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Formal recognition of foreign divorce decrees

Heruntergeladen am 19.05.2025

<https://fimportal.de/xzufi-services/109387860/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99095001016000, 99095001016000
Leistungsbezeichnung I	Formal recognition of foreign divorce decrees
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
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 state and international law, judgments and comparable acts of state generally have direct legal effect 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 recognizes foreign sovereign acts, insofar as it is not bound by international treaties.</p> <p>Recognition is required for foreign decisions by which a marriage has been declared null and void, annulled, divorced in accordance with the marriage contract or while maintaining the marriage contract, or by which the existence or non-existence of a marriage between the parties has been established. This applies in particular to foreign divorce decrees, but also to comparable decisions by (for example, Russian) administrative authorities or so-called private divorces before religious courts such as the Arab Sharia courts or the rabbinic courts in Israel, as well as declarations of divorce 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 - except 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 given only upon application. In addition to the spouses concerned, any person who can credibly demonstrate a legal interest in clarifying the status issue (e.g. fiancées, subsequent spouses or heirs) is entitled to file an application. The pension insurance institutions also have their own right of application. Recognition is granted upon application. The foreign decision only becomes effective in the German legal sphere once the application</p>

has been granted by a decision.

Both the recognition and non-recognition decisions of the state judicial administration 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 have been 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 (e.g. 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 legal hearing in the recognition procedure; a hearing period is set for this purpose. Return letters or replies from the persons to be heard may 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 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 indicated there as well. * Responsible: <ul style="list-style-type: none"> * 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 entered into 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,

Diversity and Anti-Discrimination in Berlin).

weiterführende Informationen		- https://www.olg-duesseldorf.nrw.de/aufgaben/anerkennung_ausl_ehescheidungen/index.php - https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php
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. Procedures are generally processed in the order in which they are received. Requests for status by telephone should be refrained from in order to ensure a speedy and continuous processing of all incoming applications.
Rechtsbehelf		Application for a court decision to the civil division of the locally competent higher regional court
fachlich durch	freigegeben	Senator for Justice and Constitution of the Free Hanseatic City of Bremen
fachlich am	freigegeben	05.11.2020
Lagen Portalverbund		Scheidung (1020400)
zuständige Stelle		<p>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.</p> <p>If no other jurisdiction exists, the Berlin State Justice Administration (Senate Department for Justice, Diversity and Anti-Discrimination in Berlin) is responsible.</p> <p>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.</p>
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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