



U.S. Department of Justice
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Office of International Judicial Assistance

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Service of Judicial Documents on the United States of America pursuant to the Inter-American Convention

The United States Department of Justice’s Office of International Judicial Assistance (“OIJA”) serves as the Central Authority pursuant to the Inter-American Convention on Letters Rogatory and Additional Protocol (“Inter-American Convention”), to which the United States is a signatory for purposes of legal service of documents. OIJA also serves as the Central Authority pursuant to the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (“Hague Service Convention”). Unlike service requests directed at private individuals or companies located in the United States, which are executed through OIJA’s private contractor, requests for service on the government of the United States of America (“United States”), which includes its departments, agencies, or instrumentalities, should be sent directly to OIJA. There is no fee for service requests designated for the United States. Requests for service on the United States should be mailed to OIJA at Office of International Judicial Assistance, U.S. Department of Justice, Benjamin Franklin Station, P.O. Box 14360, Washington, DC 20044.

This document will focus on the process pursuant to the Inter-American Convention, but similar guidelines apply for requests received pursuant to the Hague Service Convention.¹

The U.S. Central Authority receives and executes requests for service on the United States, but the Central Authority is not the legal representative or agent of the United States. Therefore, pursuant to Article 4 of the Inter-American Convention, receipt of a request for service from a foreign court by the U.S. Central Authority is not effective service. Service is only complete upon receipt of the documents by the appropriate U.S. office or agency. Please allow sufficient time for the U.S. Central Authority to serve the appropriate U.S. office or agency.

Request for service on the United States pursuant to the Inter-American Convention must be transmitted in paper to the U.S. Central Authority under Article 4. The United States does not object to service by informal channels for private individuals or companies, but service on the United States cannot be effected through informal channels.

¹ See Guidance Memo on the Hague Service Convention here: <https://www.justice.gov/civil/service-requests>. Requests for service on the United States that comply with customary international law may also be transmitted through diplomatic channels. The U.S. Central Authority plays no role in effecting service on the United States in response to requests made through diplomatic channels.

Below is an outline of what is required for the U.S. Central Authority to execute a request for service on the United States pursuant to the Inter-American Convention. A request must be provided in triplicate, with the complaint or pleading, in its original form and translated into English, if originally written in another language. *See* Inter-American Convention, art. 3. A completed Mandatory Form (<https://www.justice.gov/civil/page/file/914416/download>) must accompany the request, and also be furnished in triplicate and in English.² *See* Inter-American Convention, art. 3. The most recent version of the Mandatory Form should preferably be completed electronically. The Mandatory Form must include the full mailing address of the Requesting Authority (i.e., the foreign court). The request and accompanying court documents should properly identify the United States of America as the defendant because departments, agencies, or instrumentalities of the United States have no legal personality in a foreign State separate from that of the United States and cannot be sued independently.³ The documents to be served must include sufficient information about the case, usually in the form of the initial complaint, statement of claim, or similar document in the original language and with English language translations. *See* Inter-American Convention, art. 3. The copies should bear the seal of the judicial or adjudicatory authority that issued the request.

Requests for service on the United States must comply with an additional customary international law requirement affording the United States at least 60 days from the date of receipt of service of the documents until the first response, scheduled appearance, and/or hearing date in the foreign state. Because that service is not effective upon delivery of the documents to the U.S. Central Authority, ample time needs to be given for the U.S. Central Authority to serve the appropriate United States office or agency, which must then be afforded at least 60 days from the date of receipt of service of the documents until the first response, scheduled appearance, and/or hearing date. For example, if a country's domestic law requires a written response within two weeks of effective service, that requirement must be affirmatively waived in the court documents, affording the United States the at least 60 days from the date of service before a response is due. If a country's domestic law requires a written response to be submitted to the court 10 days before the scheduled hearing date, the hearing date must account for this requirement while still affording the United States at least 60 days from the date of service before the written response is due.

Upon evaluating a request for these requirements, the U.S. Central Authority will issue a certificate of acceptance or rejection which will be mailed to the Requesting Authority. Service is only effective and the appropriate notice given if the U.S. Central Authority issues a certificate of acceptance. Service is effective on the date indicated on the acceptance certificate.

In cases where the U.S. Central Authority issues a certificate of rejection, service has not occurred, the United States is not a party to the litigation, will not file a response or appear at the hearing, and will not recognize the validity of any judgment that might be rendered against the United States of America.

² Inter-American Mandatory Form, <https://www.justice.gov/civil/page/file/914416/download>.

³ For example, a service request naming a U.S. Embassy as the defendant identifies an improper defendant. A U.S. Embassy cannot be sued independently from the United States. The United States of America is the only proper defendant.