



WILL REGISTRATION FOR NON-MUSLIM EXPATS IN THE UAE

Non-Muslim foreigners living in the UAE are strongly encouraged to register their wills to protect their family and assets. Wills or testaments represent a person's final wishes on how they want their assets to be distributed upon their death. A will also appoints an executor or executrix who is responsible for managing the probate estate until all assets have been distributed. Without a will, you may face certain unwelcome situations such as guardianship issues for minor children, frozen bank accounts, and troublesome distribution of wealth and assets. With a registered will, you can ensure that your estate will be distributed according to your wishes.

In 2020, the UAE introduced some changes to the inheritance relevant laws [Federal Law No. 5 of 1985 \("Civil Code"\)](#) and [Federal Law No. 28 of 2005 \("Personal Status"\)](#). The changes in the Civil Code now allow non-Muslim foreigners in the UAE to specify the applicable law in their wills regarding their UAE assets. If there is no will present, then the assets of the deceased will be distributed in accordance with the State law at the time of death. The changes however maintain that in the absence of a registered will in the UAE, the deceased's real estate will be divided in accordance with the law of the UAE. Regarding guardianship, it should also be noted that in the event of the death of a father, guardianship of minors is not automatically assigned to the mother. Despite these amendments, we highly suggest getting a will to make sure you are prepared for any future circumstances.

Dubai International Financial Centre (DIFC)

DIFC Wills Service Centre facilitates the formal registration of English language wills by eligible non-Muslims, allowing them to dispose of their assets in the UAE or globally. DIFC wills previously covered only assets in Dubai and Ras Al Khaimah. As of 30 June 2019, testators can include their worldwide assets in their DIFC wills. The wills are prepared and registered in accordance with DIFC Wills and Probate Registry Rules, which are based on common law principles. The cost of registering a will with DIFC ranges from AED 5,000 – AED 15,000 depending on the type of will needed. This fee is also subject to 5% VAT.

Five types of wills that you can register at the DIFC Wills Service Centre are:

1. **Full Will** – covers the distribution of your assets in the UAE and the appointment of guardians of your minor children (if applicable).
2. **Guardianship Will** – allows the appointment of guardian(s) of your minor children. There are eligibility requirements and the DIFC Courts can issue both 'Interim Guardianship Orders' and 'Permanent Guardianship Orders' upon the testator's death.
3. **Property Will** – can include up to five (5) real estate properties (or a share in up to five (5) real estate properties) that are situated in the UAE.
4. **Business Owners Will** – covers up to five shareholdings in free zone and UAE onshore companies (including RAKICC) only (online Will service).
5. **Financial Assets Will** – It is possible to include up to ten (10) separate bank/brokerage accounts or shares in up to ten (10) separate accounts. These accounts must be registered branch in the UAE.



STROHAL LEGAL GROUP

To register a will at the DIFC Registry, you must meet the following requirements:

- You are not Muslim and have never been a Muslim;
- You are over 21 years of age; and
- You own assets in the UAE and/or have minor children residing with you in the UAE.

Abu Dhabi Judicial Department (ADJD)

Non-Muslim Wills Registration was introduced by the Abu Dhabi Judicial Department in 2018. During the pandemic, ADJD began allowing registration via videoconference, and the will can be downloaded via the ADJD portal. The testator must be a UAE resident or in the UAE on a visitor visa in order to register via video conferencing. Authorization must be obtained from the competent authorities, like the Ministry of Foreign Affairs and International Cooperation, before any document issued outside the country can be used. Regarding fees, registering a will with ADJD is much more cost-efficient compared to the fees charged by the DIFC. The fee for registering a Single Will with ADJD is AED 950 and Mirror Wills cost AED 1,199.

Dubai Courts

Non-Muslims can notarize bilingual wills before a Notary Public in Dubai's Local Courts. When a Dubai Courts Notary Will is executed, Shariah law won't apply to the estate of a non-Muslim. However, the testator must attend the will registration appointments in person. Wills registered with the DIFC Courts Wills Service Centre are probated by the DIFC Courts. Notarizing a will with the Dubai Courts costs AED 2,167 for Single Wills and AED 4,334 for Mirror Wills.

Abu Dhabi Global Market

The ADGM Courts offer non-Muslim Wills and Notary Public services to all ADGM registered entities and their employees in partnership with the Abu Dhabi Judicial Department. The Abu Dhabi Judicial Department licensed and authorized ADGM Courts Notary Public to notarize and attest documents and non-Muslim Wills, and to practice all of the functions under Law No. (11) of 2017 concerning Notaries Public in the Emirate of Abu Dhabi. The Wills Office can notarize non-Muslim wills for the following purposes:

- Disposition of estate only;
- guardianship of minor children only; or
- disposition of estate and guardianship of minor children.

There is no probate service offered by the ADGM Court's Notary Public and Wills Office. Applicants for probate must register with ADJD's Wills and Probate Office. Notarizing a will with Dubai Courts costs AED 950 plus an additional fee of USD 100.

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Conclusion

Registration of wills online in the UAE has definitely simplified the process. However, we highly recommend that you seek professional legal advice prior to making your will registration to ensure that your concerns and wishes will be properly executed, and that you gain a better understanding of the legal requirements for creating a will. Our team of experts can assist you in identifying the right will for your needs, ensuring that your estate is distributed to the right heirs. If you would like more information about registering a will, please contact us at office@slglaw.cc.

Strohal Legal Group is an international business law firm focusing on the Gulf region (GCC) and Southeast Asia (ASEAN) advising clients on local and cross-border M&A transactions and corporate, business, and labour law matters, company establishments, energy & climate law as well as tax law matters. Through our country desks and partner firms in Austria, the Ukraine, and Russia, the firm is also well connected in Europe.