbuda (BGBl. III no. 41/2000)

Argentina (BGBl. III no. 79/2005)

Armenia (BGBl. no. 346/1995)

Australia (BGBl. no. 111/1995)

Azerbaijan (BGBl. III no. 79/2005)

Bahamas (BGBl. III no. 116/1999)

Bahrain (BGBl. III no. 306/2013)

Barbados (BGBl. III no. 210/1997)

Belarus (BGBl. no. 328/1994)

Belize (BGBl. no. 215/1993)

Botswana (BGBl. no. 61/1992)

Brunei Darussalam (BGBl. III no. 118/2006)

China – only Special Administrative Regions of Hong Kong and Macao (BGBl. III no. 81/2006)

Cape Verde (BGBl. III no. 180/2011)

Colombia (BGBl. III no. 154/2005)

Costa Rica (BGBl. III no. 180/2011)

Cyprus (BGBl. no. 61/1992)

Denmark (BGBl. III no. 183/2006)

Dominica (BGBl. III no. 121/2004)

Ecuador (BGBl. III no. 22/2006)

El Salvador (BGBl. III no. 7/1998)

Estonia (BGBl. III no. 79/2005)

Fiji (BGBl. no. 61/1992)

Georgia (BGBl. III no. 158/2006)

Greece (BGBl. III no. 76/2014)

Grenada (BGBl. III no. 168/2002)

Guyana (BGBl. no. 27/1968)

Honduras (BGBl. III no. 79/2005)

Iceland (BGBl. III no. 79/2005)

India (BGBl. III no. 154/2005)

Ireland (BGBl. III no. 43/2007)

Israel (BGBl. no. 144/1996)

Japan (BGBl. no. 61/1992)

Kazakhstan (BGBl. III no. 4/2002)

Korea, Republic of (BGBl. III Nr. 1/2007)

Latvia (BGBl. no. 38/1996)

Lesotho (BGBl. no. 61/1992)

Liberia (BGBl. no. 99/1996)

Lithuania (BGBl. III no. 172/1997)
 Luxembourg (BGBl. no. 61/1992) (see lit. c)
 Malawi (BGBl. no. 61/1992)
 Malta (BGBl. no. 61/1992)
 Marshall Islands (BGBl. III Nr. 123/2007)
 Mauritius (BGBl. no. 61/1992)
 Mexico (BGBl. no. 38/1996)
 Moldova (BGBl. III no. 158/2006)
 Monaco (BGBl. III Nr. 11/2006)
 Mozambique (BGBl. Nr. 231/1970)
 Namibia (BGBl. III no. 59/2006)
 New Zealand (BGBl. III no. 79/2005)
 Nicaragua (BGBl. III no. 7/2013)
 Niue (BGBl. no. 27/1968)
 Oman (BGBl. III no. 180/2011)
 Panama (BGBl. no. 707/1992)
 Paraguay (BGBl. III no. 128/2014)
 Peru (BGBl. III no. 180/2011)
 Portugal (BGBl. III no. 41/2000)
 Russian Federation (BGBl. III no. 103/2009)
 Saint Christopher and Nevis (BGBl. no. 531/1973)
 Saint Kitts and Nevis (BGBl. no. 111/1995)
 Saint Lucia (BGBl. III no. 121/2004)
 Saint Vincent and the Grenadines (BGBl. III no. 8/2007)
 Samoa (BGBl. III no. 41/2007)
 San Marino (BGBl. no. 111/1995)
 São Tomé and Príncipe (BGBl. III no. 136/2008)
 Seychelles (BGBl. no. 469/1996)
 South Africa (BGBl. no. 346/1995)
 Spain (BGBl. no. 61/1992) (see lit. c)
 Suriname (BGBl. no. 61/1992)
 Swaziland (BGBl. III no. 69/1998)
 Switzerland (BGBl. III no. 168/2002) (see lit. c)
 Tonga (BGBl. no. 61/1992)
 Trinidad and Tobago (BGBl. III no. 184/2000)
 Turkey (BGBl. no. 61/1992) (see lit. c)
 Ukraine (BGBl. III no. 4/2004)
 Vanuatu (BGBl. III no. 103/2009)
 Venezuela (BGBl. III no. 116/1999)
 United Kingdom (BGBl. III no. 172/1997)
 United States (BGBl. III no. 167/1999)
 Uruguay (BGBl. III no. 7/2013)

c. Specialities

Luxembourg, Spain, Switzerland, and Turkey, are exempt from any kind of legalization only with regard to judicial and some personal status documents. Therefore, in the lists of countries, which refers primarily to educational documents, these countries have been assigned to para. 2.2. This kind of exemption from any kind of legalization restricted to certain types of documents is based on special bilateral or multilateral agreements, e.g., the Convention on the Exemption of Certain Documents from Legalization, BGBl. no. 239/1982, in the framework of CIEC (Commission Internationale de l'Etat Civil), to which Austria and Turkey are Contracting States. This difference in the area of validity of various agreements on legalization also explains the fact that, for example, for a Turkish birth certificate no legalization is required, while, on the other hand, for a Turkish higher education diploma legalization in the form of the Apostille is required.

Countries that are Contracting States to the Hague Legalization Convention, but are – at the same time – exempt from any kind of legalization on the basis of a bilateral agreement on legalization and therefore listed in para. 2.1 and do not occur in para. 2.2.

d. Competent authorities

Only the Ministry of Foreign Affairs and, in some cases, specially empowered authorities in the respective foreign country are authorized to do the legalization in the form of the Apostille. The diplomatic representation of a foreign country in Austria, however, is under no circumstances authorized to do it (therefore it does not make sense to refer persons to the embassy of the respective country in Austria in order to obtain a missing Apostille). – Authorities in countries empowered to do legalization in the form of the Apostille are stated in the instruments of ratification of the Hague Legalization Convention that have been deposited in The Hague (see: http://www.hcch.net/index_en.php?act=conventions.authorities&cid=41#1).

2.3. Full diplomatic legalizationa. Principle

Full diplomatic legalization is required for documents from all countries which are neither bound to Austria by a bilateral agreement on legalization, nor member countries of the Hague Legalization Convention.

The mode of full diplomatic legalization is required for documents from all those countries which are neither Contracting Parties to a bilateral agreement with Austria concerning exemption from legalization nor Contracting Parties to the Hague Legalization Convention. This mode means that documents first have to pass the internal legalization procedure within the country in which they have been issued (this procedure is different in each country but the last authority definitely has to be the Ministry of Foreign Affairs of the respective country). Afterwards the documents must additionally be legalized ('over-legalized') diplomatically by the Austrian diplomatic representation (embassy, consulate, honorary consulate) in the respective country. That means that the legalization of a foreign document solely by the diplomatic representation of the respective country in Austria – without prior legalization by the Ministry of Foreign Affairs of the respective country – cannot be sufficient basis for 'over-legalization'. Furthermore, please note that only original documents are subject to 'over-legalization'.

Legalization cannot be done by the diplomatic representation of the respective country in Austria or by the Legalization Office of the Federal Ministry for European and International Affairs.

- First step: Legalization by the competent sectorial Ministry (e.g. Ministry of Education) of the country of origin;
- second step: 'Overlegalization' by the Ministry of Foreign Affairs of the country of origin;
- third step: Austrian diplomatic representation in the country of origin.

b. Countries

Algeria
 Bangladesh
 Benin
 Bhutan
 Bolivia
 Brazil
 Burkina Faso
 Cambodia
 Cameroon
 Canada
 Central African Republic
 Chile
 China (except Special Administrative Regions of Hong Kong and Macao)
 Côte d'Ivoire
 Cuba
 Djibouti

Dominica
Dominican Republic
Egypt
Eritrea
Ethiopia
Gabon
Gambia
Ghana
Guatemala
Guinea
Guinea-Bissau
Haiti
Holy See (see lit. c)
Indonesia
Iran, Islamic Republic of
Iraq
Jamaica
Jordan
Kenya
Kiribati
Kosovo
Kuwait
Kyrgyzstan
Lao, People's Democratic Republic
Lebanon
Libyan Arab Jamahiriya
Madagascar
Malaysia
Maldives
Mali
Malta, Sovereign Order of (see lit. c)
Micronesia, Federated States of
Mongolia
Morocco
Nauru
Nepal
Niger
Nigeria
Pakistan
Palau
Palestine, Territories administered by the Palestinian National Authority (see lit. c)
Papua New Guinea
Philippines
Qatar
Rwanda
Saudi Arabia
Senegal
Sierra Leone
Singapore
Solomon Islands
Sri Lanka
Syrian Arab Republic
Taiwan
Tajikistan
Tanzania, United Republic of
Thailand
Timor-Leste (East Timor)
Togo

Tunisia
 Turkmenistan
 Tuvalu
 Uganda
 United Arab Emirates
 Uzbekistan
 Viet Nam
 Yemen
 Zambia
 Zimbabwe

c. Specialities

Although the Territories administered by the Palestinian National Authority (West Bank and Gaza) are still not recognized as a state according to international law, they are listed under lit. b in analogy to states, because, on the one hand, a Palestinian diplomatic representation at the Austrian Federal Government has been established, and, on the other hand, for documents that have been issued in the above mentioned territories full diplomatic legalization is required, whereas for Israeli documents legalization in the form of the Apostille is sufficient (see para. 2.2 lit. b). As, however, Austrian diplomatic representation in these territories has not yet been established, the Austrian Embassy in Tel Aviv is in charge of diplomatic legalization of Palestinian documents.

The Holy See and the Sovereign Order of Malta are not states, they are listed, however, in analogy to states.

2.4. Suspension of legalization

a. Principle

According to art. 6 of the Consulary Legalization Act – KBegIG, BGBl. I no. 95/2012, the Federal Minister of European and International Affairs can by decree suspend the execution of the legalisation of documents from certain countries, if a reliable examination of the genuineness or correctness of contents of these documents cannot be guaranteed. Such a regulation has been laid down in art. 9 of the Consulary Legalization Decree – KBegIV, BGBl. II no. 467/2012. For the duration of the suspension, documents from these countries are subject to free consideration of evidence.

This provision is relevant in combination with art. 60 para. 3 UG, according to which the rectorate can, on a case-by-case basis, indulge the applicant in the obligation to present certain documents, if their procurement seems impossible or, respectively, possible only with immense difficulties, e.g. a considerable amount of time.

b. Countries

Afghanistan
 Burundi
 Chad
 Comoros
 Congo
 Congo, Democratic Republic of the
 Equatorial Guinea
 Iraq
 Korea, Democratic People's Republic of
 Myanmar
 Somalia
 South Sudan
 Sudan

2.5. Principle of state succession

- a. For documents from the former Czechoslovakia, the former German Democratic Republic, the former Soviet Union, and the former Yugoslavia the principle of state succession ap-

plies, which means that for documents from these countries the mode of legalization has to apply which is valid for the successor state in which the place of issue of the document is situated. That means, for instance, that in spite of the fact that the Soviet Union became a Contracting State to the Hague Legalization Convention on September 4, 1991, for documents issued in the former Soviet Union the mode of legalization that is valid for the respective successor state has to apply. The successor states of the former Soviet Union belong either to para. 2.2 (Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Russian Federation, Ukraine), or to para. 2.3 (Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan).

- b. The principle of state succession mentioned above applies in principle also to documents from former colonial territories, that is to say that for such documents the mode of legalization has to be applied which is valid for the newly founded state on the territory of the former colony after having obtained independence. Usually, documents are reissued by the authorities of the new state; for these reissued documents, as a matter of course, the mode of legalization that is valid for the new state has to be applied. In case that the new state has not yet become a Contracting State to the Hague Legalization Convention, which means it belongs to para. 2.3, the paradoxical situation can occur that in consequence of the obtained the mode of legalization that has to be applied to documents issued in this country has 'deteriorated', in so far as during colonial time the Apostille would have been sufficient for the legalization of documents, because the colonial territories had been covered by the Hague Legalization Convention together with those countries to which they belonged, and thus taking advantage of their facilitated mode of legalization.
- c. To documents from territories which are still colonial territories (that are colonies that still have not obtained independence), the same mode of legalization applies as for documents from the countries to which these colonies belong. As practically all these countries (France, the Netherlands, Portugal, Spain, United Kingdom, United States) are Contracting States to the Hague Legalization Convention, the facilitated mode of legalization in the form of the Apostille is also applicable for documents from these colonial territories.

3. Translations

- a. In principle, the original document should show all required stamps of legalization before being subject to translation, so that the various stamps can also be translated. The translation must be attached to the original document or to a legalized copy of it.
- b. If the translation has been done by a sworn and officially accredited translator in Austria, additional legalization is not required.
- c. Translations in foreign countries should also be done by a sworn and officially accredited translator in the respective country. Regarding legalization, such translations have to be treated as foreign original documents, which means that the mode of legalization depends on the country in which the translation was done. As, however, the country in which the translation has been done does not have to be the same as the country in which the original document has been issued, it could happen that for the original document and the corresponding translation, different modes of legalization have to apply.

4. Other provisions

- a. Persons whose documents require a legalization, which, however, are in Austria without any legalization, shall be assigned to legalization personally. In cases where a personal journey does not seem possible, a transmission by post (registered) to relations, friends, confidential persons or others, who can initiate the legalization sur place, is required.

- b. If the authenticity of a document is proved in a material way, e.g. by the direct confirmation of a partner institution, the legalization is unnecessary for want of an added value.

5. Information on legalization

- a. For information on legalization procedures, please contact the Office for Consular Legalization in the Federal Ministry for European and International Affairs (Minoritenplatz 8, 1014 Vienna; Tel.: 01-0501150-4425, e-mail: beglaubigungen@bmeia.gv.at).
- b. For international questions related to study law, the team of ENIC NARIC AUSTRIA is at your disposal: <http://www.naric.at>.

6. Information on legalization via the Internet

- a. <http://www.bmeia.gv.at/aussenministerium/buergerservice/urkunden-und-formulare/beglaubigung.html>
(information on the Legalization Office with links to the list of countries)
- b. http://hcch.e-vision.nl/index_en.php?act=conventions.text&cid=41
(Full Status Report Convention # 12: List of Contracting States to the Hague Legalization Convention with detailed information on the individual countries; among other things a list of authorities which are empowered to attach the Apostille)
- c. www.standesbeamte.at – Downloads – Apostille Länderverzeichnis
(overview over the existing international agreements on legalization and a table of countries with reference to the mode of legalization, edited by the Union of Austrian Registrars, referring primarily to personal status documents and not to documents from foreign educational institutions)
- d. <http://fabsits.heimat.eu/>

Source: BMWF-GZ 53.829/0006-III/7/2013