



Getting Married in Germany



Please note this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

GENERAL PROCEDURE

Germany requires a mandatory civil wedding at the Office of Vital Statistics (“Standesamt” or the “Office”), in the Town Hall (“Rathaus”). Religious services are optional. You must first visit the Office to register the impending marriage (“Antrag auf Eheschließung”). Call the Office to verify its hours and to get a detailed list of required documentation. When you go to the Office, your fiancé(e) must either accompany you or give you a German power of attorney for the registration. You will have to provide all the assembled documents and pay a registrar’s fee (approximately 50 €). Once you have all papers turned in, it will usually take 6-8 weeks before you can get married. Note: Your registration expires in 6 months from when you filed the registration.

You will then have to fill out a transfer form and pay the court fees. According to Article 14 of the SOFA Supplementary Agreement, the court should charge 25 € for exemption from the requirement to produce a certificate of eligibility to marry. You can pay the fee at the Higher Regional Court or at a German bank or Post Office. Unless both persons to be wed speak German fluently, you will need to bring a translator for both the registration and the ceremony. The United States recognizes marriages performed in Germany under German law.

NECESSARY DOCUMENTS

You will need to submit certified copies and certified translations of most non-German documents to the Office. You will need at least the following documents:

- **PASSPORT.** Make sure the passport is valid through the date of marriage. Military I.D. Cards are not generally accepted as a substitute. If a soldier does not have a passport, the Office will require an affidavit stating the applicant is an U.S. citizen. You can do this in front of a notary public at the Legal Assistance Office or the U.S. Consulate in Frankfurt.
- **BIRTH CERTIFICATES.** Each certificate should state the parents’ names (“Abstammungsurkunde mit Elternangabe”). You will also need birth certificates for any children you may have had with your fiancé(e).
- **RESIDENCE PERMIT.** If your fiancé(e) does not have NATO SOFA status, he or she will need either a residence permit (non EU-citizenship) or a registration confirmation (“Aufenthalts- oder Meldebescheinigung”) (EU citizenship) from his or her hometown. The confirmation must not be older than 6 weeks.
- **STATEMENT OF BEING SINGLE.** If you have never been married before, you will need to provide the Office with an affidavit stating you are single (“Ledigkeitsbescheinigung”).

- **MARRIAGE QUESTIONNAIRE.** You can get this only at the Standesamt.
- **POWER OF ATTORNEY TO REGISTER.** If your fiancé(e) cannot be present when you register, then you will need a written German POA for the registration.
- **MISCELLANEOUS.** If your name has been legally changed since the issuance of your birth certificate or passport, you should present an official court decree to this effect. The clerk at the Standesamt should provide you with any additional required documents.

SPECIAL CIRCUMSTANCES

- **DIVORCED.** The German authorities will require you to submit a Certificate of Finality of Divorce and a certified copy of every prior marriage certificate, divorce decree, or dissolution of marriage.* You may also be required to present an affidavit stating your marital history and official translations of these documents. You will also need official translations of all of these documents into German. Papers need to be officially translated into German as applicable.

* You will need an “Apostille” from the Department of State for these documents. The Apostille authenticates the documents for use in countries that participate in the Hague Convention of 1961.

- **WIDOWED.** Widowed persons must submit the former spouse’s death certificate. The certificate must be either the original or a certified, signed, and sealed copy by the issuing government agency. You will also need a certified German translation.
- **UNDERAGE.** Persons under 18 years of age must submit a parental consent statement. The statement must be signed by both parents unless a parent is deceased or has lost parental rights. In this case, you must provide evidence of the death or guardianship and submit a statement from the then-current parent or guardian.
- **FOREIGN FIANCÉ(E).** A foreign fiancé(e) not residing within an EU country must either apply for a VISA or enter without a VISA for up to 90 days (where possible). If the fiancé(e) is going to stay with you, he or she must register at your local town hall immediately and deregister once you are married. Until you are married, your fiancé(e) will not be subject to the NATO SOFA.

STANDESAMT LOCATIONS

Generally, you can get married at the Office of Vital Statistics where you are stationed or where you or your fiancé(e) lives. The mandatory civil wedding ceremony will take place at the Office, which is located in the Rathaus, situated at the municipal administration (“Gemeindeverwaltung”) or Town Management (“Stadtverwaltung”).

GERMAN DOMESTIC RELATIONS LAW

Getting married to a German national may subject you to German family law - no matter where the wedding ceremony is performed. You and your German spouse may choose a joint family name, which then cannot be modified or changed without a court order. Pre-nuptial agreements made in Germany are enforceable only if sealed and signed before a German Notary (“Notar”), which acts much like a judge. Please contact your Legal Assistance Office with specific questions.

Reference: Sections 1303 – 1588 BGB (Buergerliches Gesetzbuch = German Civil Code), available at http://www.gesetze-im-internet.de/englisch_bgb/index.html

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