

99095001016000, 99095001016000

Recognising divorce decree

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/233619703/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99095001016000, 99095001016000
Leistungsbezeichnung I	Recognising divorce decree
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
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)
Lagen Portalverbund	Scheidung (1020400)

Modul	Sachverhalt
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.personenstandsrecht.de/Web/PERS/DE/uebereinkommen/_documents/haager-uebereinkommen/ue02.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.personenstandsrecht.de/Web/PERS/DE/uebereinkommen/_documents/haager-uebereinkommen/ue02.html https://www.gesetze-im-internet.de/jvkostg/_4.html https://www.gesetze-im-internet.de/jvkostg/anlage.htm
Teaser	If your marriage was divorced outside Germany, you can have this decision formally recognised in Germany.
Volltext	<p>In accordance with the general principles of constitutional 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 delivered. Each state is free to decide whether and, if so, under what conditions it recognises foreign acts of sovereignty, provided that it is not bound by international treaties.</p> <p>Foreign judgments declaring a marriage null and void, annulling, dissolving the marriage after or maintaining the marriage bond, or establishing the existence or non-existence of a marriage between the parties must be recognised. This particularly affects foreign divorce decrees, 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>

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A formal recognition procedure is not required if a body of the state to which both spouses belonged exclusively (i.e. not dual nationality) at the time of the decision participated in the foreign decision (so-called home state decision).

A formal recognition procedure does not apply to judgments in matrimonial matters from Member States of the European Union – except Denmark – if the procedure was initiated after 1 March 2001 or after the accession of the Member State at a later date.

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

The recognition as well as the non-recognition determination of the President of the Higher Regional Court binds all courts and authorities in Germany, § 107 Abs. 9 FamFG. With the 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 judgment on divorce proceedings (e.g. provisions on maintenance, custody and pension equalisation) are not affected.

Erforderliche Unterlagen

In addition to the 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**** (in individual cases, further documents may be required):

- Marriage certificate or family book extract or marriage register extract of the divorced marriage as

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proof of marriage.

- Complete ****copy**** or certified ****copy**** of the foreign judgment given by the court of the issuing State, stating 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 that the foreign judgment has become res judicata (either by endorsement of res judicata on the judgment, by means of a separate document or by entry in the civil register).
- Proof of entry in the register in countries where it is necessary for the decision to be effective.
- Translations of all foreign-language documents prepared by a recognised translator in Germany.
- Certificate of earnings/income of the applicant.
- Proof of the intended marriage in Bremen by submitting the registration for marriage, provided that neither of the spouses of the divorced marriage is resident in Bremen.
- Written power of attorney if the request is made by an authorised representative.
- Copy of the applicant's valid passport.

The documents will be returned to you at the end of the procedure.

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

In the case of ****legalisation****, the German embassy in the country of divorce will confirm that

- the signatures on the document are authentic, 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 legalisation in order to simplify the

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authentication by legalisation. Legalisation shall be replaced by ****apostille**** between the Contracting States pursuant to Article 3(1) of the Convention. It shall be issued by the competent authority of the State which drew up the document. Under Article 5(2) of the Convention, the apostille testifies to a rebuttable presumption of authenticity of the document.

Special guidelines apply to documents from countries whose deeds are, in the opinion of the Federal Foreign Office, such serious deficiencies that legalisation is no longer justifiable. As a rule, these documents are checked for authenticity and accuracy by the German mission abroad by way of administrative assistance. The resulting costs must be borne by the applicant.

Voraussetzungen

Foreign judgments declaring a marriage null and void, annulling, dissolving the marriage after or maintaining the marriage bond, or establishing the existence or non-existence of a marriage between the parties must be recognised. This particularly affects foreign divorce decrees, 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 (i.e. not dual nationality) at the time of the decision participated in the foreign decision (so-called home state decision).

A formal recognition procedure does not apply to judgments in matrimonial matters from Member States of the European Union – except Denmark – if the procedure was initiated after 1 March 2001 or after the accession of the Member State at a later date.

The decision shall be made only upon request. In addition to the spouses concerned, any person who demonstrates a legal interest in clarifying the status question (e.g. fiancées, subsequent spouses or heirs) is entitled to apply. The pension insurance institutions also have their own right of application. Recognition is

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	<p>granted upon request. Only when this has been complied with by decision does the foreign decision also have effect for the German legal area.</p>
Kosten	<ul style="list-style-type: none"> • for the decision: EUR 15.00 to EUR 305.00 • in case of rejection or withdrawal of the application: half of the fee for granting the exemption, but at least EUR 15.00
Verfahrensablauf	<p>After examination of the general requirements and the documents submitted, the applicant's former spouse will be granted the right to be heard.</p> <ul style="list-style-type: none"> • A consultation period shall be set. • In order to be able to carry out the necessary hearing, the current and serviceable address of the former spouse is therefore 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 written and language of the country addressed. • Violation of the right to be heard may lead to a revocation of the decision. <ul style="list-style-type: none"> • The applicant must make all reasonable efforts to determine the address. Should the address nevertheless not be determined, the impossibility of producing it must be proven.
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 the right to be heard in the recognition procedure; a consultation period shall be set. Letters or replies from persons to be heard may delay the procedure.</p>
Frist	None

weiterführende

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Informationen	https://www.olg-duesseldorf.nrw.de/aufgaben/anerken-nung_ausl__ehescheidungen/index.php https://www.justiz.bayern.de/gerichte-und-behoerden/oberlandesgerichte/muenchen/verfahren_01.php
Hinweise	<p>The application shall be decided in a written procedure. Even if applications/documents are submitted during opening hours, there will be no immediate check. The procedures are generally processed in the order in which they are received. Requests for progress by telephone should be avoided in order to ensure the swift and continuous processing of all applications received.</p>
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Foreign divorce decree Recognition <ul style="list-style-type: none"> • Eligible: <ul style="list-style-type: none"> • Spouses concerned • any person who demonstrates a legal interest in clarifying the status issue, e.g. fiancée, future spouse or heir, 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"> • judicial administration of the federal state in which one of the spouses 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 competence given: Justizverwaltung des Landes Berlin (Senate Department for Justice, Consumer Protection and Anti-Discrimination in Berlin)
Ansprechpunkt	
Zuständige Stelle	
Formulare	yes
Ursprungsportal	Recognising divorce decree, Scheidungsurteil anerkennen