

Notary or “Notario” – What’s the Difference?

Q: What is a notary public?

A: A public servant appointed by the state government to witness the signing of important documents and administer oaths.

Q: Why are documents notarized?

A: Documents are notarized to deter fraud and ensure they are properly executed. An impartial witness, the notary, identifies signers to screen out impostors and to make sure they have entered into agreements knowingly and willingly.

Q: Does notarization make a document “true” or “legal”?

A: No. A notarization typically means the signer acknowledged to the notary that he or she signed the document or vouched under oath or affirmation that the contents of the document were true.

Q: May a notary give legal advice or prepare legal documents?

A: No. A notary is forbidden under C.R.S. § 12-55-110.3 from preparing legal documents or acting as a legal advisor unless he or she is also a licensed attorney. Violators can be prosecuted for the unauthorized practice of law. A notary cannot answer legal questions or provide advice about your particular document.

Q: May a notary prepare or notarize immigration papers?

A: Only a few immigration forms must be notarized, such as the Affidavit of Support (I-134 or I-864). U.S. immigration regulations state that no one may prepare or file another person’s immigration papers unless he or she is an attorney or a USCIS accredited representative.

Notaries may provide clerical, secretarial, or translation assistance with immigration forms, as long as they don’t provide legal advice, and then may notarize these forms.

Q: Is a notary the same as a notario publico?

A: No. In Latin American countries, the notario publico is a high-ranking official with considerable legal skills and training. Unlike the U.S. notary, the notario publico drafts documents, provides legal advice, settles disputes, and archives documents. A U.S. notary cannot do any of those things.

Q: Can a notary in Colorado advertise as a notario or as an immigration consultant?

A: No. Under C.R.S. § 12-55-110.3, a notary cannot use the words “notario” or “notario publico” in advertising, cannot claim to be an immigration consultant or expert, and cannot claim to provide legal services unless the notary is also a licensed attorney.

Q: Where can I report unethical or unprofessional notaries?

A: If a notary public or immigration consultant has performed legal work for you, you should call the Colorado Supreme Court Office of Attorney Regulation Counsel to [file an unauthorized practice of law complaint](#). The Office of Attorney Regulation Counsel investigates every complaint, and may be able to help you get a refund. The Colorado Secretary of State regulates notaries public. If you believe a notary public has acted improperly, you can also [file a complaint with the Secretary of State](#).