



## Information on Name Change and Name Declaration

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### **I. Married Name**

#### **1. When do I have to submit a Name Declaration?**

Changing your last name, especially after getting married or divorced, is quite uncomplicated in Singapore. The process is simple and personal documents (e.g. driver's license, citizenship card) will be issued in the new name easily. Usually, there is no need to take further steps in order to use your new name in everyday life and for legal matters in Singapore..

This is different in Germany! The German civil law does not allow a name change in general but only in the case of marriage, divorce, or adoption. If you changed your name in Singapore due to one of the aforementioned reasons, this name change has to be recognized in Germany to achieve full validity under German law. Therefore, you have to submit a name declaration before being able to use your new last name in any German document. In most cases a name

declaration will be needed, if one of the spouses applies for a new German passport after getting married.

## **2. Which options do I have?**

According to section 1355 of the German Civil Code (BGB), you can choose either the wife's birth name or the husband's birth name as the married name (family name). If no married name is chosen, the spouses will continue bearing their birth names.

Also, the spouse, whose name is not chosen as married name, can add his or her birth name (or another name she or he bore before) hyphenated to the married name by name declaration. For example, if Mr. Müller got married to Ms. Meyer, they can choose between „Müller“ and „Meyer“ as married names. If „Meyer“ is chosen as married name, the husband can add his birth name „Müller“ and change his name to „Müller-Meyer“ or „Meyer-Müller“. If „Müller“ is chosen as married name, the wife can add her birth name „Meyer“ and change her name to „Müller-Meyer“ or „Meyer- Müller“.

Please note that a child born into this marriage will bear only the family/married name chosen by the parents but not the hyphenated compound name. This is intended to avoid long „chains of names“.

When getting married in a foreign country, it might be impossible to choose a common married name because many jurisdictions do not provide the same options as the German law does. Quite often, the foreign jurisdiction does not offer the same opportunities of choice to both of the spouses. Thus, both of the spouses will keep their birth names under German law.

The German family law provides the option to determine the married name by a certified name declaration after the marriage took place. According to section 10 subs. 2 of the EGBGB (Civil Code Introduction Act), the spouses can choose between German law and the law of the country to which either one of the spouses holds citizenship of (e.g. Singapore). If the spouses choose German law, their options are determined by German family law (section 1355 BGB; see above). If the spouses decide to choose foreign law (e.g. Singapore law), this law will determine the options the spouses have.

Please note, that if Singaporean law is chosen, you will have to submit a name declaration for each of your children (see below). Under Singaporean law, the name chosen for the first child will not extend to all the following children as under German law. The relevant German civil registrar's office (Standesamt) recommends to always chose German law, if the favoured name can be chosen according to the German law. Therefore, please consider carefully which law you want to choose.

## **3. How can I submit a name declaration?**

Typically in Germany, the spouses declare their choice of name to a German civil registrar while getting married. If no such declaration is given to a German civil registrar at the time of marriage, the name declaration can be submitted later but has to be certified than. If you got married in a foreign country outside Germany, your name declaration will be certified by the German Embassy in Singapore

This means that, if you decide to submit a name declaration, this declaration has to be certified by the German Embassy in Singapore. A declaration at a Singaporean notary public is not valid.

For submitting a name declaration, you and your spouse have to appear in person. Please bring yours and your spouse's valid passports, original birth certificates and marriage certificate. Other identification documents than passports are not accepted. If you did not get married in Singapore, please provide us with a legalized or apostilled marriage certificate in original.

#### **4. Name Declaration after divorce**

If your previous marriage was divorced in Singapore, this divorce has to be recognized in Germany first, before it can achieve full validity under German jurisdiction. In order to have a Singaporean divorce recognized in Germany, please submit the marriage certificate of your previous marriage, the divorce judgment of the court and the final divorce decree in original. When submitting the name declaration, you can apply for the recognition of your divorce at the same time.

#### **5. How long will the whole process take?**

Usually, processing the name declaration takes approximately three months. In some cases, especially if Singaporean law is chosen, this might extend to six months or even longer. Unfortunately, the Embassy has no influence on the duration of the procedure, since your case is being handled in Germany. In case a Singaporean divorce decree has to be recognized in Germany first, the procedure will take at least an additional 3 months.

#### **6. Which effect does a name declaration have on my passport?**

With submitting the name declaration, you opt for bearing the new name from that day on. Therefore you have to apply for a new passport, since the old one – having your old name in it – will not be valid anymore.

Although you have submitted a name declaration, your passport will not lose its validity until the name declaration has been approved by the German civil registrar general. Although you don't have to apply for a new passport immediately when submitting the name declaration, we recommend that you do. A (handwritten) modification of your passport is not possible and would immediately lead to the invalidity of your passport.

Once the name declaration has been approved by the German civil registrar general, you have to apply for a new passport. As stated above, the passport in your old name will be invalid from that day on and can not be used any more. To avoid any further delays, please be prepared to apply for a passport in the new name immediately after certifying the name declaration. Please note that your new passport cannot be handed over before the processing of your name declaration is finished by the civil registry („Standesamt“) in Germany.

## **II. Name of a Child**

### **1. In which cases is a name declaration necessary for children?**

A name declaration for children will be needed in the following cases:

- (a) The parents are not married to each other or
- (b) The parents don't share custody over the child or
- (c) The parents have not chosen a common married name according to German law.

Please note, that the child will automatically receive the parents married name (family name) as a birth name if the parents are married or have chosen a family name as their married name according to German law and they have joint custody over the child. If you have already declared a name for an older child according to German Law, the following children will automatically receive the chosen name. Only in these two cases a name declaration is not necessary.

## **2. How can I submit a name declaration for a child?**

If a name declaration is necessary, e.g. to apply for a child's passport for the very first time, this declaration has to be certified at the German Embassy in Singapore. The Embassy will forward the name declaration to the civil registry „Standesamt I“ in Berlin, which is the competent civil registry for German citizens living abroad. The civil registry will issue a certificate attesting your child's name, which will be handed over to you in original. Please keep this certificate and provide it with your next passport application.

## **3. Which options do I have?**

Just in case one parent is not a German citizen, the parents will have to decide whether they choose German law or foreign law, e.g. Singaporean law (section 10 subs. 3 EGBGB) for the name declaration. Usually, the Standesamt I in Berlin recommends to choose German law. If both parents are German (dual-)citizens, German law will be applicable automatically and the parents won't have any choice of law.

Furthermore, the child will get the name of the parent having custody over the child (section 1617a BGB), if only that one parent has custody over the child and the parents did not choose a married name (yet). A legal status like the „Common Law“ relationship is not known to the German jurisdiction and therefore not applicable. A child born into a Common Law relationship will be considered as being born out of wedlock and will be given the family name of the mother automatically. In case the Common Law parents decide that this child should bear the father's family name, submitting a name declaration will be inevitable.

Once the parents have chosen German law or if German law is applicable automatically, the family name of their first child will be the birth name of all their following children (section 1617 subs. 1 BGB). As mentioned above, the parents cannot declare a compound name (consisting of birth name and married name) as a child's family name.

## **4. Name declaration for children older than 14 and other constellations**

Only if the child is not older than five years of age, a change of the parents married name automatically changes the child's birth name as well. In case the child is already five years of age or older, a name declaration will be necessary. When submitting a name declaration, children older than 14 years of age have to accompany their parents when visiting the German Embassy.

Finally, other constellations might necessitate a name declaration, e.g. if a child is to have the name of a spouse who is not the child's parent. This can happen if the mother of a child chooses a new family name after getting married to a man who is not the father of this child and the child – to not stand out from the family in which it permanently lives – shall bear the same family name like the rest of the family.

In this case, the family name of the spouse, who is not a parent to the child, will become the family name of the whole family. For this kind of name change, the father of the relevant child has to declare his consent with this decision. If this case is applicable to your family situation, please contact the German Embassy, providing a detailed description of your family situation, before coming to the Embassy.

### **III. Procedure**

Concerning the procedure for children, the information for the married name mentioned above is applicable as well. If your child is 14 years or older, it has to agree with the name declaration and come to the German Embassy in person. You will have to bring valid passports of the parents and – if the child is 14 years or older – of the child, the parents' marriage certificate and birth certificates for the parents and the child.

All documents have to be provided in original and one photocopy. Other non-German certificates have to be translated into German or English and bear an Apostille.

### **IV. Processing Fees**

In particular cases, the German Embassy has to charge a fee for submitting the name declaration. According to the regulations of the Foreign Costs Ordinance (Auslandskostenverordnung – AkostV) all fees are based on the Euro. Therefore slight variations due to a change of the exchange rate between Euro and SGD might occur on a daily basis.

### **V. Where can I get further information?**

For further information, please contact the civil registry in Berlin:

Standesamt I in Berlin  
Schoenstedtstr. 5  
13357 Berlin (Mitte)  
Telephone: 01149 30 90 269 0  
Fax: 01149 30 90 269 5245  
E-Mail: [info.stand1@labo.berlin.de](mailto:info.stand1@labo.berlin.de)  
Internet: [www.berlin.de/standesamt1](http://www.berlin.de/standesamt1) (in German only)

You will also find further information on the homepage of the Standesamt I in Berlin:  
<http://www.berlin.de/standesamt1/kind/name.html> (in German only).

**All information provided in this leaflet is based on the findings and experiences of the German Embassy in Singapore at the time when this leaflet was issued. We cannot guarantee the correctness and completeness of this information.**