

99059002010001, 99059002010001

Applying for exemption from presenting a certificate of no impediment to marriage for foreign nationals

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/109387853/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99059002010001, 99059002010001
Leistungsbezeichnung I	Applying for exemption from presenting a certificate of no impediment to marriage for foreign nationals
Leistungsbezeichnung II	Applying for exemption from presenting a certificate of no impediment to marriage for foreign nationals
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Heirat (059)

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Verrichtungskennung	Befreiung (010)
SDG-Informationsbereich	
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Eheschließung (1020300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	25.10.2021
Fachlich freigegeben durch	Federal Ministry of the Interior, for Construction and Home Affairs
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgbeg/BJNR006049896.html#BJNR006049896BJNG032101123 https://www.gesetze-im-internet.de/bgb/_1306.html https://www.gesetze-im-internet.de/jvkostg/_4.html https://www.gesetze-im-internet.de/jvkostg/anlage.htm https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/03/Genfer_Fluechtlingskonvention_und_New_Yorker_Protokoll.pdf https://www.gesetze-im-internet.de/pstg/_12.html https://www.gesetze-im-internet.de/gvgeg/_23.html
Teaser	If you do not have German citizenship and wish to marry in Germany, you will need a certificate of marriageability from your home country. If you are not issued one, you can apply for an exemption from the requirement to present a certificate of marriageability.
Volltext	<p>If you want to marry in Germany as a foreign national, the requirements for marriage are determined by the law that applies in your home country.</p> <p>This regulation is intended to prevent the marriage from being recognized in Germany but not in your home country. It is of great importance, especially for future children, that a marriage contracted in Germany is also recognized in the country of origin of the foreign parent.</p> <p>Therefore, you must always submit a certificate of marriageability from your home country. With this certificate of marriageability, the competent authority in your home country confirms that there are no</p>

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obstacles to your intended marriage under the law of your home country.

If you have more than one nationality, the law of the country with which you have the closest connection is to be applied. If you also have German citizenship, this takes precedence.

In individual cases, you can apply for an exemption from the obligation to present a certificate of marriageability. This is done at the President of the competent Higher Regional Court in whose district you have registered the marriage.

This is possible for you if you belong to one of the following groups of persons:

- Nationals of states whose authorities do not issue certificates of marriageability.
 - Nationals of states that issue certificates of marriageability, but if this is objectively impossible.
- This applies, among other things, to situations in which foreign law denies marriage for reasons that are incompatible with the freedom of marriage guaranteed by the Basic Law, for example, if the foreign home law prohibits remarriage after a divorce.

They do not need a certificate of marriageability and exemption if they belong to the following group of persons:

- Recognized persons entitled to asylum,
- foreign refugees,
- homeless foreigners, and
- Stateless persons with permanent residence in Germany.

Their status must be proven by an appropriate travel document.

If you apply for an exemption from the certificate of marriageability, the President of the Higher Regional Court will check in place of the foreign authority whether there is an obstacle to marriage under your home country's law or whether a requirement for marriage is missing. There must also be no obstacle to marriage under German law. Thus, it may have to be checked whether any previous marriages have been effectively dissolved in this context.

The exemption is valid for a period of 6 months.

Erforderliche Unterlagen

To apply for the exemption, you will need:

- Passport,

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- identity card or
- suitable identification document
- on identity, nationality and parentage and marital status
- If necessary for dissolution of previous marriages: Marriage certificate and, for example, death certificate, transcript from the marriage register or divorce decree with legal effect.
- Proofs in the original, certified copies are usually not sufficient:
- The documents must not be older than 6 months - from the time they are issued to the time they are presented to the registry office. Your registry office will inform you in which form (for example, with apostille or legalization) the documents can be used.
- Proof of earnings for both fiancées, showing the monthly net income, for the calculation of the processing fee for the court decision
- Current residence certificates from the German registration office with explicit indication of marital status for both fiancées, provided they have their residence in the Federal Republic of Germany
- For foreign fiancées still residing abroad: an original certificate of residence issued by the competent home authority with a translation into the German language

Voraussetzungen

- To obtain an exemption from presenting or proving a certificate of marriageability, the following requirements must be met:
- You have registered a marriage with the relevant registry office.
 - if one of the persons wishing to enter into marriage with each other is already married to a third person or is living in a civil partnership
 - if the persons are related to each other in a straight line as well as between siblings of the same parents or siblings who have only one parent in common
 - if any previous marriages have not been validly dissolved
 - if one of the persons has been previously adopted by the other person
 - There must be no impediment to marriage under German law, for example:

Kosten

- For the exemption from the presentation/proof of the

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	<p>certificate of marriageability: EUR 15.00 to EUR 305.00.</p> <ul style="list-style-type: none"> • In case of refusal or withdrawal of the application: half of the fee for granting the exemption, but at least EUR 15.00
Verfahrensablauf	<p>You can only submit the application for exemption via the registry office. You also do not have to address preliminary and factual inquiries to the Higher Regional Court, but exclusively to the registry office.</p> <ul style="list-style-type: none"> • Register your marriage at the registry office responsible for you. • Apply there for exemption from presentation/proof of the certificate of marriageability (application form). It is not possible to apply directly to the Higher Regional Court. The registrar's office is your sole point of contact in the exemption procedure. • The registrar's office prepares the application and advises you in individual cases on any documents that are still required. • The registrar's office forwards your application with the complete documents and evidence to the competent Higher Regional Court. • The president of the Higher Regional Court will check in place of the foreign authority whether there is an obstacle to the marriage according to your home country's law or whether a prerequisite for marriage is missing. • You will receive a decision informing you of the decision on your application. • You will also receive a notification of costs. Pay the fees.
Bearbeitungsdauer	
Frist	<p>You do not have to observe any deadlines. However, be sure to plan for the possible duration of the procedure in your wedding preparations.</p>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Request for court decision
Kurztext	<ul style="list-style-type: none"> • Certificate of Marriageability Exemption for

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	<p>Foreigners</p> <ul style="list-style-type: none"> • Foreign nationals who wish to marry in Germany require a certificate of marriageability from their home country. • Exemption from presentation or proof of a certificate of marriageability possible on application • Exemption is valid for a period of 6 months <ul style="list-style-type: none"> • For the exemption from the presentation/proof of the certificate of marriageability: EUR 15,00 to EUR 305,00 • In case of refusal or withdrawal of the application: half of the fee for granting the exemption, but at least EUR 15.00 • Costs: • Deadlines: none • Responsible: Higher Regional Court
Ansprechpunkt	the registry office responsible for you
Zuständige Stelle	
Formulare	Forms:
Ursprungsportal	Beantragung der Befreiung von der Vorlage des Ehefähigkeitszeugnisses für ausländische Staatsangehörige, Applying for exemption from presenting a certificate of no impediment to marriage for foreign nationals