

Marriage: Recognition of foreign divorce decrees

Was your marriage divorced abroad? You should think about that!

Competent Department

- [Standesamt Bremen-Nord](#)
- [Standesamt Bremen-Mitte](#)
- [Hanseatisches Oberlandesgericht in Bremen](#)

Basic information

According to the general principles of constitutional and international law, divorce decrees, official divorces and private divorces generally only have direct legal effect 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 (§ 107 FamFG).

Formal recognition is only dispensable if

- a home state decision or
- a decision from a member state of the European Union

is available.

The decision of the state administration of justice or the President of the Higher Regional Court in accordance with § 107 FamFG extends exclusively to the dissolution of the marriage bond. Any provisions made in the foreign decision regarding consequential divorce matters are not affected. Consequential divorce matters are, for example, provisions on maintenance, custody and pension equalization. If there is a dispute or a need for further regulation in this respect, the civil courts have jurisdiction.

§ Section 107 FamFG expressly refers to "marriage". Dissolutions of civil partnerships are therefore not covered.

Both recognition and non-recognition determinations are binding on all courts and authorities in Germany (Section 107 (9) FamFG). Upon recognition of the foreign divorce, the marriage is also valid for the German legal sphere retroactively to the date of the foreign dissolution of the marriage bond.

Requirements

The marriage was divorced abroad.

What documents do I need?

- In addition to the completed and signed application, the following original documents must be submitted:
- Translations of all foreign-language documents prepared by a recognized translator in Germany.
- The original documents must be submitted to the Higher Regional Court. The documents will be returned at the end of the proceedings.

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 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.

Procedure

The decision is only made upon 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, heirs or pension insurance institutions) is entitled to submit an application.

The involvement of the registry office is generally not required if no new marriage is to be entered into.

The application must be submitted in writing using the form available from the Bremen registry offices and the Hanseatic Higher Regional Court in Bremen, together with the other necessary documents, to the

President of the Hanseatic Higher Regional Court in Bremen
Am Wall 198
28195 Bremen

must be submitted.

If recognition is required for registration of the marriage at a registry office, will take up the application with you.

More information

Further information can be found on the website of the Hanseatic Higher Regional Court of Bremen. You will find the link under "Further information" - "Where can I find out more?".

How long does it take to process

3 weeks bis 6 weeks The processing time is 3 to 6 weeks, provided that all the necessary documents have been submitted. The applicant's former spouse must be granted the right to be heard in the recognition procedure; a hearing period is set for this. Letters or replies from the persons to be heard may lead to a delay in the procedure.

What are the costs?

According to No. 1331 of the Schedule of Costs of the Administration of Justice Act, a fee of EUR 15.00 to EUR 305.00 is charged for the determination that the requirements for the recognition of a foreign decision are or are not met, whereby the minimum fee in Bremen is EUR 35.00. In addition to the applicant's financial circumstances, the importance of the matter and the effort involved in carrying out the official act (difficulty and expense) are taken into account when calculating the amount of the fee.

The monthly net income of the applicant must be stated in euros on the application form and a corresponding proof of income (e.g. certificate of income, social assistance certificate, information on how the applicant supports himself/herself) must be enclosed as well as information on assets. This information is voluntary, but without proof of income and assets, the maximum fee will be charged.