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Applying for recognition of a foreign divorce decree

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/394015329/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99095001016000, 99095001016000
Leistungsbezeichnung I	Applying for recognition of a foreign divorce decree
Leistungsbezeichnung II	Formal recognition of foreign divorce decrees
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Scheidung (095)
Verrichtungskennung	Anerkennung (016)
SDG-Informationsbereich	Leben in einer binationalen Partnerschaft, auch einer gleichgeschlechtlichen Partnerschaft (Eheschließung, zivile/eingetragene Partnerschaft, Trennung, Scheidung, Güterrecht, Rechte von Lebenspartnern)

Modul	Sachverhalt
Lagen Portalverbund	Scheidung (1020400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	05.11.2020
Fachlich freigegeben durch	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
Handlungsgrundlage	https://www.gesetze-im-internet.de/famfg/__107.html https://www.gesetze-im-internet.de/jvkostg/_4.html https://www.gesetze-im-internet.de/jvkostg/anlage.htm https://www.gesetze-im-internet.de/famfg/__107.html https://www.gesetze-im-internet.de/jvkostg/_4.html https://www.gesetze-im-internet.de/jvkostg/anlage.htm
Teaser	If your marriage ended in divorce outside Germany, you can have this decision formally recognized in Germany.
Volltext	<p>According to the general principles of state 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 issued. Each state is free to decide whether and, if so, under what conditions it recognises foreign sovereign acts, insofar as it is not bound by international treaties.</p> <p>Foreign judgments by which a marriage has been annulled, annulled, divorced by virtue of or with the maintenance of the marriage bond or by which the existence or non-existence of a marriage between the parties has been established shall be subject to recognition. Foreign divorce decrees are particularly affected, 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.</p> <p>A formal recognition procedure is not required if a body of the state to which both spouses belonged exclusively (i.e. no dual nationality) at the time of the</p>

Modul

Sachverhalt

decision was involved in the foreign decision (so-called home state decision).

A formal recognition procedure is not to be carried out for judgments in matrimonial matters from Member States of the European Union, with the exception of Denmark, if the procedure was initiated after 1 March 2001 or after the accession of the Member State at a later date.

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

The recognition as well as the non-recognition determination of the State Administration of Justice is binding on all courts and authorities in Germany, § 107 para. 9 FamFG. With 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 decision on divorce matters (e.g. provisions on maintenance, custody and pension equalisation) are not affected.

Erforderliche Unterlagen

In addition to the fully completed and signed application form (available on the homepage of the responsible state justice administration or from the registrar), the following documents must be submitted in **the original** (further documents may be required in individual cases):

- Marriage certificate or extract from the family register or from the marriage register of the divorced marriage as proof of marriage.
- A complete **copy** or **certified copy** of the foreign judgment issued by the court of the issuing

Modul

Sachverhalt

State, stating the facts and the reasons for it. In the case of an official divorce, a divorce certificate or an extract from the divorce register must be submitted.

- Proof of the res judicata of the foreign judgment (either by means of a final entry on the judgment, by means of a separate document or by inscription in the civil status register).
- Proof of registration in countries where it is necessary for the decision to be effective.
- Translations of all foreign-language documents made by a recognised translator in Germany.
- Certificate of earnings/income of the applicant.
- Written power of attorney if the application is made by proxy.
- Copy of the applicant's valid passport.

The documents will be returned to you after the procedure has been completed.

In principle, the originals of the documents must be provided with the legalisation of the responsible German mission abroad or with the apostille of the competent foreign home authority.

In the case of ****legalization****, the German embassy in the country of divorce confirms that

- the signatures on the document are genuine, and
- the signatory was entitled to issue public documents.

Several states have concluded the Hague Convention of 05.10.1961 on the Exemption of Foreign Public Documents from Legalization in order to simplify over-legalization by legalization. Legalisation shall be replaced by an agreement between the contracting states pursuant to Art. 3 para. 1 ****of the Convention****. It shall be issued by the competent authority of the State which drew up the document. According to Art. In accordance with Article 5(2) of the Convention, the apostille testifies to a rebuttable

Modul

Sachverhalt

presumption as to the authenticity of the document.

Special guidelines apply to documents from countries whose notarial system is so seriously deficient in the opinion of the Federal Foreign Office that legalisation is no longer justifiable. As a rule, these documents are checked for authenticity and correctness of content by the German mission abroad by way of administrative assistance. The costs incurred as a result must be borne by the applicant.

Voraussetzungen

Foreign judgments by which a marriage has been annulled, annulled, divorced by virtue of or with the maintenance of the marriage bond or by which the existence or non-existence of a marriage between the parties has been established shall be subject to recognition. Foreign divorce decrees are particularly affected, 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**** at the time of the decision was involved in the foreign decision (so-called home state decision). There is no decision on a home country if, at the time of the divorce, one of the spouses had a nationality other than the nationality of the State of divorce or if at least one of the At the time of divorce, the spouse was subject to a personal status other than that of the state of divorce as a homeless foreigner, person entitled to asylum or foreign refugee. If there is a legal interest, formal recognition can also be granted upon application in cases of a home country decision.

A formal recognition procedure is not to be carried out for judgments in matrimonial matters from Member States of the European Union, with the exception of Denmark, if the procedure was initiated after 1 March 2001 or after the accession of the Member State at a later date.

The decision is made only on request. In addition to

Modul

Sachverhalt

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

Kosten

- For the determination that the requirements for the recognition of a foreign judgment are met: EUR 15.00 to EUR 305.00
 - When calculating the fee, particular account shall be taken of the importance of the matter for the parties involved, the scope and difficulty of the official act and the income and financial circumstances of the applicant.
 - In case of rejection or withdrawal of the application: half of the fee for the recognition decision, but at least EUR 15.00

Verfahrensablauf

After reviewing the general requirements and the documents submitted, the applicant's former .dem spouse will be granted the right to be heard.

- In this case, a hearing period is set.
- Therefore, in order to be able to conduct the required hearing, the current and serviceable address of the former spouse is always required. Deliverable means that the address must be given in full (current surname, street name, house and, if applicable, apartment number, postal code, etc.).
 - If the party to be heard is domiciled abroad, the address must be given at least in the international postal language (French) and, where appropriate, additionally in the writing and language of the country of address.
 - The violation of the right to be heard may lead to the annulment of the decision.
- The applicant must make all reasonable efforts to determine the address. If the address cannot be determined, the impossibility of providing it must be proven.

Modul	Sachverhalt
Bearbeitungsdauer	<p>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 a right to be heard in the recognition procedure; a deadline for consultation shall be set. Letters or replies from the persons to be heard may lead to a delay in the procedure.</p>
Frist	None
weiterführende Informationen	
Hinweise	<p>A decision on the application will be made in a written procedure. Even if applications/documents are submitted during opening hours, there will be no immediate check. As a matter of principle, the procedures are processed in the order in which they are received. Telephone status enquiries should be avoided in order to ensure the prompt and continuous processing of all incoming requests.</p>
Rechtsbehelf	<p>Application for a court decision to the Civil Senate of the locally competent Higher Regional Court</p>
Kurztext	<ul style="list-style-type: none"> • Foreign divorce decree recognition • Eligible to apply: <ul style="list-style-type: none"> • Spouses concerned • any person who credibly demonstrates a legal interest in clarifying the status issue, e.g. fiancées, subsequent spouses or heirs, pension insurance institutions • Use the form of the competent judicial administration (available on the respective homepage) and submit the documents specified there • Responsible: <ul style="list-style-type: none"> • Administration of justice of the federal state in which one spouse 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 jurisdiction given: Justice Administration of

Modul	Sachverhalt
	the State of Berlin (Senate Department for Justice, Diversity and Anti-Discrimination in Berlin)
Ansprechpunkt	Contact the Higher Regional Court of Naumburg.
Zuständige Stelle	
Formulare	yes
Ursprungsportal	Anerkennung eines ausländischen Scheidungsurteils beantragen, Applying for recognition of a foreign divorce decree