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Foreign divorce decree Recognition

Heruntergeladen am 19.05.2025

<https://fimportal.de/xzufi-services/370705835/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99095001016000, 99095001016000
Leistungsbezeichnung I	Foreign divorce decree Recognition
Leistungsbezeichnung II	
Typisierung	2/3

Modul
Sachverhalt

Handlungsgrundlage(n)

- https://www.gesetze-im-internet.de/famfg/_107.html
- https://www.personenstandsrecht.de/Webs/PERS/DE/ueber_einkommen/_documents/haager-uebereinkommen/ue02.html
- https://www.gesetze-im-internet.de/jvkostg/_4.html
- <https://www.gesetze-im-internet.de/jvkostg/anlage.html>
- https://www.gesetze-im-internet.de/famfg/_107.html
- https://www.personenstandsrecht.de/Webs/PERS/DE/ueber_einkommen/_documents/haager-uebereinkommen/ue02.html
- https://www.gesetze-im-internet.de/jvkostg/_4.html
- <https://www.gesetze-im-internet.de/jvkostg/anlage.html>

Teaser

If your marriage was divorced outside Germany, you can have this decision formally recognised in Germany.

Volltext

In accordance with the general principles of constitutional and international law, judgments and comparable acts of State have, in principle, direct legal effects only in the territory of the State in which they were delivered. Each state is free to decide whether and, if so, under what conditions it recognises foreign acts of sovereignty, provided that it is not bound by international treaties.

Foreign judgments declaring a marriage null and void, annulling, dissolving the marriage after or maintaining the marriage bond, or establishing the existence or non-existence of a marriage between the parties must be recognised. This particularly affects foreign divorce decrees, but also comparable decisions by (e.g. Russian) administrative authorities or so-called private divorces before religious courts such as the Arab Sharia courts or the rabbinical courts in Israel, as well as divorce declarations before a Thai registry office.

A formal recognition procedure is not required if a body of the state to which both spouses belonged exclusively (i.e. not dual nationality) at the time of the decision participated in the foreign decision (so-called home state decision).

A formal recognition procedure does not apply to judgments in matrimonial matters from Member States of the European Union – except Denmark – if the procedure was initiated after 1 March 2001 or after the accession of the Member State at a later date.

The decision shall be made only upon request. In addition to the spouses concerned, any person who demonstrates a legal interest in clarifying the status question (e.g. fiancée, later spouses or heirs) is entitled to apply. The pension insurance institutions also have their own right of application. Recognition is granted upon request. Only when this has been complied with by decision does the foreign decision also have effect for the German legal area.

The recognition as well as the non-recognition determination of the President of the Higher Regional Court binds all courts and authorities in Germany, § 107 Abs. 9 FamFG. With the recognition of the foreign divorce, the marriage is also considered dissolved for the German legal area retroactively to the date of the foreign divorce. The decision according to § 107 FamFG extends exclusively to the pronouncement of divorce (change of status from "married" to "divorced"). Any provisions made in the foreign judgment on divorce proceedings (e.g. provisions on maintenance, custody and pension equalisation) are not affected.

Begriffe im Kontext

Bearbeitungsdauer	Provided that all necessary documents are available, the processing time is at least one to four months, depending on the individual case and the processing time of the competent state justice administration. The applicant's former spouse must be granted the right to be heard in the recognition procedure; a consultation period shall be set. Letters or replies from persons to be heard may delay the procedure.
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Fristen	None
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Formulare + Objekt Formular	yes
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Kurztext	<ul style="list-style-type: none"> * Foreign divorce decree Recognition * Eligible: <ul style="list-style-type: none"> * Spouses concerned * any person who demonstrates a legal interest in clarifying the status issue, e.g. fiancée, future spouse or heir, pension insurance institutions * Use the form of the competent judicial administration (available on the respective homepage) and submit the documents specified there * Responsible:
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- * judicial administration of the federal state in which one of the spouses has his or her habitual residence, or
- * without residence in Germany, the judicial administration of the country in which a new marriage is to be concluded or a civil partnership is to be established, or
- * no other competence given: Justizverwaltung des Landes Berlin (Senate Department for Justice, Consumer Protection and Anti-Discrimination in Berlin)

weiterführende Informationen

**Hinweise
(Besonderheiten)**

The application shall be decided in a written procedure. Even if applications/documents are submitted during opening hours, there will be no immediate check. The procedures are generally processed in the order in which they are received. Requests for progress by telephone should be avoided in order to ensure the swift and continuous processing of all applications received.

Rechtsbehelf

Application for a judicial decision to the Civil Division of the locally competent Higher Regional Court

**fachlich
durch**
freigegeben

Hessian Ministry of Justice

**fachlich
am**
freigegeben

22.06.2021

Lagen Portalverbund

Scheidung (1020400)

zuständige Stelle
Ansprechpunkt
