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Have foreign divorce decrees recognized

Heruntergeladen am 19.05.2025

<https://fimportal.de/xzufi-services/213349012/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99095001016000, 99095001016000
Leistungsbezeichnung I	Have foreign divorce decrees recognized
Leistungsbezeichnung II	Formal recognition of foreign divorce decrees
Typisierung	2/3

Modul	Sachverhalt
Handlungsgrundlage(n)	<p>- https://www.gesetze-im-internet.de/famfg/_107.html</p> <p>- https://www.personenstandsrecht.de/Webs/PERS/DE/ueber_einkommen/_documents/haager-uebereinkommen/ue02.html</p> <p>- https://www.gesetze-im-internet.de/jvkostg/_4.html</p> <p>- https://www.gesetze-im-internet.de/jvkostg/anlage.html</p> <p>- https://www.gesetze-im-internet.de/famfg/_107.html</p> <p>- https://www.personenstandsrecht.de/Webs/PERS/DE/ueber_einkommen/_documents/haager-uebereinkommen/ue02.html</p> <p>- https://www.gesetze-im-internet.de/jvkostg/_4.html</p> <p>- https://www.gesetze-im-internet.de/jvkostg/anlage.html</p>
Teaser	If your marriage was divorced outside Germany, you can have this decision formally recognized in Germany.
Volltext	<p>In accordance with the general principles of state and international law, divorce decrees, official divorces and private divorces generally have direct legal effect only in the territory of the state in which they were issued. In order to be effective in the Federal Republic of Germany, these foreign decisions in matrimonial matters generally require formal recognition.</p> <p>Only in exceptional cases can the foreign decision be of relevance to German law even without a formal recognition procedure. For example, divorce decrees from member states of the European Union - with the exception of Denmark - do not require recognition if the divorce proceedings were initiated after March 1, 2001 or after the member state's accession at a later date.</p> <p>Moreover, a formal recognition procedure is not required if the foreign judgment was rendered by an authority of the state to which both spouses belonged exclusively (i.e. no dual nationality) at the time of the judgment (so-called home state judgment).</p> <p>The decision is made only upon application. The judicial administration of the federal state in which a spouse has his or her habitual residence is generally responsible for the recognition decision. In Thuringia, these tasks are assigned to the President of the Thuringian Higher Regional Court. In addition to the spouses concerned, any person who can credibly demonstrate a legal interest in clarifying</p>

the status issue (for example, fiancées, subsequent spouses or heirs) is entitled to file an application. The pension insurance institutions also have their own right of application.

Both the recognition and non-recognition decisions of the President of the Higher Regional Court are binding on all courts and authorities in Germany, Section 107 (9) FamFG. With the recognition of the foreign divorce, the marriage is also deemed to be dissolved for the German legal sphere with retroactive effect to the date of the foreign divorce. The decision under section 107 FamFG extends exclusively to the pronouncement of the divorce (change of status from "married" to "divorced"). Any provisions made in the foreign decision on matters subsequent to divorce (for example, provisions on maintenance, custody and pension equalization) 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 competent state judicial administration. The former spouse of the applicant must be granted a hearing in the recognition procedure; a hearing period is set for this purpose. Letters or replies from the persons to be heard may lead to a delay in the proceedings.

Fristen

There are no deadlines to be observed.

Formulare + Objekt Formular

Kurztext

- * Foreign divorce decree recognition
- * Eligible to apply:
 - * Affected spouses
 - * Any person who can credibly demonstrate 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 and submit the documents specified therein.
- * Responsible:
 - * Judicial administration of the federal state in which a spouse has his or her habitual residence or
 - * without residence in Germany, the judicial administration of the state in which a new marriage is to be contracted or a civil partnership is to be established or

* no other jurisdiction is given: Judicial Administration of the Land of Berlin (Senate Administration for Justice, Consumer Protection and Anti-Discrimination in Berlin).

weiterführende Informationen

Hinweise (Besonderheiten)		A decision on the application will be made in a written procedure. Even if applications/documents are submitted during opening hours, they will not be examined immediately. In principle, the procedures are processed in the order in which they are received.
Rechtsbehelf		Application for a court decision to the civil division of the locally competent higher regional court
fachlich durch	freigegeben	Thuringian Ministry for Migration, Justice and Consumer Protection
fachlich am	freigegeben	23.08.2022
Lagen Portalverbund		Scheidung (1020400)
zuständige Stelle		<p>The judicial administration of the state in which a spouse has his or her habitual residence is responsible. In Thuringia, these tasks are assigned to the President of the Thuringian Higher Regional Court. If neither of the spouses has his or her habitual residence in Germany, the judicial administration of the Land in which a new marriage is to be contracted or a civil partnership is to be established is responsible; the Land judicial administration may demand proof that the marriage or the establishment of the civil partnership has been registered.</p> <p>If no other jurisdiction exists, the judicial administration of the State of Berlin (Senate Administration for Justice, Consumer Protection and Anti-Discrimination in Berlin) is responsible.</p> <p>The application can be made with the form provided for this purpose together with documents via a German registry office, for example in connection with the issue of a certificate of marriageability or the intended marriage or establishment of a civil partnership there, via a German mission abroad or directly with the office responsible for recognition.</p>
Ansprechpunkt		The application can be made using the form provided

- * via a German registry office, for example in connection with the issue of a certificate of marriageability or the intended marriage or establishment of a civil partnership there,
 - * via a German mission abroad or
 - * directly to the office responsible for recognition.
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