

Acknowledgement of paternity

Date of issue: January 2016

According to paragraph 1594 et seq. of the German Civil Code (BGB), the legal father of a child is either the man who is married to the mother of the child at the time of the birth, or who has acknowledged paternity, or whose paternity has been judicially established. The father of a child unborn at the time of marriage can acknowledge paternity only with the approval of the mother.

According to German law, an acknowledgement of paternity is possible if:

- a) The child whose paternity is to be acknowledged has its main residence in Germany, **or**
- b) The acknowledging man / declarant is a German citizen (regardless of a second/further foreign nationality), **or**
- c) The acknowledging man / declarant is stateless, eligible for asylum or an international refugee in terms of Art 12 of the Geneva Refugee Convention **and** has his main residence in Germany

The acknowledgement of paternity is a voluntary declaration of intent. It will become legally effective only if it is issued by a commissioner of oaths / an authentication officer as an official document (according to paragraph 1597 of the German Civil Code). The authentication officer in Kigali is the consular officer of the German Embassy.

The father of the child can acknowledge paternity **in person** only. The acknowledgement may be declared even before the birth of the child.

The following documents are required:

- (1) Valid passport of the child's father
- (2) Valid passport of the child's mother
- (3) The mother's declaration of approval of the acknowledgment of paternity
 - If the mother resides in Rwanda, her declaration of approval has to be authenticated by the Embassy
 - If the mother resides in Germany, a declaration of approval that has been declared before a German youth welfare office („Jugendamt“) or a German registry office is sufficient,
- (4) If the mother does not have parental custody of the child whose paternity is to be acknowledged, the child, or respectively its legal representative has to give his / her consent
- (5) Birth certificate of the child („acte de naissance“)

⇒ **Each document is required in both its original form and as a copy.**

To authenticate the acknowledgement of paternity, the **personal** appearance of the declarant at the Embassy is required (after previously acquiring an appointment), as well as that of the mother, should she be residing in Rwanda.

Fees

The authentication of acknowledgements of paternity and declarations of approval is free of charge. Solely the declaration of parental custody is subject to a fee.

The children concerned

The paternity of a child whose mother is not married can be acknowledged as long as no other man has acknowledged paternity or no other man's paternity has been judicially established. The paternity of a child whose mother is married can be acknowledged only if the child is born after the divorce petition is pending.

Effectivity

The acknowledgment of paternity is effective if it complies with the aforementioned requirements. The acknowledgment of paternity is legally binding for and against everyone.

The declarant may revoke the acknowledgement if it has not yet become effective one year after authentication.

Legal consequences

Relationship with the father

With the acknowledgement of paternity a blood relationship is established between father and child, bringing into effect maintenance obligations and the law of succession.

Parental Custody

After the acknowledgement has become effective, the parents may declare joint parental custody at the youth welfare office („Jugendamt“). Without this declaration the existing legal representation shall remain unchanged.

Nationality

If the father is of German nationality, each child born after the 30th June 1993 is German by birth; however it cannot invoke this nationality until paternity has been effectively acknowledged.

⇒ **All Rwandan documents have to be presented in legalized form.**

Disclaimer:

All information given in this leaflet is based on the knowledge and assessment of the Embassy at the time of drafting this text. However, no warranty concerning the completeness and correctness, particularly due changes occurred in the meantime, will be given.