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Recognition of foreign decisions in matrimonial matters

Recognition is required for foreign judgments declaring a marriage null and void, annulling it, divorcing it or establishing the existence or non-existence of a marriage between the parties.

- Formal recognition proceedings are not required for judgments in matrimonial matters from Member States of the European Union - except Denmark - if the proceedings were commenced after 1 March 2001 or after the accession of the Member State at a later date. Furthermore, a formal recognition procedure is unnecessary if a marriage was dissolved by a court or an authority of the state to which both spouses exclusively belonged (i.e. no dual nationality) at the time of the decision (so-called home state decision).
- 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 rabbinate courts in Israel as well as divorce declarations before a Thai registry office. Recognition is granted upon application. Only when this has been granted by a decision does the foreign decision also have effect in the German legal sphere.

Prerequisites

- **foreign decision in matrimonial matters**
Decision by which a marriage abroad has been declared null and void, annulled, divorced or by which the existence or non-existence of a marriage between the parties has been established.
- **Decision of a country which is not a member state of the European Union**
 - or a Danish decision
 - or if the procedure was initiated before 1 March 2001 or before the accession of the Member State which took place at a later date
- **Nationality of at least one spouse does not correspond to the state by which the marriage was dissolved**
or there is dual nationality
- **Usual stay in Berlin**
 - or neither of the spouses has their habitual residence in Germany, but a new marriage is to be contracted in Berlin
 - or there is no other jurisdiction, the judicial administration of the Land of Berlin is also responsible

Documents required

- **Application for recognition of foreign decisions in matrimonial matters (foreign divorces)**
The form can be filled out online, but must be signed with an original

signature.

- in writing or
- in person during opening hours.

- **foreign decision**

Complete copy (original) or certified copy with res judicata notice (if issued) and reasons for decision

- **Marriage certificate of the dissolved marriage**

Image/ Photograph

- **Proof of citizenship**

e.g. by passport copies of the divorced spouses

- **Certificate of earnings/ the income of the applicant**

- **Translations of the above foreign language documents**

directly from the foreign language into the German language, prepared by authorised or publicly appointed translators

- **Written power of attorney**

if the application is made by an authorised person

Forms

- **Application for recognition of foreign decisions in matrimonial matters (foreign divorces)**

(https://www.berlin.de/sen/justva/_assets/antrag-auf-erkennung-einer-auslaendischen-entscheidung-in-ehesachen-nach-107-famfg-juli-2022.pdf)

Fees

- 15,00 to 305,00 Euro

The amount of the fee depends on the circumstances of the individual case. When setting the fee, the importance of the matter for the parties involved, the administrative effort and the economic circumstances of the applicant are to be taken into account in particular. The usual average fee is 160,00 Euro.

Legal basis

- **Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 7**

(https://www.gesetze-im-internet.de/famfg/_107.html)

Average time to process request

The duration of the procedure depends essentially on whether all the information required for the examination of the application is provided and the necessary documents are submitted in full. Only then can the final examination take place and the decision (after receipt of the fee) be issued. Delays may also occur due to transmission channels and payment transactions. Therefore, the procedure may take several weeks or even months (depending on the individual case).