

## Corporate transactions – a guide to authenticating documents



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Doing business in the UAE can often appear to be an opaque process that is tricky to navigate. Foreigners accustomed to the systems and processes of Western jurisdictions can be left frustrated by the requirements associated with conducting even the simplest of transactions. At the heart of any business concluded in the UAE, whether it be a disposal or an acquisition, or an establishment or the winding-up of an entity, is the requirement for authenticated copies of documents.

The process of having a document authenticated provides a form of proof that documents from foreign countries, or the signatures of foreign persons, are genuine. Authenticated documents are frequently required in dealings in the UAE. Such documents may include:

- documents to be submitted to government departments on a disposal, acquisition, establishment or winding up;
- powers of attorney to be used to facilitate the signing of further documents before a UAE Notary Public.

**Step 1 – Notarisation:** The first step is to arrange for the document to be notarised in the country where the document was produced. Where possible, the Notary will insist on witnessing the signature and reviewing any supporting documents which certify the identity of the signatory such as a passport.

**Step 2 – Attestation:** The notarised document then needs to be attested. Attestation can be best described as the process whereby a document is certified to give it legal standing internationally. Careful enquiry should be made to the relevant ministry for attestation of the state where the document originated. For example, in the United Kingdom this process would be undertaken by the Foreign Commonwealth Office. This ministry will attest the document by cross-checking the name and practicing number of the Notary on the document that has been notarised with the list of notaries that they have on record. Once they are satisfied that the document has been notarised correctly, it will make the necessary certification and the document will be attested.

**Step 3 – Certification by the UAE Embassy or Consulate in the State where the document originated:** As the UAE is not a member of the relevant Hague Convention, any foreign document required for use in the UAE must undergo two further certifications after it has been attested. The first of these certifications will usually be carried out by the UAE Embassy or Consulate in the State where the document originated. The attested document will be submitted and the Embassy/Consulate will check to see if the document has been attested by the appropriate ministry in the relevant foreign state before stamping it with the UAE Consulate stamp that certifies the date and State in which the document was certified. Once this has been performed, the document will need to be brought to the UAE to undergo the final stage of the authentication process.

**Step 4 – Certification by the UAE Ministry of Foreign Affairs (MOFA):** The certification of the document by MOFA will usually be the final step in the process of authentication. Once submitted, the document will be checked by MOFA to ensure that it has been notarised, attested and certified by its UAE Embassy in the country where the document originated. Once it is satisfied, MOFA will certify the document and it will then be deemed to have legal effect in the UAE.

Occasionally, however, the document may have to undergo a couple of further steps depending on the nature for which the document will be used in the UAE. If the document is required to be submitted to a UAE Court or another Ministry, for example, such authorities are likely to demand an Arabic translation of the document as Arabic is the official language of the UAE. In such instances, it would then be necessary to instruct a certified legal translator licensed by the UAE Ministry of Justice to translate the document into Arabic and then submit the translation and the original document to the UAE Ministry of Justice which will certify the Arabic translation.

Overall, the entire process can take between two to three weeks. It is also an expensive procedure, so foreigners should determine beforehand which documents are absolutely necessary for authentication so as to not incur unnecessary time or expense.

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