

Frankfurt (Oder) immigration office information sheet on the recognition of marriages entered into abroad

Please note that the following information is of a general nature and may not apply in each individual case. We therefore recommend that you contact your register office (Standesamt) for detailed information and advice.

Marriage abroad

You have entered into marriage with a foreign national abroad. For specific details please refer to pages 2-3 of the attached "Register office information sheet for German citizens married abroad", which is provided for information when applying for a certificate of legal capacity to marry (§ 39 Law of Civil Status [Personenstandsgesetz]).

Decision on consent to the issue of a visa

After the marriage your spouse applied to the relevant German representation abroad for an entry visa to be issued for the purpose of subsequent immigration.

All the visa documents were sent to the responsible immigration office by the responsible German representation abroad for a decision on consent.

For reasons of legal security you are recommended to apply for the marriage to be recorded in the Register of Marriages whilst awaiting a decision on consent to the issue of a visa. In this connection the register office can also state what name is to be used by the spouses.

There is no time limit on applying to have the marriage subsequently registered here, nor is it compulsory to apply for the subsequent registration of a marriage entered into abroad. This is an optional application procedure and will incur a fee*.

If no application is made for subsequent registration, the immigration office must undertake an assessment to make sure the marriage is valid. This assessment will take additional time to process and may incur more expense.

*cf Verordnung über die Gebühren für Öffentliche Leistungen im Geschäftsbereich des Ministers des Innern (GebOMI) (Ordinance on fees for public services in the department of the Minister of the Interior dated 21.07.2010 (GVBl.II no. 46 dated 26.07.2010)

I confirm that I have duly noted the information set out above and below.

Frankfurt (Oder), date

Signature

Register office information sheet for German citizens married abroad § 39 Law on Civil Status

1 Certificate of legal capacity to marry for a German man

The documents and certificates required when registering your marriage abroad are governed by regulations in the relevant country. You can obtain information on this from embassies and consulates, many of which you can access via the internet (www.auswaertiges-amt.de/www/de/laenderinfos). Always make sure that you are issued with multilingual versions of birth, marriage and death certificates.

In addition to the certificates, you should obtain a certificate of legal capacity to marry, even if this is not strictly necessary in the country where you wish to marry.

The certificate of legal capacity to marry certifies that there is no obstacle to your marriage under German law. The certificate of legal capacity to marry is printed on a multilingual form, so it can be used without a translation in most cases.

You apply for a certificate of legal capacity to marry at the register office in the district where you live. If you are both German, the register office will normally issue only one joint certificate of legal capacity to marry for both of you.

You should ask the responsible authorities or the German representation in the country where you wish to marry whether your certificate of legal capacity to marry also has to be certified by a German authority or one of its representations abroad, or whether there is an equivalent process of authentication.

2 Marriage between a German woman and a citizen of a country that allows polygamy

If you plan to marry a man from a country that allows polygamy, you are advised to seek information on the form of a prenuptial agreement from the Bundesverwaltungsamt, 50728 Cologne (www.auswandern.bund.de) or from a public immigration advice centre.

3 Validity of a marriage

As the requirements with regard to the validity of a marriage can differ greatly from country to country, it is worth seeking specific advice about its recognition in Germany.

4 Names used by the spouses

The names used by spouses who marry abroad are governed by the legal system of the country concerned. Any declaration that you make abroad will only be recognised here if it complies with German law (see 4.2) or, if the marriage was entered into in the homeland of your spouse, with the law of the latter's homeland. However, you may also have a declaration on the use of a married name recorded in a German register office after the marriage in compliance with the provisions of German law.

4.1 Right of use of name

In principle, every spouse uses the name stipulated by the law of the country to which he belongs.

If your spouse is a foreign national or has multiple nationalities, you can choose the law of the country to which you or your spouse belong by making a joint declaration on your future use of name.

4.2 Use of name under German law

If German law is applied, you may make a joint declaration to stipulate that the birth name or the surname of the man or the woman used at the time of the declaration becomes the married name. Should you make no such stipulation, then each spouse retains their name.

The spouse whose name has not become the married name may put the married name before or after their birth name or the name used at the time when a declaration was made on the married name to be used.

Your local register office will explain your actual options when deciding on a use of name.

5 Children in common born prior to marriage

5.1 Acknowledgement of paternity and maternity

If you and your future spouse have a child together, if you have not already done so you should provide a declaration of acknowledgement of paternity, and of maternity if necessary, of the child before the marriage.

5.2 Name used by a child

A child who is not yet five years old automatically and by law uses the married name stipulated by you. A separate declaration is necessary for older children.

If you do not want to use a married name and enter into a marriage abroad to establish joint care for your child, then you can amend the birth name of your child within three months of the marriage.

6 Entry of the marriage in the Register of Marriages

After marrying abroad you may apply to your local register office in Germany to have your marriage entered into the Register of Marriages (§ 34 PStG [Law on Civil Status]).

You will thus have permanent documentary evidence of your marriage and your use of name in the form of a German civil status certificate. There is no time limit on this application.