

99154037000000

Living in a couple with different nationalities, including same-sex couples (marriage, civil or registered partnership, separation, divorce, marital property rights, the rights of cohabitants)

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/102837942/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99154037000000
Leistungsbezeichnung I	Living in a couple with different nationalities, including same-sex couples (marriage, civil or registered partnership, separation, divorce, marital property rights, the rights of cohabitants)
Leistungsbezeichnung II	Rules and recognition of marriage
Typisierung	11 - SDG: Allgemeine Rechte und Pflichten
Quellredaktion	Bund
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus

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Begriffe im Kontext	
Leistungstyp	Leistungsobjekt
Leistungsgruppierung	SDG allgemeine Rechte und Pflichten (154)
Verrichtungskennung	
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)
Lagen Portalverbund	Eheschließung (1020300), Scheidung (1020400), Trennung mit Kind (1020500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.12.2022
Fachlich freigegeben durch	Federal Ministry of Justice
Handlungsgrundlage	• Legislation on marriage and recognition in the German Civil Code: • Legislation on marriage in the German Civil Status Act (only in German) • German Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction (only in German) https://www.gesetze-im-internet.de/pstg/index.html https://www.gesetze-im-internet.de/bgb/index.html https://www.gesetze-im-internet.de/famfg/
Teaser	If you are planning to get married, you can find more information here on your rights and obligations associated with marriage and the recognition of marriage.
Volltext	Rules on marriage and the recognition of marriage Marriage is a legal union between two people; polygamous marriage is not possible. Since 2017, it has been possible for marriages to occur not only between a man and a woman, but also between two people of the same gender. Civil partnerships between two people of the same gender instituted before 1 October

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2017 remain subject to the German Civil Partnerships Act [Lebenspartnerschaftsgesetz, LPartG]. Pursuant to Section 1303 of the German Civil Code [Bürgerliches Gesetzbuch, BGB], marriages may only occur between persons of legal age.

Sections 1306 to 1308 of the BGB lay down additional impediments to marriage. Pursuant to Section 1309 of the BGB, foreign nationals wishing to get married in Germany may in certain cases need to provide a certificate from the relevant domestic authority in their home country proving that there are no obstacles to the marriage under the law of the country in question.

Marriage occurs through a personal declaration made by the spouses before a registrar as part of what is known as a compulsory civil marriage. The details are set out in Sections 1310 et seq. of the BGB and the first and second sentences of Section 11, paragraph 2 of the Civil Status Act [Personenstandsgesetz, PStG].

It is possible to request that a marriage be annulled by a court of law if certain grounds for annulment are present pursuant to Sections 1313 et seq. of the BGB. A marriage can be annulled if one of the spouses was still a minor at the time of marriage. If one of the spouses was not yet 16 at the time of marriage, the marriage is invalid pursuant to the second sentence of Section 1303 of the BGB and does not need to be annulled. Pursuant to Section 1315 of the BGB, the marriage cannot be annulled in certain specific cases and this must instead be applied for in due time in accordance with Section 1317 of the BGB.

More detailed information about marriage and annulment can be found in Sections 1303 to 1320 of the BGB, Sections 11 to 16 of the PStG and Sections 121 et seq. of the German Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction [Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit, FamFG].

There are provisions on numerous specific issues in relation to the legal consequences of marriage. These

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can be found in Sections 1353 to 1563 of the BGB and, in the case of divorce, in Sections 1564 to 1587 of the BGB and the German Act on Maintenance Settlements [Gesetz über den Versorgungsausgleich].

Marriage under foreign law

Pursuant to Section 34, paragraph 1 of the PStG, if a marriage takes place abroad, it is possible to apply for the marriage to be entered in the German register of marriages if at least one of the spouses is a German national. Pursuant to Section 34, paragraph 2 of the PStG, the same applies if a marriage takes place in Germany in accordance with foreign law between two people who are not German nationals, for example in an embassy or consulate.

Furthermore, the existence of a marriage according to Section 121, point 3 of the FamFG can also be determined in proceedings before a family court. Otherwise, separate recognition of marriages having taken place under foreign law is not required.

If a marriage has been divorced or annulled in an EU Member State other than Denmark, or if the existence or non-existence of the marriage has been established, this is to be recognised without a separate procedure pursuant to Regulation (EC) No 2201/2003 (the Brussels IIa Regulation). Recognition can only be refused if one of the grounds of non-recognition referred to in the Regulation applies. Judgments in matrimonial matters given in other countries generally require recognition in a special procedure according to Section 107 of the FamFG in order to be effective in Germany.

The applicable legislation on separation and divorce is in line with Regulation (EC) No 1259/2010 (the Rome III Regulation), according to which the spouses may in principle decide what law shall apply from a limited group of legal systems. Where no law is chosen, it is the last common habitual residence of the spouses that is decisive.

https://www.gesetze-im-internet.de/bgb/_1317.html

https://www.gesetze-im-internet.de/bgb/_1315.html#:

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Erforderliche Unterlagen
Voraussetzungen
Kosten
Verfahrensablauf
Bearbeitungsdauer
Frist
**weiterführende
Informationen**

Das Eherecht (Marriage law), a brochure of the Federal Ministry of Justice containing information on marriage and divorce law, maintenance law, marital property law and maintenance settlements.

Legal basis

- Legislation on marriage and recognition in the German Civil Code:
- Legislation on marriage in the German Civil Status Act (only in German)
- German Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction
<https://www.gesetze-im-internet.de/famfg/>
https://www.gesetze-im-internet.de/englisch_famfg/index.html
<https://familienportal.de/familienportal/lebenslagen/trennung/allein-und-getrennt-erziehende-eltern/getrennte-wege-gehen-gemeinsam-verantwortung-uebernehmen--126090>
<https://familienportal.de/>
https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Eherecht.pdf?__blob=publicationFile&v=15

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Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Living in a couple with different nationalities, including same-sex couples (marriage, civil or registered partnership, separation, divorce, marital property rights, the rights of cohabitants), Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)