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# Applying for recognition of the foreign divorce decree

Heruntergeladen am 16.06.2025

<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 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
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	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.10.2022
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/famfg/__107.html">https://www.gesetze-im-internet.de/famfg/__107.html</a> <a href="https://www.gesetze-im-internet.de/jvkostg/__4.html">https://www.gesetze-im-internet.de/jvkostg/__4.html</a> <a href="https://www.gesetze-im-internet.de/jvkostg/anlage.htm">https://www.gesetze-im-internet.de/jvkostg/anlage.htm</a>   <a href="https://www.gesetze-im-internet.de/famfg/__107.html">https://www.gesetze-im-internet.de/famfg/__107.html</a> <a href="https://www.gesetze-im-internet.de/jvkostg/__4.html">https://www.gesetze-im-internet.de/jvkostg/__4.html</a> <a href="https://www.gesetze-im-internet.de/jvkostg/anlage.htm">https://www.gesetze-im-internet.de/jvkostg/anlage.htm</a> 
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</p>

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home state decision).

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.

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 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.

## Erforderliche Unterlagen

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

- Marriage certificate or extract from the family register or extract from the marriage register of the divorced marriage as proof of the marriage.
- Complete **\*\*copy\*\*** or **\*\*certified copy\*\*** of the foreign decision issued by the court of the state in

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which the decision was made, including the facts and reasons. In the case of an official divorce, a divorce certificate or an extract from the divorce register must be submitted.

- Proof of the legal force of the foreign judgment (either by a note of legal force on the judgment, by a separate document or by an entry in the civil status register).
- Proof of entry in the register in countries where this is required for the judgment to be valid.
- Translations of all foreign-language documents prepared by a recognized translator in Germany.
- Certificate of the applicant's earnings/income.
- Written power of attorney if the application is submitted by an authorized representative.
- Copy of the applicant's valid passport.

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

The originals of the documents must always be legalized by the competent German diplomatic mission abroad or apostilled by 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 authorized to issue public documents.

Several countries have concluded the Hague Convention of 05.10.1961 on the exemption of foreign public documents from legalization in order to simplify over-certification by legalization. Legalization is replaced by the **\*\*apostille\*\*** between the contracting states in accordance with Art. 3 Para. 1 of the Convention. It is issued by the competent authority of the state that issued the document. According to Art. 5 Para. 2 of the Convention, the apostille testifies to a

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rebuttable presumption of the authenticity of the document.

Special guidelines apply to documents from countries whose documentary systems are considered by the Federal Foreign Office to have such serious deficiencies that legalization is no longer justifiable. As a rule, these documents are checked for authenticity and accuracy of content by the German diplomatic mission abroad by way of administrative assistance. The resulting costs are to be borne by the applicant.

## Voraussetzungen

Foreign decisions by which a marriage has been 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 has been 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.

A formal recognition procedure is not required if an authority 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 home state decision if one of the spouses had another nationality in addition to the nationality of the state of divorce at the time of the divorce or if at least one of the spouses was subject to a personal statute other than that of the state of divorce as a homeless foreigner, asylum seeker or foreign refugee at the time of the divorce. If there is a legal interest, formal recognition can also be granted upon application in cases of a home state decision.

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.

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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 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.

## Kosten

- For the determination that the requirements for the recognition of a foreign decision are met: EUR 15.00 to EUR 305.00
  - When calculating the fee, 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 are taken into account.
  - If the application is rejected or withdrawn: half of the fee for the recognition decision, but at least EUR 15.00

## Verfahrensablauf

After examining the general requirements and the documents submitted, the applicant's former spouse will be granted a hearing.

- A hearing deadline is set for this.
- In order to be able to conduct the required hearing, the current and serviceable address of the former spouse is therefore always required. Serviceable means that the address must be given in full (current surname, street name, house and, if applicable, apartment number, zip code, etc.).
  - If the party to be heard is resident abroad, the address must be given at least in the international postal language (French) and, if necessary, additionally in the written and spoken language of the country of receipt.
  - Violation of the right to be heard may result in the decision being annulled.
- The applicant must make every reasonable effort to find the address. If the address cannot be determined, the impossibility of providing it must be proven.

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Bearbeitungsdauer	<p>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.</p>
Frist	None
weiterführende Informationen	<p> <a href="https://www.olg-duesseldorf.nrw.de/aufgaben/anerennung_ausl_ehescheidungen/index.php">https://www.olg-duesseldorf.nrw.de/aufgaben/anerennung_ausl_ehescheidungen/index.php</a>  <a href="https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php">https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php</a>  <a href="https://www.olg-duesseldorf.nrw.de/aufgaben/anerennung_ausl_ehescheidungen/index.php">https://www.olg-duesseldorf.nrw.de/aufgaben/anerennung_ausl_ehescheidungen/index.php</a>  <a href="https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php">https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php</a> </p>
Hinweise	<p>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.</p>
Rechtsbehelf	<p>Application for a court decision to the civil division of the locally competent higher regional court</p>
Kurztext	<ul style="list-style-type: none"> <li>• Foreign divorce decree Recognition</li> <li>• Eligible to apply:             <ul style="list-style-type: none"> <li>• Affected spouses</li> <li>• 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</li> </ul> </li> <li>• Use the form of the competent judicial administration (available on the respective homepage) and submit the documents specified therein</li> <li>• Responsible:             <ul style="list-style-type: none"> <li>• Judicial administration of the federal state in which a spouse has his/her habitual residence or</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• 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</li> <li>• no other jurisdiction exists: Judicial administration of the state of Berlin (Senate Department for Justice, Diversity and Anti-Discrimination in Berlin)</li> </ul>
Ansprechpunkt	<p>The application can be submitted using the form provided</p> <ul style="list-style-type: none"> <li>• 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,</li> <li>• via a German diplomatic mission abroad or</li> <li>• directly to the office responsible for recognition.</li> </ul>
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>
Formulare	<p>Yes</p> <p><a href="https://www.mv-serviceportal.de/static/MVP/Antrag%20auf%20Anerkennung%20einer%20ausl%C3%A4ndischen%20Entsche.pdf">https://www.mv-serviceportal.de/static/MVP/Antrag%20auf%20Anerkennung%20einer%20ausl%C3%A4ndischen%20Entsche.pdf</a></p>



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	<a href="https://www.mv-serviceportal.de/static/MVP/Antrag%20auf%20Anerkennung%20einer%20ausl%C3%A4ndischen%20Entsche.pdf">https://www.mv-serviceportal.de/static/MVP/Antrag%20auf%20Anerkennung%20einer%20ausl%C3%A4ndischen%20Entsche.pdf</a>
Ursprungsportal	Applying for recognition of the foreign divorce decree, Anerkennung des ausländischen Scheidungsurteils beantragen