

A Guide on Estate Succession for Non-Muslim Expatriates in the UAE



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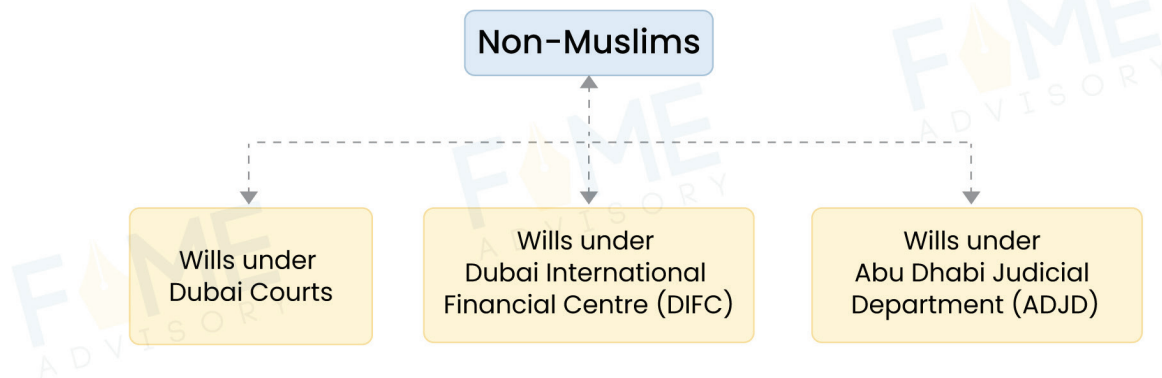
Navigating Estate Succession in the UAE



The concept of Wills is fairly common in most countries around the world. Wills offer individuals a legitimate way to have their estate distributed after their demise.

It is very important to note that a Will does not have an effect until the testator dies and can be modified at any point of time during the life of the testator. It is also pertinent to note that the distribution of the estate may be handled by an executor of your choice under Wills as opposed to leaving the same in the hands of an authority of the State.

Navigating Estate Succession in the UAE



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Non-Muslim expatriates in UAE may find the available platforms for their Will registration particularly handy owing to the fact that the absence of a Will leaves the distribution of their estate to be done under Shariah law, which may not be their preferred means of distribution. Wills registered with various authorities in UAE provide the much-needed flexibility to non-Muslim expatriates to choose how exactly their estate will be distributed.

We will be exploring the distribution of the estate after the demise of a non-Muslim expatriate in UAE. In this article, we will be delving into the avenues available to non-Muslim expatriates to legitimately plan their estate succession in the UAE for after their demise.



Different Avenues of Wills' Registration



01

DUBAI Courts

Non-Muslim expatriates may register their Wills with the Dubai Courts Notary if they wish their Will to be governed under the Civil Law Jurisdiction of Dubai.

The Will shall be drafted in the Arabic language by a sworn translator. The Will ensures that Shariah law is not applicable and the testator has the right to distribute their assets in any manner they wish. Estate to be distributed can be anywhere across the seven Emirates in the UAE. It is pertinent to note that Dubai Courts Notary Will also provides for guardianship of minor children in the event of the demise of either one or both parents/caregiver(s).

02

DIFC Wills

The DIFC Wills and Probate Registry operates under a unique system, granting individuals the autonomy to choose the governing law for their Will. This flexibility allows for the application of either their home country's legal code or the legal code of another preferred jurisdiction.

The DIFC Courts Wills Service offers five distinct Will categories:

Full Will: This comprehensive Will encompasses the distribution of all movable and immovable property within the UAE, along with the designation of temporary and permanent guardians for minor children residing in Dubai or Ras Al Khaimah (if applicable).

Guardianship Will:

Focused solely on child custody, this Will specifies guardians for minor children.

Property Will:

This online template Will facilitates the distribution of up to five real estate properties situated within the UAE.

Business Owners Will:

Another online template Will; this document addresses the distribution of up to five shareholdings in UAE-based companies.

Financial Assets Will:

Limited to online templates, this Will allows for the designation of beneficiaries for up to ten bank and/or brokerage accounts held at UAE branches.

03

ADJD Wills

Similar to the approach followed by Dubai Courts, the Abu Dhabi Judicial Department (“ADJD”) allows non-Muslim expatriates to register their Will within the Civil Law jurisdiction of Abu Dhabi.

ADJD ensures that UAE Shariah shall not be applicable to individuals who register their Wills with them and state their needs. The assets in the Will can be from any of the seven (7) Emirates in UAE. The Will must be drafted in the Arabic language or translated by a sworn translator for the same to fall within the purview of the on-shore courts of Abu Dhabi.

One notable modus operandi followed in ADJD is that the testator need not be physically present for the registration of their Wills. The same can be done by utilising virtual platforms.

Dubai Courts Will Vs DIFC Will Vs ADJD Will: Difference Matrix



While the three jurisdictions for Wills' registration have their own advantages and disadvantages, please find below some of the key differences we have observed to be material when selecting a jurisdiction for estate succession:

Sr. No.	Scope	Dubai Courts	DIFC	ADJD
1.	Jurisdictions Covered	All seven (7) Emirates	Only Dubai and Ras Al Khaimah	All seven (7) Emirates
2.	Language	Arabic or Bilingual (Arabic translation by a sworn translator)	English	Arabic or Bilingual (Arabic translation by a sworn translator)
3.	Governing Law	Law No. (15) of 2017 Concerning Administration of Estates and Implementation of Wills of Non-Muslims in the Emirate of Dubai	DIFC Wills and Probate Registry Rules	ABU DHABI Law NO. 14/2021 on Civil Marriage and its Effects in the Emirate of Abu Dhabi & Regulation 8/2022
4.	Cost of Single Full Wills	AED 2,167	AED 10,000 + VAT	AED 950
5.	Cost of Mirror Full Wills	AED 4,334	AED 15,000 + VAT	AED 1,900

Sr. No.	Scope	Dubai Courts	DIFC	ADJD
6.	Cost of Other Wills	N/A	Property Single Will: AED 7,500 + VAT Property Mirror Wills: AED 10,000 + VAT Business Owners Single Will: AED 5,000 + VAT Business Owners Mirror Wills: AED 7,500 + VAT Financial Assets Single Will: AED 5,000 + VAT Financial Assets Mirror Wills: AED 7,500 + VAT	N/A



Procedural Guidelines for Executors Post-Testator Demise

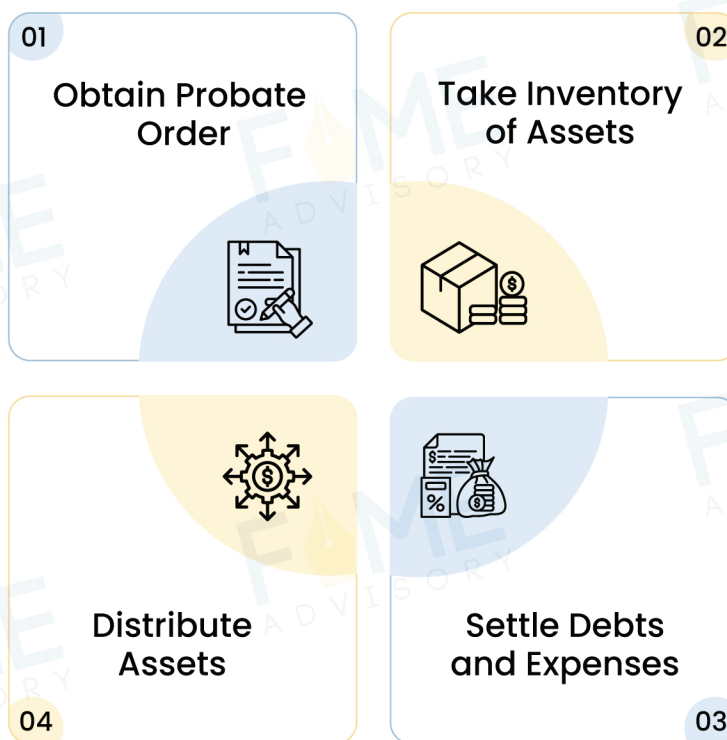


Procedural Guidelines for Executors Post-Testator Demise

The implementation and execution of the registered Will shall be handled by the Executor(s) nominated in the Will itself. It is ideal to appoint not just one Executor (primary Executor) but alternate Executor as well to provide for any and all contingencies.

The process to be followed by Executors at the time of implementation of the Will is as follows:

Procedural Guidelines for Executors Post-Testator Demise



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01

Obtain Probate

The executor will be responsible for initiating the legal process to validate your will and authorise the management of your estate. The specific procedures will depend on where your Will is registered. If it's registered with the Notary Public, a local lawyer will be needed to handle the process. However, if it's registered with the DIFC Courts Wills Service, the Executor can either handle it directly or through a probate specialist.

02

Take Inventory of Assets

The Executor will create a detailed list of all your assets.

03

Settle Debts and Expenses

The Executor will identify and pay all the outstanding debts and related costs on behalf of the Testator.

04

Distribute Assets

Once all debts, expenses, and specific gifts mentioned in your will are paid, your executor will divide the remaining assets among your beneficiaries as outlined in your will. The exact distribution process will vary depending on whether your will is registered with the Notary Public or the DIFC Courts Wills Service.



Conclusion



In conclusion, the UAE offers non-Muslim expatriates several avenues to establish their desired estate distribution post-demise. By registering a Will with Dubai Courts, DIFC Wills and Probate Registry, or ADJD, individuals can effectively bypass the application of Shariah law and exercise control over their assets.

While each jurisdiction presents distinct advantages and costs, the ability to choose the governing law and specify beneficiaries provides invaluable peace of mind.

It is essential to carefully consider factors such as jurisdiction, language requirements, and associated costs when selecting the most suitable option.

By understanding the available platforms and the processes involved, non-Muslim expatriates can proactively plan for their future and ensure their wishes are honoured, providing comfort and security to both themselves and their loved ones.



FAQs



01 Does the Executor have to be a UAE resident for DIFC Wills?

Ans No, the Executor need not be a UAE resident for the implementation of DIFC Wills.



02 What is the minimum age to register a Will as a Testator?

Ans The minimum age of a Testator must be 21+ years.





About FAME Advisory FZCO



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With three decades of market presence, FAME Advisory has remained the UAE's most trusted and leading tax advisory and management firm. Along with that, FAME excels in various domains, such as corporate services, succession planning, and corporate structuring. Our primary aim is to align our solutions with the client's problems, educate them, and empower them to take informed decisions.

Better future with FAME Advisory



To be the region's first choice for tax compliance and advisory in various aspects of the business.



We at FAME Advisory aim to solve businesses' tax compliance issues and provide advisory services that help them achieve the milestones they dreamt of.

Our Team



Mr. Nirav Shah

Director at FAME Advisory

With over two decades of experience in corporate advisory, consultancy, and compliance, CA Nirav Shah is a qualified Chartered Accountant and a stalwart in the industry, being recognized as amongst the top corporate structuring, international tax, and compliance experts in the UAE, India, and other countries.

For more than 15 years, Mr. Nirav has had a distinguished journey consulting global clients on Corporate Structures and Governance and family asset holding structures and has served as a specialist in providing strategic inputs to organizations.



Udit Chokshi

Senior Manager VAT and Compliance Services

Udit Chokshi is a Taxpert, helping businesses all across the UAE in getting tax audit-ready, streamlining their VAT and accounting processes, and shield them against tax evasion. Being an active listener, Udit absorbs and understands the client's problem and situation and communicates the facts and solutions honestly.

As a customer service-oriented person, he believes in providing utmost dedication and availability to customers.

Our Team



CA Juned Halai

Manager Corporate Tax Services



With enriched experience in Corporate Tax at FAME, CA Juned Halai, provides strategic tax advisory services to a diverse portfolio of domestic and international clients. Specializing in tax planning, he has a proven track record of optimizing tax liabilities and enhancing client profitability. Skilled in navigating complex regulatory frameworks, he offers expert tax guidance to multinational corporations and local businesses across the UAE and GCC region, ensuring compliance while maximizing tax efficiency.

He is actively engaged with international clients to provide expert advice on various international tax issues.



Hemang Agravat

Senior Manager Corporate Services



As a Business Development Manager at FAME, Hemang has had a long professional career with a focus on growing the company's client base.

He holds a successful track record of nurturing clients & has been instrumental in building high-performing teams. He specializes in building programs that add value to the client relationships. Hemang brings in a wealth of experience bridging the gap between Sales & Advisory teams.



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