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Applying for recognition of the foreign divorce decree

Heruntergeladen am 19.05.2025

<https://fimportal.de/xzufi-services/116185058/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99095001016000, 99095001016000
Leistungsbezeichnung I	Applying for recognition of the foreign divorce decree
Leistungsbezeichnung II	Formal recognition of foreign divorce decrees
Typisierung	2/3

Modul	Sachverhalt
Handlungsgrundlage(n)	<ul style="list-style-type: none"> - 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.html - 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.html
Teaser	If your marriage was divorced outside Germany, you can have this decision formally recognized in Germany.
Volltext	<p>According to the general principles of constitutional and international law, judgments and comparable state acts only have direct legal effect 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 recognizes foreign sovereign acts, unless it is bound by international treaties.</p> <p>Foreign decisions by which a marriage is declared null and void, annulled, divorced in accordance with the marriage bond or while maintaining the marriage bond or by which the existence or non-existence of a marriage between the parties is established require recognition. This particularly affects foreign divorce decrees, but also comparable decisions by (for example 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 an authority of the state to which both spouses belonged exclusively (i.e. no dual nationality) at the time of the decision was involved in the foreign decision (so-called home state decision).</p> <p>A formal recognition procedure does not have to be carried out for decisions in matrimonial matters from member states of the European Union - with the exception of Denmark - if the proceedings were initiated after March 1, 2001 or after the accession of the member state at a later date.</p> <p>The decision is only made on application. In addition to the spouses concerned, any person who can credibly demonstrate a legal interest in the clarification of the status issue (e.g. fiancées, future spouses or heirs) is entitled to</p>

submit an application. The pension insurance institutions also have their own right of application. Recognition is granted upon application. The foreign decision only takes effect for the German legal sphere once this has been granted by a decision.

The recognition as well as the non-recognition decision of the state justice administration is binding for all courts and authorities in Germany, § 107 Para. 9 FamFG. Upon recognition of the foreign divorce, the marriage is also deemed to be dissolved retroactively to the date of the foreign divorce for German law. The decision in accordance with § 107 FamFG extends exclusively to the pronouncement of the divorce (change of status from "married" to "divorced"). Any provisions made in the foreign judgment on consequential divorce matters (e.g. provisions on maintenance, custody and pension rights adjustment) are not affected.

Begriffe im Kontext

Bearbeitungsdauer	Provided that all the 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 responsible state justice administration. The applicant's former spouse must be granted the right to be heard in the recognition procedure; a hearing period is set for this. Return letters or replies from the persons to be heard can lead to a delay in the procedure.
Fristen	None
Formulare + Objekt Formular	Yes
Kurztext	<ul style="list-style-type: none"> * Foreign divorce decree Recognition * Eligible to apply: <ul style="list-style-type: none"> * Affected spouses * Any person who can credibly demonstrate a legal interest in the clarification of the status issue, e.g. fiancées, future spouses or heirs, pension insurance institutions * Use the form of the competent judicial administration (available on the respective homepage) and submit the documents specified therein * Responsible: <ul style="list-style-type: none"> * Judicial administration of the federal state in which a spouse has his/her habitual residence or * without residence in Germany, the judicial administration of the state in which a new marriage is to be

entered into or a civil partnership is to be established or
 * no other jurisdiction exists: Judicial administration of
 the state of Berlin (Senate Department for Justice, Diversity
 and Anti-Discrimination in Berlin)

weiterführende Informationen

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https://www.olg-duesseldorf.nrw.de/aufgaben/anerkennung_g_ausl_ehescheidungen/index.php
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https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php
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https://www.olg-duesseldorf.nrw.de/aufgaben/anerkennung_g_ausl_ehescheidungen/index.php
 -
https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php

Hinweise (Besonderheiten)

The application will be decided in a written procedure.
 Applications/documents submitted during opening hours
 will not be reviewed immediately. Procedures are generally
 processed in the order in which they are received.
 Telephone inquiries should be avoided in order to ensure
 that all incoming applications are processed quickly and
 continuously.

Rechtsbehelf

Application for a court decision to the civil division of the
 locally competent higher regional court

fachlich durch

freigegeben

Ministry of Justice Mecklenburg-Western Pomerania

fachlich am

freigegeben

26.10.2022

Lagen Portalverbund

zuständige Stelle

The judicial administration of the country in which one of
 the spouses has their habitual residence is responsible. If
 neither of the spouses has their habitual residence in
 Germany, the judicial administration of the Land in which a
 new marriage is to be entered into or a civil partnership is
 to be established has jurisdiction; the Land judicial
 administration may demand proof that the marriage or the
 establishment of the civil partnership has been registered.

If no other jurisdiction exists, the Berlin State Justice
 Administration (Senate Department for Justice, Diversity
 and Anti-Discrimination in Berlin) is responsible.

The application can be submitted using the appropriate form and documents via a German registry office, e.g. in connection with the issue of a certificate of no impediment to marriage or the intended marriage or establishment of a civil partnership, via a German diplomatic mission abroad or directly to the office responsible for recognition.

Ansprechpunkt

The application can be submitted using the form provided

- * via a German registry office, e.g. in connection with the issue of a certificate of no impediment to marriage or the intended marriage or establishment of a civil partnership there,
 - * via a German diplomatic mission abroad or
 - * directly to the office responsible for recognition.
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