

The Legal Requirements for Foreign Document Validity in Brazil

There is uncertainty as to the exact requirements to be met for the validity of foreign language documents in Brazil. Requirements vary depending on the type of document, the purpose of its use and the country of its origin.

As a general rule, according to Article 224 of the Brazilian Civil Code, Article 157 of the Brazilian Code of Civil Procedure and Article 130 of Law No. 6.015/73 (the “Law of Public Registry”), in order to be valid before third parties in Brazil documents in a foreign language must first be translated by a sworn translator and then duly registered with a Registrar of Deeds and Documents (RDD) in Brazil. Further, foreign language legal documents, including powers of attorney, must have the signatures of the parties notarized by a notary public licensed under the law of the place of signing and the signature of the notary public must be “authenticated” by a Brazilian consular official.

Consular legalization is not required in certain situations due to specific international agreements entered into by Brazil, for example, when the document of a foreign governmental authority is delivered to the Brazilian government via diplomatic means. Consular legalization is also unnecessary for certain public documents issued by governmental authorities in France, Spain, Italy, the Mercosul countries, Bolivia and Chile.

In many of those cases, private documents can be rendered public and thus take advantage of the consular legalization exception upon having their signatures notarized by a notary public in the country of origin. Thus, the bureaucratic and timing consuming procedure of legalization of documents before Brazilian consulates (“consularization”) is not required in all cases, being the requirement dispensed with by applicable international treaties.

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