



Legal Assistance Office



MARRIAGE PROCEDURES IN GERMANY

1. What is the marriage procedure in Germany?

German law applies to all U.S. citizens who desire to get married in Germany. Soldiers and their fiancé must meet with the local Standesamt. Do not register with the local Standesamt, but present the below documents:

- a) 2 X Affidavit upon application for marriage by a registrar in Germany (Please ask front desk personnel for form). This form needs to be completed by both parties and notarized.
- b) LES, most recent original.
- c) Military ID, Personalausweis, Passports or other identification
- d) Birth certificates of both parties, any marriage certificates and divorce decrees from prior marriages, legal documents showing adoptions, name changes, etc. All of these documents must be translated by a certified translator to be accepted.

Additionally, if one of the parties is German then all the necessary documents will be done by the Standesamt. However, if one of the parties is non-German and non-U.S., but of an EU-country, the Standesamt will assist and point out what is needed. Lastly, if the other party is from another country (non-German, and non-EU) the person can enter or stay in Germany on a fiancé-Visa.

Address of Wiesbaden Standesamt:
Standesamt Wiesbaden
Altes Rathaus
Markt Strasse 16
65183 Wiesbaden
Phone: 0611-31-3406

2. Can a foreign national spouse immigrate to the United States?

The Immigration and Nationality Act allows foreign nationals to permanently immigrate to the U.S. for the purpose of family unity. A spouse of a U.S. citizen is one of the relationships that can qualify for permanent residence. However, there are circumstances when foreign spouses and family members are barred from immigrating to the United States. Foreign national family members may not immigrate to the United States if they are convicted drug offenders, have tested HIV positive, or have committed a serious crime. For further information on this topic contact the US embassy in Frankfurt at 069-7535.

3. Is the process different for the foreign-born children of a foreign-born spouse?

An application for the foreign-born child of your foreign-born spouse must include the child's birth certificate and all of the documents submitted for a foreign-born spouse. The child must have been under the age of 18 at the time of the marriage between the sponsor and the foreign-born citizen. An immigration petition may not be filed for a child that has claim to United States citizenship. A child born in the United States or a child of

an American citizen may be a United States citizen. This issue must be resolved by the passport section before any immigration petition is accepted.

4. How can a foreign national fiancé(e) obtain a visa?

File a Form I-129F petition for your intended spouse to come to the United States for the marriage. A fiancée visa, like an immigrant visa, can take many months to process. Therefore, file the petition as soon as possible. Your fiancée must apply for the visa within four months of receiving the approved petition. The marriage must occur within 90 days after arriving in the United States.

5. How does my spouse become a permanent resident?

Spouses who receive their residence based upon a marriage of less than two years in duration must serve a period of “conditional residence” for two years prior to becoming permanent residents. Spouses whose marriages terminate during the two year “conditional residence” must seek a waiver from the Immigration and Naturalization Service in order to obtain permanent residence.

Military personnel serving overseas should be aware that a marriage entered into for the sole purpose of obtaining legal residency status for the foreign spouse is not legal for the purpose of immigration. Non-U.S. citizens may sometimes entice military personnel into bogus marriages. They may have no intention of continuing with the marriage after they have achieved the benefit (legal migration) that they were seeking. If you knowingly enter into such an arrangement, you may be subject to criminal and civil penalties under U.S. immigration law and regulations.