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**Service of Judicial Documents on the United States of America
pursuant to the Hague Service Convention**

The United States Department of Justice's Office of International Judicial Assistance ("OIJA") 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").¹ OIJA also serves as the Central Authority pursuant to the Additional Protocol to the Inter-American Convention on Letters Rogatory ("Inter-American Convention"), to which the United States is a signatory for purposes of legal service of documents. 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 seeking service on 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 20044.²

Given that most service requests for the United States are received pursuant to the Hague Service Convention, this document will focus on that process although similar guidelines apply if a request is received pursuant to the Inter-American Convention.³

As noted, OIJA is the U.S. Central Authority for the Hague Service Convention. *See* Hague Service Convention, art. 2. As explained in the Practical Handbook on the Operation of the Hague Service Convention ("Handbook"), "[t]he Central Authority is a receiving authority, in charge of receiving requests for service from Requesting States and executing them or causing them to be executed."⁴ The Central Authority "may not be treated as an agent of the defendant

¹ Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters art. 5, Nov. 15, 1965, 658 U.N.T.S. 163.

² OIJA is unable to accept service requests on the United States electronically.

³ *See* Guidance Memo on Service on the U.S. Government (IAC) 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.

⁴ Hague Conference on Private International Law, Practical Handbook on the Operation of the Service Convention 139, ¶ 238 (2025), available at <https://www.hcch.net/en/publications-and-studies/details4/?pid=2728&dtid=3>.

on whom the document may be served.”⁵ 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 5 of the Hague Service Convention, receipt of a request for service from a foreign court by the U.S. Central Authority is not effective service.⁶ 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.

Requests for service on the United States pursuant to the Hague Service Convention must be transmitted in paper to the U.S. Central Authority under Article 5. The United States does not object to alternative means of service under Article 10 for private individuals or companies, but service on the United States cannot be effected through Article 10.

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 Hague Service Convention. The fully completed Model Form⁷ and the documents to be served, in their original form, must be provided in duplicate, with all documents originally written in other languages translated into English.⁸ See Hague Service Convention, arts. 3 and 5. The most recent version of the Model Form should preferably be completed electronically. The Model Form must also include the full mailing address of the Requesting Authority (e.g., 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.⁹

Requests for service on the United States must comply with two additional customary international law requirements.¹⁰ First, the documents to be served must include sufficient

⁵ *Id.* at 139, ¶ 239.

⁶ Hague Service Convention, at art. 5 (“The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency....”). See Hague Conference on Private International Law, Conclusions & Recommendations (C&R), at no. 114 (2024) [hereinafter 2024 C&R], available at <https://assets.hcch.net/docs/6aef5b3a-a02c-408f-8277-8c995d56f255.pdf> (“The [Special Commission] also confirmed that receipt by the Central Authority of a Contracting Party does not constitute effective service on that State or its officials.”) *accord* Handbook, at 98 ¶ 118. See also *Saint-Gobain Performance Plastics Eur. v. Bolivarian Republic of Venezuela*, 23 F.4th 1036, 1041 (D.C. Cir. 2022) (“Viewing the Central Authority as legally equivalent to a sovereign defendant would amend the Convention by effectively rendering irrelevant the signatory state’s law in determining whether service is complete.”).

⁷ Model Form annexed to the Convention (Request, Certificate, Summary with Warning), <https://www.hcch.net/en/publications-and-studies/details4/?pid=6560&dtid=65>.

⁸ Model Forms completed in French will also be accepted. Hague Service Convention, art. 7.

⁹ 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.

¹⁰ Declaration/Reservation/Notification (last updated April 25, 2025), <https://www.hcch.net/en/instruments/conventions/status->

information about the case, usually in the form of the initial complaint, statement of claim, or similar document.

Second, “[c]ustomary international law requires that a sovereign be provided at least 60 days from the date it receives service of initiating court documents before a hearing date, or before an initial response or appearance is required.”¹¹ Thus, the United States must 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 in the foreign state. Because 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 U.S. 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 that will be mailed to the Forwarding Authority. Service is only effective and the appropriate notice given if the U.S. Central Authority issues a certificate of acceptance.¹² Service is effective on the date indicated on the acceptance certificate.

When the U.S. Central Authority rejects service on the basis of Article 13, service cannot be effected because it has determined that service would infringe on the sovereignty or security of the United States. Hague Service Convention, art. 13.

In all 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.¹³

[table/notifications/?csid=428&disp=resdn](https://www.uscourts.gov/tables-notifications/?csid=428&disp=resdn). See also Handbook, at 98, ¶ 118; See 2024 C&R at no. 113 ([T]he SC recognised the importance of complying with any applicable customary international law requirements when serving sovereign parties under the Convention.”).

¹¹ Declaration/Reservation/Notification (last updated April 25, 2025).

¹² 2024 C&R, at no. 82 (“The SC noted that the effect of a Certificate certifying the execution of a request constitutes authoritative confirmation that service has been effected in conformity with the law of the requested State, and creates at least a rebuttable presumption that service was properly performed.”).

¹³ *Id.* (“Notice of a rejection is also authoritative confirmation that service was not effected.”), accord Handbook, at 162, ¶ 320.